

GUIDELINES FOR THE STATE HISTORIC PRESERVATION ACT

Introduction

The State Historic Preservation Act (SHPA) states that the “historical and cultural foundations of this state should be preserved as a living part of our community life and development ” (A.R.S. §41-861 et seq.). The attached Guidelines for the State Historic Preservation Act are intended to assist state agencies in the implementation of the SHPA, and should not be construed as a substitute for state agencies' discretion in applying the Act, or as a limitation on the applicability of the Act. Any person or entity charged with the interpretation of the Act shall take into consideration the policy of the Act and shall construe any provision of the Act to favor “a spirit of stewardship” for the state’s historical and archaeological resources “for the inspiration and benefit of present and future generations” (A.R.S. §41-861 et seq.).

The State Historic Preservation Office (SHPO) with input from state agencies, advisory committees and commissions, tribal preservation offices and preservation professionals developed the enclosed *Guidelines*. The process of developing the *Guidelines* began at the SHPO, based on the result of the State Trust Land Legislative Study Committee that recommended in part establishing one set of interagency standards for recording and treating cultural resources. *Draft Guidelines* were circulated for review and comment in December of 1997. The SHPO made modifications to the original draft based on the comments received. A workshop on the *Guidelines* was held on May 12, 1999. Over 150 participants including state agency officials, tribal representatives, and preservation consultants attended the workshop. The *Guidelines* were amended as appropriate to reflect comments and suggestions from workshop participants. The Arizona State Parks Board approved these *Guidelines* on January 18, 2001. Today these *Guidelines* are intended to assist state agencies in the compliance process. SHPO and the State Parks Board continue to encourage your feedback on the *Guidelines for the State Historic Preservation Act* so this document will be as helpful as possible.

A.R.S. §41-861

Agency Responsibilities

“The chief administrator of each state agency is responsible for the preservation of historic properties which are owned or controlled by the agency. Prior to acquiring, constructing or leasing buildings for the purposes of carrying out agency responsibilities, each agency shall consider the use of historic properties available to the agency. Each agency shall undertake any preservation that is necessary to carry out this article in a manner consistent with the preservation of historic properties, the duties of the agency and the professional standards, which the state historic preservation officer recommends. The chief administrator of a state agency may designate a full time employee to coordinate the agency’s activities under this article.”

Applicability: This article applies to chief administrators of any state agency that owns, acquires, leases, manages, or controls properties.

Purpose: The purpose of this statute is to cause chief administrators of state agencies (and their respective agencies) to consider the current and potential adaptive re-use of historic properties (definition on page 23) that are listed on or eligible for the Arizona Register of Historic Places when planning or carrying out their programs. Chief administrators of state agencies (and their respective agencies) are also charged to preserve the integrity of eligible or listed properties under state ownership or control. The preservation of these properties is important because they embody Arizona's "vital legacy of cultural, educational, aesthetic, inspirational, economic and energy" heritage (A.R.S. §41-861 et seq.). State agencies provide an example for the "public and private preservation and utilization of all usable elements of this state's historic built environment" by considering the use of historic properties, including those properties not owned by the State, in carrying out their duties (A.R.S. §41-861 et seq.). Through adaptive reuse, the historic built environment is "preserved as a living part of our community life and development," and provides "historical and cultural foundations...in order to give a sense of orientation" to the people of Arizona (A.R.S. §41-861 et seq.).

Responsibility: Chief administrators of state agencies (and their respective agencies) are responsible for the preservation of historic properties that they own or control. Preserving historic properties includes identifying, evaluating, recording, and documenting the properties and applying the appropriate preservation treatments (stabilization, rehabilitation, protection, restoration, and/or maintenance). The process of acquiring, protecting, managing, rehabilitating, restoring, stabilizing, and/or maintaining properties, provides an example of "stewardship for the inspiration and benefit of present and future generations" (A.R.S. §41-861 et seq., General Provisions, Legislative Findings; Legislative Intent). State agencies shall carry out these responsibilities consistent with professional standards (see Tabs 3, 4, and 5) and the duties of the agency. The State Historic Preservation Officer (SHPO) will provide advice and assistance in carrying out these preservation activities (see A.R.S. §41-511.04). An agency does not need to create a new position for a "preservation officer," but may assign those duties to an existing full-time position. The "preservation officer" should attend training provided by the SHPO on preservation legislation, guidelines, policies, and standards. The SHPO recommends (but does not require)

that the "preservation officer" have a background in archaeology, history, architecture, architectural history, or historic preservation.

In order to carry out the responsibilities of the statute, the chief administrator of each state agency shall, within the fiscal ability of the agency:

I. Identify Arizona Register eligible properties that are owned or under the control of the agency (see A.R.S. §41-862). The SHPO will assist state agency administrators or their designees in determinations of Arizona Register eligibility for state owned or controlled properties.

A. Consultants hired by the agency to assist in the identification and evaluation of state owned or controlled properties should meet the following standards for Professional Qualifications:

1. Identification and evaluation of archaeological resources - Consultants must meet requirements for an Arizona State Museum's archaeological permit to carry out archaeological work on state land (Chapter 8, Arizona State Museum, Arizona Board of Regents, R 8-101 through 8 - 207, Section A implementing §41-865 (B), Rules implementing A.R.S. §15-1631 and A.R.S. §41-841, et seq. of the Arizona Antiquities Act). The SHPO recommends that consultants meet the *Secretary of Interior's Professional Qualification Standard for Archaeology* (Tab 2). If the identification and evaluation is being carried out as part of a project having federal involvement, the Secretary of Interior's Standards are required.

