

GUIDELINES
FOR
NORTH CAROLINA'S
CERTIFIED LOCAL GOVERNMENT
PROGRAM

2003

STATE HISTORIC PRESERVATION OFFICE
DIVISION OF HISTORICAL RESOURCES
OFFICE OF ARCHIVES AND HISTORY
NORTH CAROLINA DEPARTMENT
OF CULTURAL RESOURCES

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I. INTRODUCTION

When Congress established a historic preservation program for the United States in 1966 by passing the National Historic Preservation Act, the program operated as a partnership between the federal government and the states. It provided for the identification, evaluation, and protection of historic properties nationwide and gave the states primary responsibility for implementation. As the working relationship grew, it became apparent that local governments also needed to have a role. Therefore, in 1980 Congress expanded the partnership by creating the Certified Local Government (CLG) program in an amendment to the National Historic Preservation Act. The CLG program seeks to assist the development, maintenance, and enrichment of local historic preservation programs in cooperation with the state and federal program. In subsequent amendments to the Act, Congress has further defined the CLG program.

A local government can participate when the State Historic Preservation Officer (SHPO) and the U.S. Department of the Interior, operating through the National Park Service (NPS), certify that the local government has adopted a preservation ordinance and established a preservation commission and is carrying out a preservation program meeting federal and state standards. A local government that receives such certification is known as a Certified Local Government. In North Carolina, approximately one-half of the over 125 municipalities and counties that have adopted preservation ordinances have become CLGs. Their preservation commissions carry out the local programs and are called CLG commissions. There are forty such CLG commissions, with some jointly serving a county and one or more municipalities.

CLGs receive technical assistance and training from the State Historic Preservation Office (HPO), participate in the National Register nomination process, and are eligible to receive small matching grants for preservation activities.

As described in the 1995 NPS publication, *Preserving Your Community's Heritage Through the Certified Local Government Program*,

...the program is much more than just a funding source. It has helped to institutionalize historic preservation by making it a part of local government. And, because local planning office staff often play key roles in CLG projects, the thread of historic preservation becomes woven into the fabric of local land use policy. Another benefit is a stronger partnership among the local, state, and national preservation networks.

The National Historic Preservation Act of 1966, as amended (16 USC 470 *et seq.*), and the corresponding federal regulations (36 CFR Part 61) contain the legal basis for the CLG program. The Act requires each state, in consultation with local governments, local preservation commissions, and interested citizens, to establish its own procedures and guidelines for certifying local governments. The NPS must review and approve all state procedures and any amendments thereto. In North Carolina, the CLG procedures were initially developed and approved in 1984. Revisions were approved in 1988, 1992, 1996, and 2003.

The purpose of this document is to set forth North Carolina's approved CLG procedures. It describes the requirements for certification, the role and responsibilities of CLGs, how local governments can apply for and maintain certification, the role of the HPO and the NPS in the certification process, how the HPO will evaluate CLG performance, and the CLG grants program.

ABBREVIATIONS USED IN THIS DOCUMENT

| | |
|-----------|---|
| CFR..... | Code of Federal Regulations |
| CLG..... | Certified Local Government |
| DHR..... | North Carolina Division of Historical Resources |
| DOI..... | United States Department of the Interior |
| NCGS..... | North Carolina General Statutes |
| HPF..... | Historic Preservation Fund |
| HPO..... | State Historic Preservation Office |
| NPS..... | National Park Service |
| NRAC..... | National Register Advisory Committee |
| NRHP..... | National Register of Historic Places |
| NRN..... | National Register nomination |
| SHPO..... | State Historic Preservation Officer |

DEFINITIONS USED IN THIS DOCUMENT

Act: the National Historic Preservation Act of 1966, as amended (16 USC 470 *et seq.*).

Certified Local Government (CLG): a local government whose local historic preservation program has been certified by the State Historic Preservation Officer, with the concurrence of the National Park Service, to carry out the purposes of the National Historic Preservation Act of 1966, as amended (16 USC 470 *et seq.*), pursuant to section 101(c) of the Act. CLGs receive a portion of the federal Historic Preservation Fund grant received by the state under the Act. To become a CLG, a local government must be certified as meeting the federal and state requirements set forth in these guidelines.

Certificate of Appropriateness: a document issued by the local preservation commission, which must be obtained by the owner of a locally designated landmark or property within in a locally designated historic district prior to making exterior alterations, undertaking new construction, or restoring, moving, or demolishing a building.

Chief local elected official: the elected head of a local government. In North Carolina, the chief local elected official of a county is the chairman of the board of county commissioners. In a municipality, the chief local elected official is the mayor.

Historic preservation review commission: in the federal CLG requirements, the board, council, commission or other similar collegial body which is established by state or local legislation as provided in the National Historic Preservation Act of 1966, as amended (16 USC 470 *et seq.*), and the members of which are appointed, unless otherwise provided by state or local legislation, by the chief local elected official of the jurisdiction concerned from among

- a) professionals in the disciplines of architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, landscape architecture, or related disciplines, to the extent such professionals are available in the community concerned, and
- b) such other persons as have demonstrated special interest, experience, or knowledge in history, architecture or related disciplines and as will provide for an adequate and qualified commission.

It is the local government that is certified, not the commission. The commission is the entity responsible for certain preservation activities as the representative of the CLG.

Designation: the identification and registration of properties for protection that meet criteria established by the state or the locality for significant historic and prehistoric resources within the jurisdiction of a local government. In North Carolina, the state enabling statute, North Carolina General Statute 160A-400.1 through 14, defines historic districts and landmarks (individual properties) as areas or properties deemed to be of special significance in terms of their historical, prehistorical, architectural, or cultural importance, and to possess integrity of design, setting, materials, workmanship, feeling and/or association. The designation decision is made by the local governing board. The preservation commission recommends areas and properties for designation, but has no power to designate.

Historic Preservation Fund (HPF): a fund established by the National Historic Preservation Act of 1966, as amended (16 USC 470 *et seq.*), to carry out the provisions and purposes of the Act. Funds are available for expenditure only when appropriated by Congress.

Local governing board: in North Carolina, the legislative body of a county or municipality. Counties use the term “board of commissioners.” Municipalities use the term “council,” “board of commissioners,” or “board of aldermen.”

Local government: a general purpose political subdivision of a state. In North Carolina, there are two types: counties and municipalities. A municipality is an incorporated entity with geographic boundaries within a county (sometimes extending into an adjoining county) and may be called a “city,” “town,” or “village.”

Local ordinance: in North Carolina, a preservation ordinance enacted by a local governing board pursuant to the state enabling legislation, North Carolina General Statute 160A-400.1 through 14, which provides for the local designation and protection of historic properties and which establishes an adequate and qualified historic preservation commission.

National Register of Historic Places (NRHP): the official federal list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture. The NRHP is maintained by the National Park Service, U.S. Department of the Interior. Properties are nominated to the NRHP by the State Historic Preservation Officer in each state. (In contrast, local designation is an activity carried out by a local government using local criteria.)

