The National Register of Historic Places and The Grants-in-Aid Program

By Mark R. Barnes*

ABSTRACT

At the 1975 Annual Plains Archaeological Conference in Lincoln, Nebraska, a slightly modified version of the paper presented below was given at a symposium on Cultural Resources Management. The present paper is offered as an aid to archeologists working with federal agencies and pursuing research involving surveys and excavations.

THE intent of this paper is to acquaint the archeological community with the workings of 2 branches of the National Park Service's Office of Archaeology and Historic Preservation—The National Register of Historic Places and the Grants Division—and how these branches of government may be of service to the field archaeologist. The National Register was established by Congress in 1966 by the passage of the National Historic Preservation Act. Probably the best definition of the National Register and its duties was written by Robert Utley of the Park Service:

> . . . the National Register provides recognition of and a measure of protection for districts, sites, buildings, structures, and objects judged to possess national, state, or local significance in history, architecture, or archeology. The National Register is the nation's official inventory of properties that merit preservation and it is grounded in statutory requirements that discourage adverse treatment of registered properties by any Federal agency or by any state, local or private agency using Federal funds, licenses or permits (Utley 1973:63).

His statement indicates the dual nature of the National Register. First, it is the nation's official inventory of significant cultural resources and secondly, as an inventory of cultural resources established by statutory law, it is the major federal planning tool which a federal agency must use when considering how a federally funded or assisted project will effect the integrity of a property either listed on the National Register or determined eligible for listing on the Register by the Secretary of the Interior.

In order for the National Register to successfully fulfill the task of inventorying the nation's cultural resources, it will understandably require a great deal of help from the archaeological community. The major coordinating body for the completion of this task within the individual states is the State His-

EDITORS NOTE: Since preparation of this article the Grants Division name has been changed to the Technical Preservation Services Division. Also President Ford's signing of Public Law 94-422, on September 28, 1976, authorizes grant expenditure of $100,000,000 for fiscal 1978 and 1979 and $150,000,000 for fiscal 1980 and 1981. In addition while the funding formula for acquisition and development grants remains at 50-50, survey and planning grants are anticipated to be changed to a 70-30 formula.

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toric Preservation Officer and his staff (Table 1). The Historic Preservation Act of 1966 not only provided for the appointment of State Historic Preservation Officers to oversee the task of surveying, inventorying, and nominating archaeological and historical properties to the National Register but also required the establishment of a state staff to contain professionals in the fields of history, architectural history, and archaeology. The staff archaeologist usually performs a variety of tasks, such as, but not limited to, surveying; excavating; reviewing of Environmental Impact Statements (EIS); writing National Register nominations; reviewing proposals for grants-in-aid for surveys, archaeological site acquisition, and excavation of properties listed on the National Register of Historic Places; and reviewing of state A-95 projects (Circular A-95 of the Office of Management and Budget requires review of joint federal-state projects by appropriate state officials including a staff archaeologist of the state historic preservation office who can determine if archaeological properties will be endangered, and, if so, how they can be conserved or mitigated).

In short the State Historic Preservation Officers are responsible for surveying and protecting cultural resources within their state. To facilitate this task Congress provided for the apportionment of money to the 56 State Historic Preservation Officers (50 states, District of Columbia, Puerto Rico, Virgin, Guam, American Samoa, and the Trust Territories of the Pacific Islands), on a matching 50-50 basis, to undertake surveys of their states to find cultural resources and initiate preservation projects to enhance those resources identified in surveys and nominated to the National Register.

The nomination process varies slightly from state to state depending on the expertise of the state staff and the coordination developed between themselves and the state archaeological community. Some staffs are actively surveying their entire state for archaeological sites and nominating them to the Register, while others, because of the current status of their program, rely on the professionals within the state to submit nominations. Other states find it convenient to contract with the professionals to carry out the surveys. It should, however, be noted that anyone can initiate a nomination by requesting the necessary forms and instructions from their State Historic Pres-

Table 1
State Historic Preservation Officers for the Middle Atlantic States

Delaware
Director
Division of Historical and Cultural Affairs
Hall of Records
Dover, Delaware 19901

District of Columbia
Director
Office of Housing and Community Development
14th and E Streets, NW
Washington, D.C. 20004

Maryland
State Historic Preservation Officer
John Shaw House
21 State Circle
Annapolis, Maryland 21401

New Jersey
Commissioner
Department of Environmental Protection
P.O. Box 1420
Trenton, New Jersey 08625

New York
Commissioner
Parks and Recreation
Agency Building I
Empire State Plaza
Albany, New York 12238