2. Identification and evaluation of all other historic period properties (not archaeological) - Consultants should meet the appropriate *Secretary of Interior's Professional Qualification Standards* (Tab 2).

B. Identification and evaluation efforts should follow the *Secretary of Interior's Standards and Guidelines for Identification and Evaluation* (Tab 2) and the State Historic Preservation Office *Standards for Conducting and Reporting Cultural Resources on State Land* (Tab 4).

II. Identify, with recommendations of the SHPO, the preservation treatment(s) that are appropriate for identified Register-eligible properties. Preservation treatment include:

A. Stabilization – The act or process of applying measures to re-establish weather resistance and the structural stability of unsafe or deteriorated property while maintaining the essential form of the property, as it presently exists.

B. Rehabilitation – The act or process of returning a property to a state of utility through repair or alteration, which makes possible an efficient contemporary use while preserving those portions or features of the property that are significant to its historical, architectural, and cultural values.

- C. Maintenance – 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 vegetation of the site.
- D. Restoration – The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular time by removing later work or replacing missing elements.

III. Evaluate the current use of historic properties to ensure that the activities and use of the property are not causing damage beyond normal wear and tear or accelerated deterioration of the property or properties.

IV. Ensure that historic properties being used by the agency remain in use to the extent possible. Agencies shall consider all options for continued use of a property prior to discontinuing the active use of a historic building.

V. Identify program activities that could take place in historic properties owned or controlled by the agency.

VI. Identify historic properties under the ownership or control of the agency that are not currently in use, are underutilized, or are being used in a way that is damaging to the property. Evaluate each property, its adaptive reuse potential, and pursue ways to preserve the historic property through adaptive reuse or protective measures.

VII. Whenever a new activity or program is planned, consider, to the maximum extent possible, ways in which historic properties (including those not owned or controlled by the agency) may be utilized and integrate this use into the program activity or design.

VIII. Give thorough consideration to the use and reuse of historic properties (including those not owned or controlled by the agency) for agency programs as alternatives to the construction, acquisition, or leasing of new facilities and to the demolition of historic properties (including those not owned or controlled by the agency).

IX. Designate an agency employee to coordinate the identification, evaluation, and preservation planning for historic properties that are owned or controlled by the state agency.

- A. The designee should (but is not required to) have a background in archaeology, history, architecture, architectural history, or historic preservation.

- B. Designees should attend training provided by the SHPO on preservation legislation, guidelines, policies and standards.

NOTE: State agencies may apply for Heritage Fund matching grants to assist in the evaluation, stabilization, adaptive reuse planning, and rehabilitation of historic properties under their ownership or control.

A.R.S. §41-862 Program

"In cooperation with the state historic preservation officer, each state agency shall establish a program to locate, inventory and nominate to the Arizona register of historic places all properties under the agency's ownership or control that appear to meet the criteria for inclusion on the register. Each state agency shall exercise caution to assure that the property is not inadvertently transferred, sold, demolished, substantially altered or allowed to deteriorate significantly. The Arizona historical advisory commission shall include the performance of state agencies in initiating and satisfying the programmatic management of historic properties in its annual report to the legislature and the governor as provided in ARS §41-1352."

Applicability: The statute applies to all state agencies.

Purpose: The purpose of this statute is to cause state agencies to 1) identify, document, and nominate historic properties that are eligible for the Arizona Register of Historic Places, 2) to exercise caution to assure that the preservation of state owned or controlled historic properties are not inadvertently transferred, sold, leased, demolished, substantially altered or allowed to deteriorate significantly, and 3) make the legislature aware of agency performance under this act.

Responsibility: Each state agency "shall establish a program to locate, inventory and nominate historic properties," and "shall exercise caution" with regards to the care and disposition of historic properties under their ownership or control.

In order to carry out the responsibilities of the statute, each agency should:

I. Develop a program, in consultation with the SHPO, for locating, inventorying, and nominating Arizona Register eligible historic properties that are under their ownership or control.

A. Outline a program to locate (identify) historic properties under agency ownership or control.

1. Locate, within the agency's records, properties under agency jurisdiction (owned, leased, managed, or controlled, including lands, buildings, structures, or archaeological sites).

2. Identification of historic properties often will include contracting with a preservation consultant (see *Secretary of Interior's Professional Qualifications Standards* in Tab 2, *SHPO Standards for Conducting and Reporting Cultural Resource Surveys on State Lands* (Tab 4) and Arizona State Museum archaeological permit application and requirements (Chapter 8, Arizona State Museum, Arizona Board of Regents, R 8-101 through 8 - 207, Section A implementing A.R.S. §41-865 (B), Rules implementing A.R.S. §15-1631 and A.R.S. §41-841, et seq. Arizona Antiquities Act).

3. Historic properties under agency ownership or control should be identified using methods recommended by the State Historic Preservation Office [SHPO *Standards for Conducting and Reporting Cultural Resource Surveys on State Land* (Tab 4)], and be consistent with the *Secretary of Interior's Standards and Guidelines for Identification* (Tab 2)

4. Establish priorities for the identification, inventory, and nomination of historic properties, based on:

a. When properties will be affected by agency activities, e.g. when properties are being considered for sale, lease, demolition, construction, alteration, or acquisition.

b. Where there is a high likelihood for threats to properties, such as vandalism or deterioration.