National Register nomination or nomination (NRN): a document containing the information necessary to nominate a property to the National Register of Historic Places, including a historical narrative, physical description, statement of significance, maps, photographs, legal description, and geographic data. The nomination describes how the property meets the National Register criteria for listing.

Protection: a local review process under state or local law for proposed demolition of, changes to, or other action that may affect locally designated historic properties, including districts and individual properties. In North Carolina, the review process and requirements are set forth in a local ordinance adopted in accordance with the state enabling statute, North Carolina General Statute 160A-400.1 through 14.

Secretary: the Secretary of the U.S. Department of the Interior.

State Enabling Statute: in North Carolina, the general law, North Carolina General Statute 160A-400.1 through 14, enacted by the General Assembly, which allows local governments to adopt a preservation ordinance, designate historic districts and landmarks, and establish a preservation commission with design review authority.

State Historic Preservation Office (HPO): the section within the Division of Historical Resources, Office of Archives and History, North Carolina Department of Cultural Resources, which carries out the state historic preservation program and serves as staff to the State Historic Preservation Officer in regard to his or her preservation responsibilities.

State Historic Preservation Officer (SHPO): the official designated and appointed by the Governor to administer the state historic preservation program and the duties described in the National Historic Preservation Act, as amended (16 USC 470 *et seq.*), including the nomination of properties to the National Register of Historic Places.

Survey and inventory: Survey is the activity which gathers information that is kept in an inventory of the historic properties in a county, city, town, neighborhood, or some other defined area. Inventories may include properties that have historic, architectural, archaeological, or cultural significance.

II. REQUIREMENTS FOR CERTIFICATION

A local government that meets the criteria set forth in this section is eligible to apply for certification. Once certified, a local government must continue to meet the criteria and perform CLG responsibilities satisfactorily to maintain CLG status.

A. FEDERAL REQUIREMENTS

The National Historic Preservation Act of 1966, as amended (16 USC 470 *et seq.*), contains five broad standards that must be met by a local government seeking certification or maintaining certified status. The local government must

- * Enforce appropriate state or local legislation for the designation and protection of historic properties
- * Establish by state or local legislation an adequate and qualified historic preservation review commission
- * Maintain a system for the survey and inventory of properties that furthers the purposes of the Act
- * Provide for adequate public participation in the local historic preservation program, including the process of reviewing nominations to the National Register of Historic Places
- * Satisfactorily perform the responsibilities delegated to it under the Act

The Act contains definitions for various elements of the CLG program; for example, “local government.”

Federal requirements mandate that there be no overlapping jurisdictions between CLGs. In North Carolina, municipalities and counties are the two types of local governments that may become certified. As general purpose political subdivisions of the state, they do not have overlapping jurisdictions.

In addition to the federal requirements listed above, each state must define what constitutes appropriate local legislation and may specify additional requirements. The minimum requirements for certification of local governments in North Carolina and for maintaining certified status are set forth below.

B. LOCAL HISTORIC PRESERVATION ORDINANCE

1. The local government must have a legally enacted ordinance for the designation and protection of historic properties (districts or landmarks, or both) in accordance with the federal statutory definitions for designation and protection. (See “Definitions Used in This Document,” above.)
2. The purpose of the historic preservation ordinance shall be clearly stated and should be substantially similar to the language of the purpose clauses in the North Carolina enabling legislation for historic districts and landmarks, NCGS 160A-400.1 through 14.

3. The historic preservation ordinance shall clearly define a process and criteria for the designation of historic districts and/or historic landmarks by the local governing board, in accordance with NCGS 160A-400.3 through 6.
4. The historic preservation ordinance shall establish a review process for proposed alterations, restoration, new construction, demolition, or moving within the boundaries of locally designated historic districts or on locally designated historic landmarks, in accordance with NCGS 160A-400.7 through 14.
5. The historic preservation ordinance shall establish a preservation commission which shall have the authority to review and render a binding decision on proposed alterations, restoration, new construction, demolition, or moving within the boundaries of locally designated historic districts or on locally designated historic landmarks, in accordance with NCGS 160A-400.7 through 14.
6. The criteria upon which a preservation commission reviews proposals for alterations, restoration, new construction, demolition, and moving shall be clearly set forth in the local ordinance, in accordance with NCGS 160A-400.9, and in design guidelines adopted by the commission.
7. Provisions for enforcing the preservation commission's decisions and a right to appeal the decisions must exist in the historic preservation ordinance or zoning ordinance.
8. The historic preservation ordinance shall contain specific time limits within which the preservation commission and the applicant for design review shall act.

C. LOCAL HISTORIC PRESERVATION COMMISSION

In North Carolina, a local historic preservation commission is established by a local historic preservation ordinance adopted by a local government. The ordinance may provide for locally designated historic districts or locally designated historic landmarks (individual properties), or both. If only districts are provided for, the commission is typically called "historic district commission" or "historic districts commission." If only landmarks are provided for, the commission is typically called "historic landmarks commission" or "historic properties commission." If both types of designation are provided for, the commission is typically called "historic preservation commission" or "historic resources commission." The term "preservation commission" is often used as a general term referring to any of the commission types. When a local government becomes a CLG, its preservation commission becomes known as a CLG commission.

A local historic preservation commission is typically established by a single local government; for example, the Greenville Historic Preservation Commission is established by the City of Greenville. Alternatively, a county and one or more municipalities in the county may establish a joint preservation commission by adopting a joint ordinance or interlocal agreement. In the case of a joint commission, each participating local government desiring to become certified must be separately certified and individually meet the certification requirements. Each local government which thus becomes certified may designate the joint commission as its CLG commission. In this way, the same (joint) commission may act as the CLG commission for more than one certified local government.

As a CLG commission, the preservation commission must meet federal and state requirements concerning qualifications of members. It carries out duties specified in the local preservation ordinance and in the certification agreement with the SHPO. It has responsibilities beyond administering the local preservation ordinance; for example, it reviews National Register nominations for properties anywhere in the territorial jurisdiction of the local government.

1. **Responsibilities.** The responsibilities of the CLG commission must be complementary to and coordinated with those of the HPO. The HPO's tasks are enumerated in the National Historic Preservation Act of 1966, as amended (16 USC 470 *et seq.*), and in state and federal preservation standards, guidelines, and regulations.
2. **Number and Qualifications.** In North Carolina, the CLG commission shall have a minimum of five (5) members. The members must be appointed by the chief local elected official unless local legislation provides for a different method of appointment. In accordance with the state enabling statute, NCGS 160A-400.7, all the members shall reside within the territorial jurisdiction of the local government; except, where a joint commission is established, the county and municipalities involved shall determine the residency requirements of the commission members. All members shall have demonstrated special interest, experience or knowledge in history, architecture or related disciplines that is supported by resume information sufficient to allow the SHPO to confirm the qualifications of members, pursuant to 36 CFR Part 61.
3. **Appointment of Professionals as Commission Members.** CLGs are encouraged to make a "good faith effort" to appoint professional members from the disciplines of architecture, history, architectural history, prehistoric and historic archaeology, planning, folklore, cultural anthropology, curation, conservation, and landscape architecture, or related disciplines to the extent such professionals are available in the community. A good faith effort may include emphasizing these professions in advertising to fill vacancies, communicating with professionals who are known to reside in the community, and contacting local colleges, universities, or professional organizations for referrals. Resumes must document the qualifications of the professional members.