North Carolina
Director
Division of Archives and History
Department of Cultural Resources
109 East Jones Street
Raleigh, North Carolina 27611

Pennsylvania
Executive Director
Pennsylvania Historical and Museum Commission
P.O. Box 1026
Harrisburg, Pennsylvania 17120

Virginia
Executive Director
Virginia Historic Landmark Commission
221 Governor Street
Richmond, Virginia 23219

West Virginia
State Historic Preservation Officer
P.O. Box 937
Morgantown, West Virginia 26505

ervation Officer. The completed forms are then submitted to the state staff for review of clerical errors and completeness and then are presented to a State Advisory Board for review. If passed they are submitted to the National Register in Washington for a final review, and, if accepted, are placed on the National Register.

This is a different process, with a slightly different intent, than the Determination of Eligibility process. The Determination of Eligibility process occurs when federally funded or assisted projects for their Environmental Impact Statements must have surveys conducted (required under the 1969 National Environmental Policy Act and the Executive Order 11593 or 1971) at the project areas with the aim of ascertaining properties eligible for inclusion on the National Register. Requests for Determinations of Eligibility are submitted by federal agencies, after consultation with the State Historic Preservation Officer and his staff on a property's eligibility, to the Department of the Interior. If the Department of the Interior determines the property or properties found in these surveys eligible for the National Register, the agency involved then must consult with the Advisory Council on Historic Preservation on the best methods for the conservation or recovery of the identified resources.

Briefly then, nominations of sites and the Determination of Eligibility process is the Federal Legislative means for the identification, conservation, or after consultation with the Advisory Council, scientific recovery of information on archaeological sites within an area which may be endangered by federally funded or assisted projects. The question is then, what is the criteria for saying that a site is of National Register significance and quality? The criteria, as stated in the Register program, is that "sites which have yielded or may be likely to yield information important in prehistory or history" are eligible for inclusion. It is a broad criteria, and, as Utley said, it applies to sites of national, state, and local significance.

The National Register and federal agencies are relying on the archaeological community to apply this criteria to decide what sites found in surveys are eligible for listing on the National Register. Of course sites which are not listed on the Register or determined eligible for the National Register receive no protection or federal funding for mitigation from federally funded or assisted projects.

Because of Federal environmental legislation, federal agencies must know which sites in their project areas are on the Register, which have been determined eligible for the Register, and to what extent their project areas have even been surveyed. These agencies, in preparing their Environmental Impact Statements, contact the State Historic Preservation Officers to find out what sites are already listed on the Register and the status of state surveys in their project areas. In many states State Historic Preservation Officers are attempting to integrate previous surveys to establish a basis for providing agencies with information they need or indicating to them that because of the lack of knowledge about a particular area the agency needs to initiate a survey.

As of this moment there are no completed comprehensive state surveys. What surveys have been done were largely project oriented, to find sites in the advance of federal projects. These federally funded surveys, which are part of an agency's Environmental Impact Statement are important. To fulfill the need for state resource inventories, many states are preparing master plans of how they plan to complete their comprehensive surveys.

The funding for the development of these master plans and the funding to do surveys of areas not effected by federal projects is being carried out by State Historic Preservation Officers with matching grants-in-aid from the Grants Division of the Office of Archeology and Historic Preservation. Those states with a good working relationship between the State Historic Preservation Officer and the archeological community have initiated long-range programs for comprehensive state surveys, computerization of known sites into a data bank, and coordinated completion of National Register forms. With this knowledge in hand not only can the archeologist further his own

research, but he can provide federal agencies with the information they need in the planning phases of projects.

The other type of funding the Grants Division provides on a 50-80 matching basis is known as Acquisition and Development Funds. The Grants Division, in conjunction with State Historic Preservation Officers, has provided the matching funds for the acquisition of major archeological sites for preservation and eventual interpretation for public enjoyment and education. Under this program the Grants Division also provides matching funds for the excavation of sites, analysis of material recovered, and the writing of final excavation reports. Acquisition and Development Funds are, however, restricted to those sites listed on the National Register through the regular nomination process and not to sites which have been determined eligible for the Register in conjunction with federal projects. All of these funds come from the State Historic Preservation Officer, and therefore all archaeologists should become acquainted with these people and work closely with them. The goals of the archaeologist and the State Historic Preservation Officers are the same—the inventorying and identification of significant cultural properties and the conservation or adequate recovery of scientific data from these properties if conservation is not possible.

REFERENCE

Utley, Robert M.
1973 Archeology and the National Register. *Historical Archaeology* 7:63-67.