B. Submitting to and Maintaining Inventory of Properties. The agency should record and submit documentation of identified historic properties to the SHPO for determinations of eligibility for the Arizona Register of Historic Places and for entry in the statewide inventory of properties. Property documentation and recordation includes:

1. Completing *State of Arizona Historic Property Inventory Forms* for buildings, structures, and objects that are 50 years or older and under agency control or ownership and submitting forms to the SHPO for formal eligibility determinations. The SHPO may seek advice from the Historic Sites Review Committee on issues of eligibility. As the official Keeper of the Arizona Register of Historic Places (Arizona Administrative Code, R12-8 - 206), the SHPO is the final authority on eligibility for the Arizona Register of Historic Places.

2. Submitting archaeological survey reports to the SHPO for formal determinations of eligibility. Agencies should complete and submit to the SHPO the inventory forms for the statewide inventory system (AZSITE) unless an Arizona State Museum Permit requires submittal of the AZSITE Forms to the Arizona State Museum. By virtue of the AZSITE Consortium Intergovernmental Agreement, the State Historic Preservation Office and Arizona State Museum are among a number of agencies and institutions participating in and maintaining a shared statewide inventory of archaeological sites. Participants in the agreement will share maintenance, data entry, and access responsibilities. Specific guidance for state agencies regarding data entry and submittal of AZSITE Forms will be provided with the forms.

3. Maintaining, in cooperation with the SHPO, an updated inventory of properties located by the identification program to be used in management, which will include a list of properties evaluated, information on properties not

yet evaluated, and general background data. The agency may utilize AZSITE as their official inventory.

C. Nomination to the Arizona Register of Historic Places. Agencies shall nominate properties found to be eligible for the Arizona Register of Historic Places by:

1. Completing appropriate nomination forms and submitting them to the State Historic Preservation Office.

a. The National Register of Historic Places Form is the official form used to register properties for the Arizona Register of Historic Places. Forms and instructional guidance are available from the SHPO.

b. Nominations are reviewed by the Arizona Historic Sites Review Committee (HSRC) and presented at a public meeting for comment (see A.R.S. §41-1352). The HSRC may recommend the nomination for listing on the Arizona Register as submitted or may request revisions.

c. Once a nomination of a property(s) has been accepted by HSRC for listing on the Arizona Register of Historic Places, the property owner may request that the nomination be forwarded to the Keeper of the National Register for consideration for listing on the National Register of Historic Places.

II. Develop a system to integrate identification, inventory, and nomination into the agency's overall program and other agency systems for property management, land use, and project planning.

A. When the agency is involved in overall land use and urban planning, in assisting, in carrying out projects, in building or other property management activities, the agency should consult with the SHPO and other knowledgeable parties, such as the Arizona State Museum, appropriate land managers, Certified Local Governments, and Tribal Historic Preservation Offices, to determine:

1. Whether historic properties are known or expected to occur within the area that may be subject to direct or indirect effect by the project

2. The kinds of further identification and evaluation efforts that may be appropriate.

B. Integrate the agency's management inventory with its program of property management, land use planning, and project planning in order to identify opportunities for the effective use and preservation of historic properties, identify potential conflicts between the preservation of historic properties and the implementation of agency mission requirements and other legislative mandates, and to identify areas where information is insufficient to make

planning decisions about historic properties, suggesting the need for further study.

- C. Provide a schedule and guidelines for the continuing evaluation, maintenance, curation, stabilization, and rehabilitation of the property or properties in a manner that will ensure the continued historic integrity of the property. Any evaluation, maintenance, stabilization, or rehabilitation should meet the *Secretary of Interior's Standards for Rehabilitation* (Tab 3) and other standards recommended by the SHPO.
- D. Prior to the lease, exchange, or sale of a historic property that is under
 - 1. The agency's chief administrator or designee shall consult with the SHPO to identify the most appropriate strategies to insure long-term protection and preservation of the property.
 - 2. State agencies responsible for historic properties under their ownership or control may enter into contracts for the management of such properties, provided that the agency has consulted with the SHPO and the contract contains terms and conditions deemed by the agency's chief administrator or designee to be appropriate and necessary to protect the historic property and ensure its preservation.
 - 3. When state agencies are unable to insure the long-term preservation of a property due to lease, exchange, or sale, the agency shall consult with the SHPO to determine the appropriate level of documentation needed to preserve information about the property. The agency shall insure that documentation is completed prior to the sale, lease or exchange of the property.

III. The Arizona Historical Advisory Commission (AHAC) shall include the performance of state agencies in initiating and satisfying the programmatic management of historic properties in its annual report to the legislature and the governor, which is submitted annually on September 30.

- A. Each state agency will report on its preservation planning and management activities annually to the Arizona Historical Advisory Commission by August 31.
- B. The SHPO shall annually prepare a report on statewide preservation activities. The report will be submitted to the Arizona Historical Advisory Commission by August 31 each year and will include a summary of the State Historic Preservation Office's activities in the areas of National and Arizona Register of Historic Places, statewide planning, the review of state and federal projects for compliance with state and federal legislation, state and federal historic preservation grant programs, the statewide inventory, state survey efforts, state and federal preservation tax incentive programs, the Certified Local Government Program, and public historic preservation outreach and education programs.