While Section 301.13 of the National Historic Preservation Act of 1966, as amended (16 USC 470 *et seq.*), clearly anticipates that an adequate and qualified CLG commission will include professionals in the disciplines listed above, to the extent they are available in the community, there is no minimum number of professional members that must be included on the commission. The requirement is not that the commission must include professional members, but that the local government will make a good faith effort to seek professionals to serve. It is recognized that all members, whether professionals in these disciplines or not, make important contributions to the commission's work. Professionals can help a commission make objective decisions and enhance the credibility of the commission in the community. Other members offer such valuable services as organizational or parliamentary skills, familiarity with the community's values and political processes, and knowledge of local historic resources.

Documentation of Effort to Seek Professional Members. The local government must provide to the HPO written information concerning how it has sought qualified professionals to serve as members of the commission, whether any were appointed or not. Such information

could include copies of newspaper notices; radio announcements; letters to local schools, colleges, universities, local professional organizations, and civic groups; and notes of telephone contacts with such entities.

4. **Terms of Office.** Terms of office of CLG commission members shall be staggered and of at least two years' duration. Terms may not exceed four years.

Although there is no limit on the number of consecutive terms served by any one member, it is recommended that limits be set in the rules of procedure in order to seek a balance between retaining experienced members and encouraging broad participation on the commission through new appointments.

5. **Filling Vacancies.** The local appointing authority shall act within sixty (60) calendar days to fill a vacancy. The sixty-day period commences on the date of an expired term, letter of resignation, or at the time the commission chairman recognizes that there is a vacancy as defined by the commission's rules of procedure.
6. **Combining Commissions.** The CLG commission may be formed by combining existing preservation commissions, which with respect to some activities may continue to operate individually; however, any activity specifically addressed in federal CLG regulations or other activities specified by the state in the certification agreement must be handled by the CLG commission as a whole.
7. **Educational Requirement.** At least two commission members and the CLG's designated staff (see Section II.D, below) shall attend at least one informational or educational meeting per year pertaining to the work and functions of the commission or to historic preservation. Such meetings may include those sponsored by the HPO, Preservation North Carolina, the National Trust for Historic Preservation, the North Carolina Main Street Center, the North Carolina Chapter of the American Planning Association, or another local preservation organization and should be at least regional in scope (attended by several municipalities or counties).
8. **Review of National Register Nominations.** In addition to any other responsibilities delegated to it by state or local law, the CLG commission shall review all proposed NRNs for properties within the CLG's jurisdiction. (See Section VI, below, on the role of CLGs in the NRN process.)

Whenever the commission, as part of its CLG duties, is rendering its opinion as to whether or not a property being nominated to the National Register meets the criteria for listing or is carrying out other CLG responsibilities that would normally require professional expertise, and the appropriate professional discipline is not represented in the commission membership (for example, an archaeologist for reviewing the nomination of an archaeological site), the commission must seek outside expertise from persons meeting the Secretary of the Interior's Professional Qualification Standards in the field of history, archaeology, architectural history, architecture, or historic architecture, as appropriate. (See Appendix A.) A description of the arrangements the commission has made to obtain appropriate outside professional expertise in such cases must be on file with the HPO. Requisite outside expertise may be provided through

consultation with the HPO. (See Section VI, below, on the role of CLGs in the NRN process.)

9. **Conflict of Interest.** No CLG commission member, agent, or staff, nor their employees, agents, partners, associates, or family members shall participate in the selection, award, or administration of any HPF-assisted program activity, subgrant, contract, or subcontract if a conflict of interest, real or apparent, exists; nor shall such persons engage in outside employment or have any direct or indirect financial interest that conflicts or would appear to conflict with the fair, impartial and objective performance of officially assigned duties and responsibilities for administration of the HPF program. Employees or agents shall neither solicit nor accept gratuities, favors, nor anything of monetary value from contractors, potential contractors, or parties to potential or actual HPF grant awards, in accordance with the *Historic Preservation Fund Grants Manual*, Chapter 3, Section C.
10. **Reporting Requirements.** The CLG commission shall submit annual reports to the SHPO to update property designations, provide resumes of new members, and fulfill other ongoing requirements to maintain continuing certification. Every four (4) years, the commission shall submit to the SHPO a report of its activities for more comprehensive evaluation by the SHPO. (See Section IV, below, on performance assessment.)
11. **Other Responsibilities.** In North Carolina, a CLG may petition to assume greater responsibility for preparation of NRNs and environmental review, provided the CLG has sufficient and qualified staff. Staff qualifications shall be consistent with the Professional Qualifications Standards established in 36 CFR Part 61. (See Appendix A.) If the SHPO delegates these and further responsibilities to the CLG, an appropriate written agreement with the CLG is required.
12. **Orientation and Training.** The HPO shall provide orientation materials and training to CLGs and CLG commissions in accordance with local needs. The orientation and training shall be designed to provide information, education, and technical assistance in historic preservation.

D. CERTIFIED LOCAL GOVERNMENT STAFF

1. **Qualifications.** The CLG must designate a paid member of its staff, or a person working under contract, as the individual responsible for the operations of the preservation commission. The designated staff person need not have historic preservation as his/her sole responsibility, nor must the person have special training or expertise in a historic preservation-related field, although such training would be desirable. Ideally the designated CLG staff is a member of the local government planning staff who can interpret and use design guidelines, can coordinate the documentation for local designations and the process for considering applications for Certificates of Appropriateness, and has experience or training in planning, zoning administration, and commission procedures.
2. **Staff Duties.** The CLG staff attends and participates in all commission meetings; ensures that minutes of those meetings are recorded; and serves as liaison among the commission, the local governing board, and the HPO. In addition, the CLG staff oversees the day-to-day operations and business of the commission, including scheduling meetings and hearings, cooperating with commission officers, preparing reports and grant applications, and arranging for the secretarial

services necessary to conduct commission business. The CLG staff shall attend at least one educational or training meeting each year pertaining to preservation or the work of the commission and shall encourage the training of new commission members and officers.

