



“Potentially *adv* 1: existing in possibility: capable of developing into reality”
Merriam-Webster Dictionary (1998)

Background

Federal and state agencies consult with the State Historic Preservation Office (SHPO) on the eligibility of properties (e.g., sites, structures, buildings, and objects) for the Arizona and National Registers of Historic Places. Under federal legislation, federal agencies have authority for determining eligibility of properties in the Section 106 process. They make these determinations in consultation with the SHPO. This is a Consensus Determination of eligibility. In situations where the agency and the SHPO disagree on eligibility or the agency wishes to have additional guidance, the Keeper of the National Register may be consulted for a Formal Determination of Eligibility. The Keeper is the final authority on eligibility for the National Register of Historic Places. Under State laws, the State Historic Preservation Officer is the Keeper of the Arizona Register of Historic Places and is the final authority on eligibility for properties on state and private land.

For both federal and state projects (i.e., undertakings and plans), the agency presents eligibility determinations, along with documentation to support those determinations, to the SHPO for review and comment. If the agency is unable to determine eligibility for archaeological sites because of a lack of information, they may recommend archaeological testing and/or additional archival research to aid in the evaluation of the property’s eligibility.

Agencies have used the term *potentially eligible* in large-scale projects where eligibility determinations were not made for each site because avoidance measures were applied to all identified properties regardless of eligibility. In these situations, sites referred to as *potentially eligible* were treated as if they were eligible. While this practice expedites the review process at the time, it requires a reevaluation of site eligibility for future projects where avoidance is not an option. Increasingly, the term *potentially eligible* has been used less precisely and for all types of projects and situations.

SHPO Opinion

The SHPO would prefer the term *potentially eligible* not be used. Our office suggests that agencies use more specific language such as, “requires testing/research for eligibility” or “unevaluated, requires testing/research for eligibility.” This language should be applied until additional research and/or field evaluation can be completed to adequately assess eligibility as either “eligible” or “not eligible.” It is important and extremely helpful for SHPO compliance staff to have the agency’s assessment of eligibility as well as the documentation supporting that determination. Agencies that hire consultants to conduct field surveys may or may not wish to have the consultants make recommendations on eligibility based on field observations. If the agency relies on outside consultant’s eligibility recommendations, then the agency should ask the consultants to provide specific eligibility recommendations and justifications in reports.

Prepared by SHPO Staff/cg
Approved by James Garrison, State Historic Preservation Officer