Advisory
Council On
Historic
Preservation

1522 K Street NW.
Washington D.C.
20005

MEMORANDUM OF AGREEMENT

WHEREAS, the City of Charleston, South Carolina (City), and the Holywell Corporation (Developer) propose to develop a hotel/conference center complex known as the Charleston Center (Project); and,

WHEREAS, the Department of Housing and Urban Development (HUD) proposes to assist the City in financing the Project with Urban Development Action Grant funds authorized under Section 119 of the Housing and Community Development Act of 1977 (42 U.S.C. Sec. 5318); and,

WHEREAS, the Economic Development Administration (EDA), Department of Commerce, proposes to assist the City in financing the Project through a grant authorized under Title I of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. Sec. 3121); and,

WHEREAS, it has been determined that this undertaking, as proposed, would have an adverse effect upon the Old and Historic Charleston District, included in the National Register of Historic Places; and,

WHEREAS, pursuant to Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. Sec. 470f, as amended, 90 Stat. 1320) of Executive Order 11593, "Protection and Enhancement of the Cultural Environment," (16 U.S.C. Sec. 470) and Section 800.4 of the regulations of the Advisory Council on Historic Preservation (Council), "Protection of Historic and Cultural Properties" (36 CFR Part 800), the comments of the Council have been requested; and,

WHEREAS, the City, HUD, and EDA have determined that the City has an immediate need for a major revitalization effort following established broad revitalization goals and have concluded that a hotel/conference center complex built on the site known as the "Belk" site was the most prudent and feasible of all alternatives studied for meeting these goals; and,

WHEREAS, the consulting parties have considered the historic and architectural character of the Historic District and other qualities that contribute to its significance, the effect of the project on the Historic District, and the impact on commercial activities and long-term economic vitality of the Historic District; and,

WHEREAS, the Project has evolved significantly during the consultation process resulting in a satisfactory redesign of the hotel (center structure), conference center, and perimeter building; and,

WHEREAS, the construction contract documents for the project have not been completed in all respects and the parties hereto wish to assure that the Old and Historic Charleston District will be reasonably preserved and protected in the spirit and intent of Federal historic preservation requirements;

NOW, THEREFORE, it is mutually agreed that the undertaking will be implemented in accordance with the following stipulations which will avoid or satisfactorily mitigate adverse effects on the Old and Historic Charleston District, and it is further agreed that the process established in this Agreement retains sufficient control over implementing actions to ensure that final design elements and other features of the Project will not depart from the concepts and requirements incorporated in this Agreement, thereby promoting the protection and enhancement of the Old and Historic Charleston District.

Stipulations

1. Project Concept and Site Plan

   a. The Project will be developed in substantial accordance with the attached Project Description (Attachment 1) and will include but not be limited to the following measures to minimize adverse effect.

      (I) The center structure, as described in the Project Description, shall be set back and located in the interior of the site and surrounded by low-rise structures that provide a visual screen of the central building from a street level prespective.

(2) The parking garage, as described in the Project Description, shall be located in the interior of the site and screened visually by the peripheral buildings.

(3) Throughout the existence of the Charleston Center, the City and the Developer will ensure that coterminous and noninterrupted peripheral buildings will be maintained in good condition and will surround the center structure and related development, as described in the Project Description.

(4) The City and the Developer will ensure that, in the event any of the said peripheral buildings owned or controlled by either or both of them are damaged beyond reasonable repair from any cause whatsoever, the same shall be replaced by them with low-rise structures compatible in scale, height, and design with the structure or structures replaced and consistant with the project description.

(5) The City will ensure that, except for primary electrical feeders on Hasell Street, all utility lines currently on or immediately adjacent to the site will be relocated underground by the South Carolina Electric and Gas Company.