E. SURVEY OF HISTORIC PROPERTIES

1. The CLG shall begin or continue a process approved by the HPO to identify historic properties within its jurisdiction. Architectural surveys and inventories will follow guidelines in *The North Carolina State Historic Preservation Office Survey Manual: Instructions for Recording Historic Resources*. Archaeological surveys will be conducted according to guidelines set forth by the Office of State Archaeology.
2. Survey and inventory materials shall be
 - a. compatible with the forms and standards for surveys of historic buildings and archaeological resources sponsored by the HPO. Surveyed properties shall be recorded using forms provided by the HPO. The CLG shall submit files containing the photographs, negatives, either original or duplicate completed forms and other documentation, and maps showing properties to which the files are keyed to the HPO for incorporation into the statewide inventory.
 - b. accessible to the public, except that information about the location of archaeological sites shall be restricted pursuant to NCGS 70-18 and Section 304 of the National Historic Preservation Act, as amended (16 USC 470 *et seq.*); and the locations of vacant, endangered, or deteriorated buildings may be withheld for their protection. Inventory information is to be maintained in a safe and secure location.
 - c. available to the public through original or duplicate files at the HPO or the office of the local commission.
3. After a survey is completed, the CLG shall periodically review the status of its survey and inventory of historic properties. (See Section II.A, above.)

If an existing survey is incomplete or outdated (e.g., the level of documentation was not comprehensive by current standards, or the passage of time has brought additional properties into significance), the commission shall consider conducting a survey update. Such an update shall be undertaken in cooperation with the HPO to standards specified in items 1 and 2, above, in this section. CLG grant funds, when available, may be used for such a survey update.

4. In addition to the survey inventory and any properties listed in the NRHP, either individually or in a National Register historic district, the CLG shall maintain a list of the districts and individual properties that have been locally designated according to the local preservation ordinance.

Exception: The National Historic Preservation Act, as amended (17 USC 360 *et seq.*) provides for confidentiality of the location of sensitive historic resources. The chief local elected official of CLGs receiving HPF grant assistance, after consultation with the Secretary of the Interior, shall withhold from disclosure to the public, information about the location, character, or ownership of a historic resource if the Secretary and the CLG determine that disclosure may cause

significant invasion of privacy, risk harm to the historic resource, or impede the use of a traditional religious site by practitioners. A determination of who may have access to the information shall be made in accordance with Section 304 of the Act. When the information in question has been developed in the course of the CLG's compliance with Section 106 or 110(f) of the Act, the Secretary shall consult with the Advisory Council on Historic Preservation in reaching determinations on disclosure and access.

F. PUBLIC PARTICIPATION

1. All meetings of the preservation commission shall adhere to the North Carolina Open Meetings Law (NCGS 143-318.9 *et seq.*), and public comment on commission actions shall be encouraged. Commission meetings must occur at regular intervals and no less often than once a year. Public notice must be provided prior to any special meeting.
2. The preservation commission must adopt and adhere to rules of procedure and design guidelines as required by North Carolina's enabling legislation for historic preservation commissions, NCGS 160A-400.1 through 14. The rules of procedure and design guidelines must be readily available to the public.
3. Careful minutes of all actions of the preservation commission, including the reasons for making its decisions, must be kept on file and available for public inspection.
4. All decisions of the preservation commission shall be made in a public forum, with the exception noted below. Applicants for a Certificate of Appropriateness shall be given written notification of decisions made by the commission. Written notification shall cite the criteria upon which the decisions were made.
5. During the process of recommending properties for nomination to the NRHP, the preservation commission shall provide an opportunity for public comments as specified in Section VI, below.

III. PROCESS FOR CERTIFICATION

A. APPLICATION

A local government may apply to the SHPO for certification at any time during the year. In North Carolina, the historic preservation commission must have operated actively (e.g., have held regular meetings, recommended properties and/or districts for designation, and issued Certificates of Appropriateness) for at least one year prior to the local government's applying for certification. The SHPO may waive this requirement in cases he or she deems necessary. The approval of both the SHPO and the NPS is required for a local government to become certified. The application for certification shall include the following:

1. **Applicant Information Sheet.** This form, provided by the HPO, shall contain the names of the local government and the preservation commission and information on the extent of requested participation in the CLG program. Most local governments applying for CLG status check "not seeking expanded responsibilities" on the applicant information sheet because they do not have the

staff qualifications or time to assume extra obligations for preparation of NRNs, environmental review, or review of Tax Act projects.

2. **Assurance Form.** This form, provided by the HPO and signed by the chief local elected official, contains assurances that the local government will fulfill all of the standards for certification outlined above. It provides the name, position, address, telephone number, fax number, and e-mail address of the designated staff member assigned to the preservation commission. If two or more local governments have established a joint preservation commission, the chief elected official of each local government wishing to become certified shall submit an "Assurance Form."
3. **Local Preservation Ordinance.** A copy of the local historic preservation ordinance and all preservation provisions that appear in the local zoning ordinance. If any revisions are being considered, they must also be included with the application.
4. **Rules of Procedure.** A copy of the preservation commission's rules of procedure.
5. **Design Guidelines.** A copy of the design guidelines adopted by the preservation commission.
6. **Locally Designated Historic Districts and Landmarks.** A list of locally designated historic districts and landmarks, addresses of the landmarks, and a map showing district boundaries and landmark locations.
7. **Resumes.** Brief resumes for each member of the preservation commission, showing his or her interest, experience, or knowledge in historic preservation. Resume forms provided by the HPO may be used. If there are any professional members in the disciplines of history, archaeology, architectural history, architecture, or historic architecture (see Appendix A), who can provide the required expertise when the CLG is reviewing National Register nominations or related activities, their resumes should show their professional qualifications and experience. Members who are professionals in these disciplines are desirable, but not required, for CLG status. However, when reviewing NRNs, if the appropriate expertise is not represented on the commission, the commission must obtain outside expertise. (See Section II.C.8, above, and Section VI, below, on the role of CLGs in the NRN process.)
8. **Evidence of Effort to Attract Professional Members from an Array of Preservation Related Fields.** Documentation that the local government has sought professionals in a wide array of preservation related fields to serve on the preservation commission, to the extent professionals may be available in the community. (See Section II.C.3, above.)
9. **Statement of Residency.** Documentation of the home addresses of preservation commission members, along with a statement that all members reside within the territorial jurisdiction of the local government; or in the case of a joint commission, a statement that all members meet the residency requirements of the joint preservation ordinance or interlocal agreement.
10. **Staff Resume.** Resume for the staff, only if the local government is petitioning to assume "expanded responsibility" for preparation of NRNs, environmental review, or review of Tax Act projects.