A.R.S. §41-863 Records

Each agency shall initiate measures, in consultation with the state historic preservation officer, to assure that if, as a result of state action or assistance given by the agency, historic property is to be substantially altered or demolished, timely steps are taken to make appropriate documentary recordation in accordance with standards which the state historic preservation officer establishes. The agency shall deposit the records with the department of library, archives and public records and with the state historic preservation officer for future use and reference.

Applicability: The statute applies to all state agencies whose actions or assistance results in the substantial alteration or demolition of a historic property, whether such property is on state land or non-state land, whether the property is under the direct ownership or control of the agency, or where the property is not under state control but where the effect on the property would not occur but for the state's action or assistance; to the SHPO; and to the Arizona State Library, Archives, and Public Records.

Purpose: While most aspects of the SHPA follow the legislature's intent that positive efforts be made to "foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony," A.R.S. §41-861 anticipates that this goal may not always be feasible. As stated in that section, the preservation of resources must be "consistent with the preservation of historic properties, the duties of the agency and professional standards which the state historic preservation officer recommends." While §41-862 provides that the agency exercise caution to assure that the historic character of a particular property is not inadvertently harmed, situations may arise where the imperative duties of the agency preclude the feasible physical preservation of the property. In such instances, one way to ensure that the property can continue to contribute to "our community life and development" is to create a permanent record of the property, which will give future generations a reasonable sense of what the property was.

Responsibilities: The three parties named in A.R.S. §41-863 have both distinct and related responsibilities.

The agency responsibilities:

1. Identify when, as a result of state action or assistance given by the agency, a historic property is to be substantially altered or demolished. Consultation between the agency and the SHPO is specified at this point and can be directed to answer the question of what constitutes a substantial alteration. In general, the SHPO will recommend recordation when the change in the property is of such a degree that it will no longer be eligible for listing in the Arizona Register of Historic Places.
2. Initiate measures to assure that timely steps are taken to make appropriate documentary recordation. In this regard "appropriate" is defined by the standards set by the SHPO. "Timely steps" is taken by the SHPO to imply that recordation is made before the agency's action or assistance has actually affected the property.

3. Deposit duplicate copies of the records with the SHPO and the Arizona State Library, Archives and Public Records.

The SHPO responsibilities:

1. Consult with the agency to determine when recordation is needed.
2. Establish appropriate standards for recordation.
3. Archive the records and make them available for future use and reference.

The Arizona State Library, Archives and Public Records responsibilities:

1. Archive its copy of the records and make them available for future use and reference.

In order to carry out the responsibilities of this statute, each agency shall:

I. Determine the need for documentary recordation. A.R.S. §41-863 specifies consultation between the agency and the SHPO. Consultation is best achieved through the process specified under A.R.S. §41-864 for review of agency plans. Recordation is called for when the comment of the SHPO on an agency plan is that the agency's action or assistance will substantially alter or demolish the property. If, in the agency's opinion, the imperative duties of the agency preclude as unfeasible any course of action other than that resulting in the substantial alteration or demolition, then the agency shall initiate timely steps to make appropriate documentary recordation.

II. Obtain Appropriate Documentation. The kind and level of recordation necessary will be determined in consultation with the SHPO and will be based on standards set by the SHPO and the *Secretary of the Interior's Standards (Secretary of the Interior's Standards for Architectural and Engineering Documentation, for Archaeological Documentation, and for Historical Documentation (Tab 2), Arizona SHPO's State Historic Preservation Act Documentation Standards for Historic Properties, Standards for Conducting and Reporting Cultural Resource Surveys on State Land (Tab 4), SHPO's Standards for Documentation of Archaeological Properties on State Land and for State Projects (currently in draft form see Tab 4), SHPO Administrative Procedure – Documentation Submitted for Review in Compliance with Preservation Laws (Tab 6) and Arizona State Museum's Antiquity Act permitting requirements (Chapter 8, Arizona State Museum, Arizona Board of Regents, R 8-101 through 8 - 207, Section A implementing A.R.S. §41-865 and Section B, Rules implementing A.R.S. §15-1631 and A.R.S. §41-841 et seq. Arizona Antiquities Act). The level and kind of documentation required will vary depending on the nature of the property, its relative significance within identified historic contexts, and the nature of the undertaking's effect on the property*

- A. The SHPO has documentation standards for typical architectural recordation (Tab 4). These standards are intended for standing buildings, structures, and objects and differ substantially from recordation for archaeological properties. It

is possible that, in cases where a property is of exceptional merit or importance in Arizona history, the SHPO may request additional documentation material.

- B. Depending upon the type of archaeological site and the impacts that will affect it, archaeological data recovery may range from simple recordation to extensive excavations. All archaeological data recovery should be conducted by qualified professional archaeologists (see *Secretary of Interior's Professional Qualifications Standards*; Arizona State Museum's Antiquity Act permit application and requirements, Chapter 8, Arizona State Museum, Arizona Board of Regents, Rules 8-101 through 8 - 207, Section A implementing §41-865 and Section B, Rules implementing A.R.S. §15-1631 and A.R.S. §41-841, et seq. of the Arizona Antiquities Act and Professional Qualifications for Cultural Resource Surveys in *Standards for Conducting and Reporting Cultural Resource Surveys on State Land*).