B. NOTIFICATION OF CERTIFICATION

1. Within forty-five (45) calendar days from the receipt of a completed application, the SHPO shall respond to the chief elected official of the local government. The application must contain all essential elements listed above to be considered complete.
2. If the SHPO approves the application, the SHPO and the local government will enter into a written certification agreement that lists specifically or by reference to these procedures and guidelines all requirements and responsibilities common to all CLGs and any additional responsibilities delegated to the CLG by the SHPO.
3. The SHPO will forward a request for concurrence to the NPS, along with a copy of the signed certification agreement between the local government and the SHPO and a signed review checklist.
4. If the request for concurrence cannot be affirmed as submitted, the NPS will notify the SHPO within fifteen (15) working days from receipt of the request and will provide written notice of what is necessary for concurrence. The SHPO will then work with the local government to address the concerns.
5. A Certification Agreement is not effective until it is signed by the chief local elected official and the SHPO, and concurred with in writing by the NPS. The effective date of certification is the date of NPS concurrence. The NPS will notify the SHPO of concurrence in writing and send a copy of the letter to the CLG.
6. The SHPO shall submit to the NPS an original signed Certification Agreement.
7. A substantive change in a Certification Agreement constitutes an amendment that must be forwarded by the SHPO to the NPS for concurrence. NPS written concurrence must be received before the amendment may be considered in effect. Changes must be consistent with these guidelines and Chapter 9 Certified Local Governments of the *Historic Preservation Fund Grants Manual*. The NPS will notify the SHPO of its decision in writing and will send a copy of the letter to the CLG.

IV. PERFORMANCE ASSESSMENT

Once a local government is certified, the HPO shall perform annual monitoring activities and a quadrennial performance review. Reports from the preservation commission on forms provided by the HPO constitute the basis for the reviews. The reports and evaluations become a vehicle for commission self-evaluation, publicizing CLG accomplishments locally and statewide, sharing successful activities and best practices, and identifying issues and needs. The reports enable the HPO to ensure that the CLG continues to meet minimum requirements. They help the HPO provide useful advice and technical assistance, plan for commission training, and collect and disseminate information about the important role of local government in preservation.

A. ANNUAL MONITORING ACTIVITIES AND ANNUAL REPORT

The state CLG coordinator monitors CLG activities throughout the year with periodic written notifications, telephone conversations, and site visits. In addition, each CLG submits an annual report covering the period July 1 to June 30. The report includes

resumes of new preservation commission members; evidence of efforts to maintain a qualified commission; brief highlights of commission activities; a list of locally designated districts and/or landmarks; a summary of design review activity; information on properties that have been added to the inventory and on those that have been demolished, radically altered, restored, or moved; and an affirmative statement that the local government has met the requirements for certification contained in these guidelines. Reports must be submitted in a timely manner. The reporting forms are mailed by the HPO to the commissions soon after June 30 each year.

B. QUADRENNIAL REVIEW

The HPO conducts a more comprehensive performance review of CLGs every four years, beginning in 2000 for the period July 1, 1996, to June 30, 2000. In addition to items required annually, the quadrennial review evaluates performance of such basic CLG responsibilities as review of National Register nominations and administration of CLG grants.

C. RESULTS OF ANNUAL AND QUADRENNIAL REVIEWS

The HPO shall inform each CLG in writing of the results of its annual and quadrennial reviews. To promote the exchange of information among local preservation programs, portions of the CLG reports may be circulated to all CLGs.

If the HPO's annual monitoring or quadrennial review indicates that a CLG's performance is inadequate, the HPO will notify the CLG in writing and recommend steps to bring its performance to a satisfactory level. The CLG shall have up to 180 days to make improvements. If, after the stipulated period of time, the HPO determines that sufficient improvement has not occurred, the SHPO may recommend decertification of the CLG to the NPS for concurrence.

If the unsatisfactory performance is related to additional delegations of authority to the CLG, the SHPO may recommend revocation of the additional delegations to the NPS for concurrence, citing specific reasons for the action.

V. DECERTIFICATION

A. REQUEST BY SHPO FOR CLG DECERTIFICATION

The SHPO may recommend decertification to the National Park Service after all of the following conditions have been met:

1. The SHPO determines that a CLG's performance does not meet the performance standards specified in the Certification Agreement or referenced therein, including meeting established time periods, and
2. The SHPO specifies to the CLG in writing ways to improve performance within a period of time by which deficiencies must be corrected or improvements must be achieved, and
3. After the period of time stipulated by the SHPO, the SHPO determines that there has not been sufficient improvement.

The SHPO will notify the CLG in writing prior to, or at the time of, its recommendation to the NPS for decertification. The notification shall state the specific reasons for the proposed decertification, describe the HPO's technical assistance efforts, and affirm that the SHPO will notify the CLG of the NPS concurrence with the decertification.

Failure to perform acceptably under an HPF subgrant is not in itself sufficient grounds for decertification.

The SHPO may also recommend decertification if a CLG requests to be decertified in writing. The SHPO shall forward a copy of the CLG's letter as an enclosure to the SHPO's request to decertify the CLG. The conditions stipulated above do not need to be met if the CLG is requesting decertification.

The SHPO may recommend revocation of expanded responsibilities, if any, under the same conditions and procedures as set forth above.

B. EFFECTIVE DATE OF DECERTIFICATION

The SHPO shall affirm with the decertification recommendation to NPS that the SHPO has notified the CLG. The local government is decertified if the NPS concurs in writing with the SHPO's recommendation to decertify the CLG.

The NPS will notify the SHPO in writing prior to thirty (30) working days after receipt of the recommendation, if there are problems with the recommendation or if the NPS needs more time to review the recommendation.

Upon receipt of the written NPS concurrence with the SHPO recommendation for decertification, the SHPO shall inform the CLG in writing of the decertification, and, if necessary, shall take appropriate action if the decertified local government has a current CLG subgrant. (See Section VII. on subgrants, below.)

If the CLG has been delegated Section 106 responsibilities in its jurisdiction, and a Programmatic Agreement has been executed with the Advisory Council for Historic Preservation, the SHPO shall notify the Advisory Council that the CLG has been decertified.

C. DECERTIFIED LOCAL GOVERNMENTS WITH SUBGRANTS AWARDED PRIOR TO DECERTIFICATION

Decertification, by itself, may not constitute grounds for termination of a CLG subgrant unless the terms of the subgrant cannot continue to be met after decertification. If a local government retains its subgrant awarded as a CLG, that subgrant will continue to be part of the state's ten percent minimum pass-through.

Should the subgrant be amended after decertification

1. Any increase in the federal share of the subgrant will not be part of the state's ten percent minimum pass-through, and
2. Any reduction to the federal share of the subgrant must be reprogrammed to other CLGs if the state's cancellation of the subgrant would result in noncompliance with the ten percent minimum pass-through requirement.

The SHPO may conclude normal subgrant closeout procedures (not termination), unless the terms of the subgrant agreement can no longer be met, in which case the SHPO shall terminate the subgrant. The SHPO may continue to administer the subgrant awarded to the local government if the local government can otherwise meet the work terms and conditions of the subgrant agreement.

As a consequence of decertification, the local government is no longer eligible for CLG subgrants unless recertified. The local government may, however, be eligible for HPF assistance other than the ten percent minimum pass-through, if available.

D. RECERTIFICATION

If the local government wishes to become recertified it must reapply for certification.