1. For sites that consist of only surface remains, appropriate data recovery would include, but is not limited to, mapping, photographing, text description, artifact and sample collection and analysis, and report write-up. For more complex sites with subsurface components, archaeologists may need to conduct extensive excavations, to be followed with detailed laboratory analysis of the artifacts and samples collected from the site. Archaeological documentation of the fieldwork will usually result in analytical reports that contain descriptive and synthesis sections, maps, and photographs. The appropriate level of data recovery determined in consultation with the SHPO (see also Arizona State Museum Antiquity Act permitting review requirements), and will depend upon the type of archaeological site that is going to be affected and the nature of impacts from a project.

2. Project-specific permits from the Arizona State Museum are required for excavations on lands owned or controlled by a state agency, city or county (A.R.S. §41-865, R 8-101 through 8 - 207 and Rules implementing A.R.S. §15-1631 and A.R.S. §41-841, et seq. Arizona Antiquities Act). As per the permit requirements, artifact collections and documentation records will need to be curated in an approved state repository.

- C. Historic records including oral histories and ethno-historic records are important and often necessary forms of documentary information on historic properties. This information should not be overlooked when documenting the significance and integrity of a property to determine Arizona Register eligibility and for documenting properties already determined eligible for the Register. Such documentation will normally be in the form of text reports, photographs, audiotapes and transcripts, and/or videotapes.

III. Undertake Documentation. As it is the agency's planned action or assistance that is affecting the property, it is the responsibility of the agency to produce the appropriate documentary record of the property. As a condition to its action or assistance, the agency may require benefiting non-state parties to undertake the work.

The agency must still ensure that the documentary record meets the specifications of the SHPO.

IV. Create Records Repositories. Documentary recordation shall be deposited by the agency with the SHPO and with the Arizona State Library, Archives and Public Records.

A. Documentation includes, but is not limited to: Preliminary and final archaeological and architectural project reports, maps, photographs; architectural and engineering drawings, photographs, and plans; planning documents; project consultation letters, photographs, agreements, and covenants; Arizona and National Register of Historic Places forms, photographs and correspondence; survey forms and photographs; building assessments and other planning documents; ethnographic and ethno-historic reports, transcripts, audio tapes, videotapes.

A.R.S. § 41-864 Review of Agency Plans

“The state historic preservation officer has thirty working days in which to review and comment on any plans of a state agency which involve property which is included or may qualify for inclusion on the Arizona register of historic places, including any construction project, sale, lease or acquisition of historic properties, to ensure that the pre-historical, historical, architectural or culturally significant values will be preserved or enhanced.”

Applicability: The statute applies to the SHPO and all state agencies that are directly or indirectly involved in planning any action that involves a property or properties included on or eligible for inclusion on the Arizona Register of Historic Places. Properties covered in the statute are those properties that are already listed on the Arizona Register of Historic Places, properties formally determined eligible for listing, and properties not formally determined eligible for listing but that meet the criteria for listing on the Arizona Register.

Purpose: The stated purpose of the statute is “to ensure that prehistorical, historical, and architectural and culturally significant values will be preserved and enhanced” also referred to collectively as their historic values or historic significance. While A.R.S. §41-861 holds the chief administrator of each agency “responsible for the preservation of historic properties which are owned or controlled by the agency,” this section provides for review of agency plans by the SHPO. Through this consultation, the impacts of agency plans on historic properties are evaluated and the historic significance of those properties preserved.

Responsibility: The statute directs the SHPO to review and comment on agency plans within thirty (30) working days. State agencies are responsible for submitting their plans and seeking consultation with the SHPO on their plans, including but not limited to, construction projects, sales, leases, and acquisitions. SHPO reviews those plans to ensure: (1) that their impacts on historic properties are considered, and (2) that the significance of those properties is preserved or enhanced. The SHPO is also statutorily required to: maintain an inventory of historic properties; advise, assist and monitor state agencies and political subdivisions of the state in carrying out their historic preservation responsibilities, and to cooperate with state agencies, political subdivisions of the state, and other persons to ensure that historic properties are taken into consideration at all levels of planning and development [A.R.S. § 41-511.04(c)]. Reviewing and commenting on agency plans is one of the ways SHPO carries out these responsibilities.

I. *Staff.* The SHPO may designate staff, who are employees of the State of Arizona and meet the *Secretary of Interior’s Professionals Qualification Standards* (Tab 2), to assist in carrying out stated duties as defined in both Arizona statutes and the National Historic Preservation Act of 1966, as amended. The use of the term State Historic Preservation Officer (SHPO) refers to the officer or the designated staff unless otherwise indicated.

Historic preservation has evolved as an interdisciplinary field involving professionals from the disciplines of architecture, history, architectural history, prehistoric archaeology and historic archaeology, all of which are represented in the SHPO. Professionals from the disciplines of folklore, cultural anthropology, curation, conservation, landscape architecture and city planning may also have valuable input on historic preservation issues.

The SHPO staff can provide state agencies with technical assistance in their efforts to meet their duties under the SHPA. All State Agencies' designated staff should work closely with SHPO staff concerning the identification, eligibility, and management of historic properties under their control. If an agency has professional staff in one of the above disciplines, their assignment as the "designated staff" is encouraged, but any agency staff dealing with environmental compliance issues can serve as SHPO liaison. SHPO will have specific training opportunities for agency staff to learn about both the compliance process and the goals of historic preservation.

II. Consultation Opportunities During the Development of Agency Plans. Any action planned by a state agency, involving construction or ground disturbance that has the potential to impact historic properties that eligible or listed on the Arizona Register, should be informally discussed with and later formally reviewed by the SHPO. Initial consultation with the SHPO should occur while alternatives are still being discussed and options pursued. The goal of early consultation should be to develop a proactive partnership between the SHPO and the agency, so that the concerns of historic preservation are included as a part of the agency's planning process.

Because the preservation of significant historic resources is now a concern shared by many agencies and the public, the number of actions having a negative impact on historic properties has been greatly reduced. The majority of agency actions do not affect historic properties. The management of historic properties through adaptive reuse allows agencies to meet their needs and fulfill their duties, while preserving significant character-defining aspects of eligible historic properties.

The interdisciplinary staff of the SHPO is available to assist agencies during the development of their action plans. Taking advantage of this technical assistance is one-way agencies can better integrate historic preservation concerns into on-going planning processes. The early involvement of SHPO in agency plans makes the formal review of these plans much more streamlined and less reactionary.

III. The Review Process. The review process outlined below integrates the responsibilities of agencies and the SHPO under A.R.S. §41-864. It specifies agency deliverables (that is, the kinds of information that the SHPO needs to receive in order to complete its review), includes guidance on identifying and evaluating historic properties, assessing the potential effects of agency plans on these properties, and suggesting strategies to avoid, minimize, or otherwise address adverse impacts on historic properties. It also outlines the issues that SHPO should be expected to address in its comments.

- A. Streamlining the Review Process - The review process is normally carried out on a specific project-by-project basis; however, intergovernmental or programmatic agreements may be developed for large, complex projects, for a class of projects that would normally require numerous individual reviews, or for an agency program. Many projects or actions involve more than one state agency, as well as one or more federal agencies. For example, the Arizona Department of Transportation and the Federal Highway Administration are often involved in highway construction that crosses multiple jurisdictions. In such instances, it is useful to identify at the beginning of the process all agencies that have jurisdiction over or other involvement with any part of the action, through funding, permitting, licensing, issuing a right-of-way. In this way, the requirements of all agencies pursuant to the State Historic Preservation Act and/or Section 106 of the National Historic Preservation Act may be fulfilled by a single consultation. All involved agencies should be signatories to any agreement developed.
- B. Agency deliverables: Agencies are advised to assemble the documentation described below and submit it to the SHPO for review and comment. As noted above, the SHPO is available to assist the agency in accomplishing each step, and agencies are encouraged to consult, informally or formally, with the SHPO early in and throughout this process.

1. Step 1 - Describe agency plans

What action is the agency planning? (Examples: sale of land or renovation of a building). This description should be as specific as possible and should include a legal description of the property affected, and a summary of the proposed action (for example, replacement of roof, constructing a new facility, or granting a right-of-way).

Historic properties outside the area within which specific agency actions may be planned can be affected by that action, so a critical component of Step 1 is determining the geographic area or areas within which an agency's plans may cause changes in the character or use of historic properties, if such properties exist. The area affected by an agency plan may not be contiguous and may include, but are not limited to the following examples of ancillary project areas: alternative project sites or construction corridors; locations from which borrow materials might be obtained; areas where access might be provided to archaeological sites, resulting in their disturbance by artifact seekers; project staging areas; areas where visual or audible changes could occur; and areas where the project could result in modified traffic patterns that might affect the livability or commercial viability of historic districts.

Attachment 864-1 provides a list of agency plans that have been and should be reviewed by the SHPO; however, this list is not exhaustive.

Are there historic properties "involved" *in the agency's* planned action? The state agency identifies and evaluates Arizona Register listed or eligible

properties in the area of potential effect for the undertaking. Section 41-862 requires the agency to exercise caution to assure that historic properties are not inadvertently “sold, demolished, substantially altered or allowed to deteriorate.” In order to comply with that section, it may be necessary to conduct an archaeological survey in an area to be impacted by a proposed action, to conduct research into the age and significance of an existing building, or otherwise investigate the possibility that historic properties exist in the area described in Step 1. The results of any such efforts should be included in the information provided to the SHPO. See Attachment 864-2 for a discussion of identification efforts.

3. Step 3 - Assessing effects

If historic properties have been identified in the area described in Step 1, the agency should evaluate the impacts of its planned actions on those properties. That is, will the proposed activity cause any change (harmful or beneficial) to the characteristics that qualify the property for Register listing. Agencies should use the following criteria in evaluating potential impacts.

Will the activity result in:

- Destruction, damage, or alteration to all or part of a property
- Isolation from or alteration of the property's surrounding environment.
- Introduction of visual, audible, or atmospheric elements that are out of character with the property or alter its setting.
- Neglect or abandonment of a property, resulting in its deterioration or destruction.
- Transfer, lease, or sale of the property.

Application of these criteria may result in three possible findings:

1. Preservation of the historic property’s “prehistoric, historical, architectural or culturally significant values” or historic significance. That is, the agency’s planned action will not affect those characteristics that qualify it for inclusion on the Register.

2. Enhancement of the property’s “prehistoric, historical, architectural or culturally significant values.” Some agency plans not only will preserve a historic property, but also will enhance it. That is, the effect of the planned action will be beneficial. An example of a beneficial effect is rehabilitation of a historic building in accordance with the standards recommended by the SHPO pursuant to §41-861. [Note: these standards are the *Secretary of the Interior’s Standards for Rehabilitation*, Tabs 2 & 3).