VI. ROLE OF CLGs IN THE NATIONAL REGISTER NOMINATION PROCESS

In accordance with the National Historic Preservation Act, as amended (16 USC 470 *et seq.*), whenever an individual property or district within the jurisdiction of the CLG is proposed for nomination to the NRHP, the preservation commission shall review the proposed nomination and submit to the SHPO comments as to whether or not, in the commission's opinion, the property or district meets the NRHP criteria. The commission shall provide a reasonable opportunity for public participation in the review process. The chief local elected official shall provide his/her recommendation in addition to the commission's comments.

Comments on the eligibility of proposed National Register properties may be as simple as affirmative statements that, in the opinion of the preservation commission and the chief local elected official, the property is eligible. If the chief local elected official or the commission finds that the property does not meet NRHP criteria and recommends that the property not be nominated, whichever party that thinks the property is not eligible shall submit a finding explaining why. The chief local elected official and the commission are encouraged to submit any other comments they believe to be relevant. Comments may be submitted on forms provided by the HPO.

The CLG will be involved in the NRN process in the following manner:

1. The SHPO shall receive completed NRNs.
2. If a property to be nominated lies within the jurisdiction of a CLG, the HPO shall transmit copies of the nomination to the local historic preservation commission and the chief local elected official within thirty (30) days after the HPO has determined that the nomination is complete and accurate and at least sixty (60), but not more than one hundred twenty (120), days prior to consideration by the National Register Advisory Committee (NRAC).
3. Concurrently, the HPO shall notify the property owner(s) that the nomination has been completed.
4. After a providing a reasonable opportunity for public comment, the local historic preservation commission and the chief local elected official shall separately notify the SHPO and the applicant whether or not, in their opinions, the property meets the NRHP criteria within sixty (60) days of receipt of the nomination

materials. If the CLG does not respond within sixty (60) days, concurrence that the property is eligible will be assumed, and the SHPO shall continue the nomination process. With the concurrence of the CLG, the SHPO may specify a briefer review period in order to expedite the nomination process.

Note: Although the federal regulations governing the CLG program call for the chief local elected official to provide comments on proposed NRNs within the jurisdiction of a CLG, North Carolina law stipulates that the mayor or the chairman of the county board of commissioners may act only in an administrative capacity on behalf of the local governing board. If a CLG has doubts about the legality of the chief elected official's assuming sole responsibility for comments on proposed NRNs, it may wish to consider two alternatives: 1) having the governing board review each nomination; or 2) having the governing board adopt a resolution granting the chief elected official the authority to furnish comments on behalf of the governing board. The HPO shall provide CLGs with the wording for such a resolution upon request.

5. When a preservation commission considers the nomination of a property that is normally evaluated by a professional in a specific discipline (such as history, archaeology, architectural history, architecture, or historic architecture) and the relevant discipline is not represented in the commission membership, the commission shall seek expertise in this area before rendering its decision. Requisite expertise may be provided through consultation with the HPO, although the commission is encouraged to seek expertise from professionals in the community or region, such as college or university faculty or museum staff. Professionals consulted for opinions on eligibility should meet the Secretary of the Interior's Professional Qualifications Standards in 36 CFR Part 61. (See Appendix A.)
6. During the sixty-day local review period, the CLG shall provide a reasonable opportunity for public comment. The measures to be taken will be in accord with the CLG Certification Agreement. The CLG shall submit a record of the measures taken to notify the public and the comments received.
7. If both the preservation commission and the chief local elected official recommend that the property is eligible for nomination to the NRHP, the SHPO shall place the proposed nomination before the NRAC for consideration at the earliest possible meeting.
8. If either the preservation commission or the chief local elected official recommends that the property is not eligible for nomination to the NRHP, the SHPO will place the proposed nomination before the NRAC for consideration at the earliest possible meeting and inform the NRAC of the CLG's comments.
9. If both the preservation commission and the chief local elected official recommend that the property is not eligible for nomination to the NRHP, the CLG will return the nomination materials to the SHPO with the commission's findings and relevant comments. The SHPO shall take no further action unless, within thirty (30) days of the return of such nomination materials and findings, a written appeal is filed with the HPO by a third party. If such an appeal is filed, the SHPO shall place the nomination before the NRAC for consideration at the earliest possible meeting and inform the NRAC of the CLG's objections.

10. After a nomination is approved by the NRAC, the HPO shall transmit it to the NRHP with the comments of the preservation commission and the chief local elected official, together with any appeal that may have been filed, pursuant to Section 101(a) of the National Historic Preservation Act, as amended.
11. In order to expedite the nomination process, an applicant may submit a completed nomination concurrently to the CLG and the SHPO. Within sixty (60) days, the chief local elected official and the preservation commission shall submit their comments and opinions regarding the proposed nomination to the SHPO and the applicant. The CLG shall ensure that a reasonable opportunity for public comment on the nomination has been provided. After the SHPO has verified that the nomination is complete and accurate, he or she will place the nomination before the NRAC for consideration at the earliest possible meeting, following the mandatory owner notification procedures.
12. The CLG notification procedures do not apply when a federal agency nominates a property under its ownership or control. CLGs are encouraged to coordinate with federal agencies to the extent practical, however, in the consideration of such nominations.
13. The SHPO may, at his or her discretion and by mutual written agreement with the CLG, delegate further responsibilities for NRNs to the CLG, except for the authority to review and nominate properties directly to the NRHP. Local governments may petition for expanded participation to assume responsibility for preparing NRNs if they have sufficient and qualified staff. Staff qualifications shall be consistent with the standards established in 36 CFR Part 61. (See Appendix A.)

VII. HISTORIC PRESERVATION FUND GRANTS TO CERTIFIED LOCAL GOVERNMENTS

A. AVAILABILITY OF FUNDING

Federal law provides that at least ten percent of the HPF allocation to the states be set aside for distribution to CLGs. If Congress appropriates more than \$65 million to the HPF, one-half of the amount above \$65 million will also be transferred to CLGs. At such time, a different method from that outlined below for transferring funds to CLGs may be considered.

The annual CLG share of the HPF allocation to North Carolina, approximately \$70,000, is available to CLGs on a sixty percent matching basis for eligible historic preservation activities and projects. For example, a project estimated to cost \$10,000 is eligible to receive a maximum of \$6,000 in grant funds; and the sponsoring CLG or the CLG's third-party designee (see below) must provide at least \$4,000 in non-federal matching funds or a combination of funds and in-kind services.

B. ELIGIBILITY OF APPLICANTS

The state of North Carolina is responsible, through financial audit, for the proper accounting of the CLG share of federal HPF funds in accordance with the Office of Management and Budget Circular A-87. The HPO is prepared to provide assistance

to all local governments in developing and implementing financial management systems that meet the requirements listed below.

To remain eligible for each year's CLG grants, the CLG must continue to comply with the conditions of its Certification Agreement and the performance standards set forth in *Guidelines for North Carolina's Certified Local Government Program*.

Each CLG receiving a CLG grant must meet the following requirements:

1. Adhere to all required administrative procedures and policies for CLG grants set forth in this section of *Guidelines for North Carolina's Certified Local Government Program* and in the federal *Historic Preservation Fund Grants Manual*.
2. Maintain an adequate financial management system that
 - a. meets federal standards specified in Office of Management and Budget Circular A-87, and
 - b. can be audited in accordance with Office of Management and Budget Circular A-133, and
 - c. documents compliance with procurement requirements of 43 CFR Part 12.76.
3. Adhere to any requirements mandated by Congress regarding the use of HPF funds.
4. Adhere to requirements specified by the SHPO in the Grant Agreement.

C. THIRD-PARTY ADMINISTRATION

Only CLGs are eligible to receive HPF CLG grants. However, a CLG may indicate in its funding application that it wants a grant awarded to it to be administered by a specific, qualified third party, such as another unit of local government, a commercial firm, a nonprofit organization, or an educational institution. (See Appendix B, "Minimum Standards for Third-Party Grant Administrators.") The designated third-party administrator must have the required administrative capability and be able to complete the project by the grant deadline and in accordance with these guidelines and the applicable Secretary of the Interior's Standards for Archaeology and Historic Preservation.

If a CLG chooses to designate a qualified third-party administrator, the following principles apply:

1. The CLG is the official grant applicant.
2. The third-party administrator must provide the CLG with a completed grant application by December 31 for consideration at the January preservation commission meeting.
3. If the third-party administrator is providing matching funds, its ability to do so must be documented.

4. If the application is approved by the preservation commission during its January meeting, an “Authorization to Designate an Administrative Agent” form supplied by the HPO must be attached to the application when it is submitted to the HPO on or before the January 31 deadline.
5. If the application is awarded a CLG grant, the Grant Agreement will be executed among the SHPO, the CLG, and the third-party administrator.
6. If the third-party administrator does not meet grant obligations, the grant will be cancelled or become the responsibility of the CLG.

D. ELIGIBLE ACTIVITIES AND CONDITIONS OF GRANT AWARDS

1. CLGs and any designated third-party administrators receiving HPF grants from the CLG share of the North Carolina HPF apportionment shall be considered subgrantees of the state. Therefore, state and federal conditions associated with the HPF award are passed on to the CLGs and their third-party administrators.
2. A Grant Agreement shall be executed among the SHPO, the CLG, and the third-party administrator, if any, that specifies requirements of the CLG program.
3. All activities assisted with a CLG grant, including the local matching share, must be activities that are eligible for HPF assistance, meet the applicable Secretary of the Interior's Standards for Archaeology and Historic Preservation, and be consistent with the state's comprehensive historic preservation plan.
4. A CLG may use CLG grant funds for eligible activities involving resources outside its territorial jurisdiction if the activities clearly demonstrate a direct benefit to identifying, evaluating, and protecting the historic and archaeological resources of the CLG and both the CLG and the other local government agree.
5. In certain cases entities with indirect cost rates approved by the federal government may apply a portion of their overhead expenses or indirect costs to fulfill matching requirements. However, because of the limited amount of grant funds and the need for local cash matching funds to complete project activities, this practice is discouraged.

E. FUNDING PRIORITIES

Highest priority for available funding will be given to projects involving completion of the statewide architectural and archaeological surveys. A competitive selection process is used to determine all grant recipients. The state is not required to award funds to all CLGs that are eligible to receive funds.

The usual sequence of grant-related activities for a CLG is as follows:

1. **Identification** of historic and prehistoric resources. Projects could include
 - a. a historical/architectural survey of a county, town, downtown area, or residential neighborhood
 - b. an archaeological survey

Identification of resources as the result of a survey will be a prerequisite for projects involving the evaluation or protection of resources unless otherwise justified.

2. **Evaluation and Protection** of historic and prehistoric resources based on local need. Projects could include
 - a. nominations to the NRHP. Properties may be nominated individually, as historic districts, or in multiple resource nominations which may include both individual properties and historic districts.
 - b. land use and historic preservation plans
 - c. design guidelines for historic districts
 - d. public education programs and materials
 - e. technical assistance to owners of historic properties
 - f. architectural plans and specifications or feasibility studies for development and restoration/rehabilitation of properties listed in the NRHP
 - g. testing of archaeological sites to evaluate their eligibility for the NRHP

F. APPLICATION TIMETABLE

1. After the beginning of the federal grant year, October 1, the HPO will distribute grant applications to CLGs and other appropriate organizations or local governments interested in sponsoring projects within the CLG's jurisdiction. Completed applications from such groups must be delivered to the CLG by December 31 for consideration during the January preservation commission meeting.
2. After review by the CLG staff and preservation commission, applications will be ranked in high, medium, and low categories. A summary of commission recommendations will be forwarded to the HPO along with the completed applications.
3. During the January preservation commission meeting, some applications may be considered for third-party administration (see Section VII.C, above). If the commission approves a third-party administrator, a signed "Authorization to Designate an Administrative Agent" form must be attached to the application prior to submission to the HPO.
4. All CLG grant applications, including those from nonprofit organizations and other local governments, must be submitted to the HPO by the CLG and postmarked no later than **January 31**.
5. Applicants will be notified of grant awards and denials on or about March 1, provided HPF funding has been approved by Congress and allocated to the states by the U.S. Department of the Interior. Funded projects must be completed within twelve to fifteen months, but no later than September 30 of the year following the grant award year.

G. THE GRANT APPLICATION

The application form for HPF CLG grant funds will be available from the HPO on or after October 1. Applications that are not submitted on forms supplied by the HPO will be considered, provided they are no longer than four pages in length including the budget page, are legible, and contain adequate information. The application contains the following:

1. **Applicant Information**: name and federal identification number of the CLG or third-party administrator and name, title, address, and telephone number of the contact person or designated project manager
2. **Project Information**: a detailed and specific list of the final products to be accomplished with the grant and local matching funds
3. **Project Budget**: a detailed budget that includes all major work elements and the estimated cost of each element
4. **Matching Share**: identification of the donor, source, kind, amount, and availability of non-federal share to be contributed
5. **Professional Qualifications**: documentation that professional qualifications of the project coordinator, consultants, or principal investigators meet the applicable minimal professional qualifications in 36 CFR Part 61 (See Appendix A)
6. **Equal Opportunity Statement**: a signed and dated Equal Opportunity Statement form or its equivalent¹

H. EVALUATION OF APPLICATIONS

Applications are reviewed by a DHR Review Committee, after which recommendations are made to the SHPO. Project selection will be based on the following criteria:

1. **Assessment of Need.** The application should contain a brief description of the problems and opportunities affecting the historic resources in the community. The statement may be supported by evidence such as statistics or advice from community groups. The assessment of need should indicate how the project will relate to community problems. The proposed solution should be workable-- something that can be accomplished within a reasonable period and with reasonable resources.
2. **Design of Project.** The project description should include clearly stated and specific goals that are realistically attainable within the funding period.