3. Harm to or an adverse effect on the historic property. If the agency finds that a historic property will be adversely impacted by the planned action, then in accordance with A.R.S. §41-861, the agency should find ways to avoid reduce the harm or mitigate the harmful effects to the historic property. An example of such a strategy is

archaeological data recovery in advance of ground-disturbing activity. Other strategies for avoiding or reducing harm to historic properties are listed in Attachment 864-3.

Once the agency has evaluated the effects of its actions on historic properties and has considered ways to minimize or avoid harm to these properties, the findings should be included in the plans provided to the SHPO for review.

C. SHPO Review of Agency Plans. The SHPO has thirty (30) working days from receipt of these deliverables to review and comment on the effect of agency plans on historic properties. SHPO comments may address any or all of the following areas:

1. Plans. If SHPO is unclear about the agency's plans as described, it may request additional information.

2. Identification and Evaluation of Historic Properties. SHPO will review the agency's submittal information on historic properties, as well as the efforts made to collect that information. SHPO may recommend additional efforts to locate historic properties in the area. For example, if an agency's plans call for development of previously undeveloped property, and the area in question has not been systematically surveyed, the SHPO may recommend that a survey be conducted. [Note: recommended efforts to identify historic properties that may be affected by agency actions are discussed under A.R.S. §41-862 above.]

If a historic property is identified by the agency, SHPO will also review the agency's assessment of the property's eligibility for inclusion on the Arizona Register. If the agency and the SHPO agree that the property is not eligible, then it need not be considered in agency planning. If the agency and the SHPO agree that the property is eligible, the effect of agency actions on that property must be considered. If the agency and the SHPO disagree on the eligibility determination, the final authority regarding determinations of eligibility rests with the SHPO. If time permits, and the agency agrees, the SHPO may seek the advice of the Historic Sites Review Committee; as provided in Arizona Administrative Code R12-8-206, the SHPO is the keeper of the Arizona Register and is responsible for determining whether or not a property is eligible for listing.

3. Assessing Effects. After reviewing the information provided by the agency on the project's effect on eligible or listed properties, the SHPO may agree or disagree with the agency's assessment of the potential impact of the proposed action on historic properties. If historic properties will be affected, the SHPO comments will focus on ways to minimize or eliminate harm to the historic significance of those properties. Those comments may vary considerably, depending on the nature of agency plans. For example, the SHPO may request that the agency consider alternatives to the

proposed action or redesign some portion of the action, or conduct archaeological data recovery in advance of ground disturbing activity.

As a part of this consultation, the SHPO may request that the agency seek input from other parties. This section requires consultation between the agency and the SHPO, however under some circumstances, when other agencies, tribes, local governments or the general public may be directly affected or involved in the agency plan, these parties should be invited to participate. Agencies are encouraged to seek public comment and participation in their planning process.

Interested parties may include representatives of Indian tribes or groups; Certified Local Governments; municipal governments, other state agencies, as well as applicants for or holders of grants, permits, or leases that have the potential to impact or alter properties that may be eligible for the Arizona Register of Historic Places.

Attachment 864-1

The following is a list of agency plans or actions that should be submitted to SHPO for review:

- New construction
- Renovation of buildings or structures
- Making Americans with Disabilities Act modifications
- Sale or lease of real property
- Granting a right-of-way or easement
- Issuing a permit or license
- Vacating or demolishing existing buildings or structures
- Infrastructure development

Attachment 864-2

Typical identification efforts include:

- Archaeological survey
- Literature search
- Building assessment
- Consultation with Native American tribes or groups
- Ethnographic research
- Consultation with the interested public (including local historical societies or commissions)

Attachment 864-3

Mitigation approaches include:

Documentation that will archivally preserves the importance of the property. Documentation usually involves collecting historical information and photographs, preparing drawings and taking photographs. The specific types, numbers and sizes of documentation are resource specific.

Meeting Rehabilitation Standards that preserves the character defining elements of the property. A project may be authorized to proceed if, upon consultation with the SHPO, the parties determine the project adheres to the *Secretary of the Interior's Standards for Rehabilitation*.

Conducting archaeological data recovery performed under a scientific research design and preparation of final data recovery report that provides documentation of the archaeological property.

Application of a Preservation Covenant that places restrictions on the sale or lease of a property.

Definitions of Terms

Acquisition - The act or process of acquiring fee title or interest other than fee title of real property, including acquisition of development rights or a remainder interest.

Act - The State Historic Preservation Act

Archaeological Resources - Ruins and material remains from past human activities or cultures from the Paleo-Indian, Archaic, Prehistoric or Historic periods.

Arizona Register of Historic Places - The Arizona Register of Historic Places is a list of Arizona's historic properties worthy of preservation and serves as an official record of Arizona's historic districts, sites, buildings, structures, and objects of national, state and/or local significance in the fields of history, archaeology, architecture, engineering and culture. The register is for use as a planning tool by federal, state and local governments, private groups, and citizens.

Chief Administrator - The head or designee of any Arizona state agency, responsible for compliance with the Arizona Historic Preservation Act.

Comprehensive Historic Preservation Planning - The organization of preservation information into a logical sequence pertaining to the identification, evaluation, registration and treatment of historic properties, and the setting of priorities for accomplishing preservation activities.