¹ EQUAL OPPORTUNITY STATEMENT: The North Carolina historic preservation program receives federal financial assistance for identification and preservation of historic properties. Under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, the United States Department of the Interior prohibits discrimination on the basis of race, creed, color, religion, national origin, sex, disability, or age in its federally assisted programs. If you believe you have been discriminated against in any program, activity, or facility, as described herein, or if you desire further information, please write to Office for Equal Opportunity, National Park Service, 1849 C Street, NW, Washington, DC 20240.

Applications should also demonstrate an understanding of state and local preservation priorities, including efforts to advance the identification, evaluation, and protection of the state's historic and prehistoric resources.

3. **Project Cost.** The application should include a feasible project cost, which combines the requested CLG grant funds and available non-federal matching funds and in-kind services such as project coordination, office space, and use of equipment. Demonstrated community support may also be indicated. Previous HPF grant awards should be listed, including both CLG and non-CLG funds.
4. **Impact.** The application should identify the impact of the project on the local community, including direct and spin-off results. Consideration will also be given to the contribution of project activities to the goals of *Legacy 2000: North Carolina's Comprehensive Historic Preservation Plan 2000-2005*, the state preservation plan. The goals are as follows:

Education. Educate the public and public officials about the state's historic resources and preservation programs

Planning. Integrate historic preservation into all levels of public planning to ensure the development and implementation of preservation-compatible public policies and activities

Identification and Evaluation. Identify and evaluate the historic resources of North Carolina, including archaeological, architectural, historical, and traditional cultural properties

Protection and Enhancement. Protect and enhance the state's significant historic properties and resources

5. **Distribution of Funds.** The DHR will attempt to distribute preservation funding equitably to both urban and rural areas and among major geographic areas of the state. Reasonable effort will be made to divide the funds among the maximum number of eligible jurisdictions. Distribution of funds must result in awards sufficient to accomplish project goals. The requirement for tangible results may not be waived.

VIII. AMENDMENTS TO THESE GUIDELINES

The following procedures shall be followed for amendments to these guidelines and procedures:

1. For proposed amendments affecting the major requirements for becoming a CLG or operating a CLG program or the policy for allocating pass-through funds, with the exception of changes required as a result of NPS policy directives or regulatory changes, the SHPO shall consult with local governments, local historic preservation commissions, and all other parties likely to be interested in the CLG program and CLG issues. The SHPO shall consider local preservation needs and capabilities and invite comments on the proposed amendment from local governments, commissions, and parties in the state likely to be interested. A sixty-day period shall be allowed for public comment on a proposed amendment before it is submitted to the NPS. The SHPO shall keep a record of the consultation process and records of all comments received during the

commenting period and make them available to the NPS upon request. The SHPO will endeavor to respond to all suggestions that it does not adopt. The sole exception to these requirements is provided in Item 2, below.

2. For minor changes, technical corrections, and changes required by the NPS policy directives, a written notification from the SHPO to all CLGs shall be considered adequate.
3. The SHPO shall submit proposed amendments to the NPS for review, including comments received (if any) from CLGs. The NPS shall notify the SHPO of the result of its review within forty-five (45) working days of the receipt date of a sufficiently documented proposed amendment.
4. If the NPS approves the amendment(s), the SHPO shall notify all CLGs in writing and send amended certification agreements to the NPS, for each CLG affected by the amendment within 120 calendar days.

IX. CONTACTS FOR ADDITIONAL INFORMATION

Archaeology: State Archaeologist, 919/807-6551

Architectural Surveys: Survey Coordinator, 919/807-6573

CLG Program: CLG Coordinator, 919/807-6580

Eastern Office (Greenville): 252/744-6730

Grants: Grants Administrator, 919/807-6583

Nominations to the NRHP: National Register Coordinator, 919/807-6587

Restoration/Rehabilitation: Restoration Branch, 919/807-6588

Western Office (Asheville): 828/274-6789

APPENDIX A

PROFESSIONAL QUALIFICATIONS STANDARDS

These standards apply when the CLG commission is reviewing a property nominated to the National Register of Historic Places and offering an opinion as to its eligibility. When the discipline appropriate to the resource being nominated (for example, an archaeologist for an archaeological resource) is not represented in the commission membership, the commission is required to seek an opinion from an outside professional or to consult with the State Historic Preservation Office.

These standards also apply if the CLG wishes to petition to assume greater responsibility, in addition to its basic CLG role and duties, for functions normally performed by the State Historic Preservation Office, such as preparation of National Register nominations, environmental review pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, or review of Tax Act certification applications, in which case, the CLG staff must meet appropriate professional qualifications standards.

In the following definitions, a year of full-time professional experience need not consist of a continuous year of full-time work but may be made up of discontinuous periods of full-time or part-time work that together comprise the equivalent of a year of full-time experience.

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:

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

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

- (1) At least one year of full-time professional experience or equivalent specialized training in archaeological research, administration, or management; and
- (2) At least four months of supervised field and analytic experience in general North American archaeology; and
- (3) Demonstrated ability to carry research to completion.

In addition to these minimum qualifications, a professional in prehistoric archaeology shall have at least one year of full-time professional experience at a supervisory level in the study of archaeological resources of the prehistoric period. A professional in historic

archaeology shall have at least one year of full-time professional experience at a supervisory level in the study of archaeological 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 course work in American architectural history; or a bachelor's degree in architectural history, art history, historic preservation, or a closely related field plus one of the following:

- (1) 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
- (2) 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 professional 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 state license to practice architecture, plus one of the following:

- (1) At least one year of graduate study in architectural preservation, American architectural history, preservation planning, or a closely related field; or
- (2) 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.

APPENDIX B

MINIMUM STANDARDS FOR THIRD-PARTY GRANT ADMINISTRATORS

Certified Local Governments (CLGs) may approve qualified commercial firms, nonprofit organizations, educational institutions, or other units of local government as administrators of federal CLG grant funds to accomplish historic preservation activities within CLG territorial jurisdictions. If the third party is supplying local matching funds, its ability to do so must be documented. In order to avoid a conflict of interest, an entity may not be approved as a third-party administrator if a preservation commission member or close relative of a commission member has a financial interest in the entity. The following standards are suggested as guidelines for approving entities as qualified grant fund administrators.

Commercial Firms. Firms should be well established, competent businesses, approved by the Better Business Bureau. A good track record of dealings with the CLG could justify use of a commercial firm.

Nonprofit Organizations. The organization must be recognized as a 501(c)(3) organization that has been in operation more than a year and has a good track record with the CLG. A qualified individual, such as an officer or paid professional staff of the organization, should be available to act as local coordinator. The treasurer of the group must be instructed about federal fiscal requirements.

Educational Institutions. Colleges and universities are excellent candidates for third-party administrators, especially for archaeological projects involving their own faculty. Institutions located outside the jurisdiction of a CLG may be designated, provided the grant-related project activities will take place within the CLG's territorial jurisdiction.

Units of Local Government. This category applies to county governments within which a municipal CLG is located and to municipal governments located in a county CLG. The staff person assigned as project coordinator must be competent and must demonstrate his or her availability for administrative functions throughout the project period.