Criteria of Eligibility for the Arizona Register of Historic Places – Established by Rule and appearing in the Administrative Code R12-8-206 as follows:

“The quality of significance in Arizona history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

1. That are associated with events that have made a significant contribution to the broad patterns of our history (Criterion A); or
2. That are associated with the lives of significant persons in our past (Criterion B); or
3. That embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction (Criterion C); or
4. That yields, or may be likely to yield, important information related to prehistory or history (Criterion D).
5. Generally properties must be 50 years or older to be considered eligible for the Arizona Register of Historic Places. Properties that are less than 50 years old may be considered eligible under circumstances where they are an integral part of a district which is 50 years or older and meets eligibility criteria or the property has exceptional importance.”

The criteria of eligibility for the Arizona Register of Historic Places are the same as the criteria of eligibility for the National Register of Historic Places.

For more detailed explanation of the criteria refer to the National Register Bulletin, *How to Apply the National Register Criteria for Evaluation*, published in 1990 revised in 1991, incorporated herein by reference and on file with the Office of the Secretary of State and the Arizona State Parks Board.

Cultural Resources – Structures, properties, and objects from the past that constitute both our national and local heritage, including historic buildings and prehistoric and historic archaeological remains.

Historic Context - A unit created for planning purposes that groups information about historic properties based on a shared theme, specific time period, and geographic area.

Historic Property (also Historic Resource) - District, site, building, structure, or object significant in Arizona's history, architecture, engineering, archaeology, or culture at the national, state, or local level that are listed on or eligible for the Arizona Register of Historic Places, as defined in Arizona Administrative Code R12-8-206 or the National Register of Historic Places, established and maintained under the National Historic Preservation Act, as amended (16 U.S.C.A.470 et seq.).

Integrity - The authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic or prehistoric period of significance. Integrity is the ability of the property to convey its significance.

Intensive Survey - A systematic, detailed pedestrian examination of an area designed to identify all potentially eligible historic properties and to gather sufficient data about these properties to make a determination of eligibility for the Arizona Register of Historic Places or the National Register of Historic Places.

Inventory - The documentation of historic properties and the maintenance of that documentation in a database.

Maintenance - 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 vegetation of the site. It may include stabilization work, where necessary, as well as ongoing maintenance of the historic building material.

Management Inventory - An organized compilation of information on properties that have been evaluated for eligibility to the Arizona and National Registers of Historic Places.

Plan(s) of a State Agency/Agency Plan(s) - Any detailed program, activity or undertaking that is worked out beforehand for the accomplishment of an objective that involves a state agency and has the potential to impact or alter a property that may be eligible for the Arizona/National Registers of Historic Places.

Preservation - The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic property. Preservation measures include identification, evaluation, recordation, documentation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, or any combination of the foregoing activities.

Professional Standards - The Secretary of Interior's Standards for Professionals working in the fields of archaeology, architecture, history, and architectural history (originally published in 1977, revised in 1990 as part of the Department of the Interior regulations 36 CFR Part 67, Historic Preservation Certifications). The Secretary of Interior's Standards are applicable for federal projects and are used by the State Historic Preservation Office. The Arizona State Museum's standards for professional archaeologists are utilized in their permitting of archaeologists for state projects.

Reconnaissance Survey - A pedestrian examination of all or part of an area to make generalizations about the types and distributions of properties that may be present and potentially eligible for the Arizona Register of Historic Places.

Register/Arizona Register - Refers to the Arizona Register of Historic Places (see Criteria of Eligibility for the Arizona Register of Historic Places).

Register Eligible/Arizona Register Eligible - Properties that are eligible for listing on the Arizona Register of Historic Places.

Rehabilitation - The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.

Restoration - The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular time by removing later work or replacing missing elements.

Sample Survey - A pedestrian survey of a representative sample of lands within a given area in order to generate or test predictions about the types and distribution of historic properties.

Secretary of Interior's Standards - The Secretary of Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 Federal Register 44716).

Significance (Historic) - The importance of a property to the history, architecture, archaeology, engineering or culture of a community, state, or nation. It is achieved by the following criteria of significance: (a) association with events that have made a significant contribution to the broad patterns of our history; (b) association with the lives of persons significant in our past; (c) embodies the distinctive characteristic of a type, period, or method of construction, or represents the work of a master, or possesses high artist values, or represents a significant and distinguishable entity

whose components may lack individual distinction; and/or (d) have yielded or have the potential to yield important information.

Stabilization - The act or process of applying measures to re-establish weather resistance and the structural stability of unsafe or deteriorated property while maintaining the essential form of the property, as it presently exists.

State Action - Any state planned activity that has the potential to impact properties that are listed or eligible for the Arizona Register of Historic Places.

State Agency – Any board, commission, department, officer or other administrative unit of this state, including the agency head or agency employees or other persons directly or indirectly purporting to act on behalf or under the authority of the agency head, whether created under the constitution or by enactment of the legislature. Agency does not include the legislature, the courts, or the governor. Agency does not include political subdivisions of this state or any of the administrative units of a political subdivision, but it does include any board, commission, department, officer or other administrative unit created or appointed by joint or concerted action of an agency and one or more political subdivisions of this state or any of its units. (A.R.S. § 41-1001)

State Control -Authority or ability of the state to regulate, direct, or have influence over.

State Historic Preservation Officer - The state official designated by the Governor of Arizona to administer the State Historic Preservation program in the state.

Survey - An activity with the purpose of locating, identifying, and evaluating properties that are eligible for the Arizona Register of Historic Places.