(6) Approximately the first 40 feet of each floor of the nine structures located at 209, 211, 215, 217, 223, 225, 227, 229, and 231 Meeting Street will be rehabilitated for office, commercial, or residential use. Subject to the approval of the owners of said structures, the City will, at its expense, rehabilitate the facades of these structures. In addition, the City will seek to make available to the owners of these structures as well as 219-221 Meeting Street low interest loans for interior rehabilitation and will provide appropriate technical and professional assistance to the owners for such rehabilitation and redevelopment.

(7) The facades presently located at 244 and 246 King Street will be donated to the City by the Developer for use in the Project area. Subject to approval of the owners of 219-221 Meeting Street, the facades shall be relocated at City expense to provide infill construction at 219-221 Meeting Street.

b. If the stipulations herein cannot be met, the City and the Developer shall request the Council's comments in accordance with the Council's regulations. In the event that the City, the Developer, the South Carolina State Historic Preservation Officer (SHPO), and the Council fail to agree on an acceptable course of action, EDA and HUD each reserve the right to respectively terminate any grant made to the City.

2. Project Design

a. Design for all new construction, to include the central building, parking structure, and peripheral buildings, shall be based on the Project Description (Attachment 1).

In addition to required local review by the Board of Architectural Review, the City and the Developer will provide for an ongoing review by the SHPO and the Council of the project design plans and specifications, including landscaping, at completion of design development stage and at 50 percent completion of the construction contract documents stage as defined in the General Terms and Conditions of the American Institute of Architecture Standard Form of Contract. Within 15 calendar days of receipt of said plans and specifications, the Council and the SHPO will conduct their review to assure that the terms of this Agreement are being carried out and provide comments to the City and the Developer for consideration in the continued development of final plans and specifications. Copies of these comments will be provided to all signatories. The City and Developer will provide a schedule for the completion of each phase of the design plans in order that necessary arrangements for a timely review can be scheduled in advance. These plans and specifications, as well as comments from the Council and the SHPO, will be available promptly after issue for public inspection at the office of the City, the SHPO, and the Council.

b. Upon completion by the City and the Developer of the construction contract documents of exterior visible elements, site development and landscaping, these documents will be provided to the SHPO and the Council for review. Within 15 calendar days of receipt of the plans, the Council and the SHPO will conduct their reviews and provide comments to the City and the Developer. If, after review of these documents, either the SHPO or the Council object to any elements of the final design, the City shall then request the Council's comments in accordance with the Council's regulations. In the event that the objections are not resolved to the satisfaction of the Council, EDA and HUD each reserve the right to respectively terminate any grant made to the City.

c. The rehabilitation of those portions of Meeting Street buildings to be preserved, and rehabilitation of those buildings and facades to be relocated (i.e. the Dumas Building and 244 and 246 King Street) shall be undertaken by the City in accordance with the Secretary of the Interior's Standards for Rehabilitation (Attachment 2). Application of these standards shall be done in consultation with the SHPO and the Council. If rehabilitation of any structure cannot be carried out in accordance with the Standards, the plans for the structure shall be submitted, in the design development stage, to the SHPO and Council for review and approval. No rehabilitation shall be undertaken without the written approval of the SHPO and the Council.

After acquistion but prior to rehabilitation of the Dumas Building and those portions of Meeting Street buildings to be preserved, these structures will be sealed by the City to prevent access to vandals and damage from weather. Any portions of these structures that exhibit damage or deterioration will be stabilized by the City to arrest such damage or deterioration in a manner that is acceptable to the SHPO.

3. Archeological Resources

a. The following measures will be completed, in accordance with procedures approved by the SHPO, prior to any construction taking place on the project site which may affect archeological sites. An archeological survey of the Project site, to include testing of suspected sites identified during the previously conducted archeological reconnaissance, shall be conducted by the City in accordance with 36 CFR Part 66, Appendix B, "Guidelines for the Location, and Identification of Historic Properties Containing Scientific, Prehistoric, Historical or Archeological Data" and Appendix C, "Professional Qualifications" (Attachment 3). The supervisory archeologist retained by the City shall review plans for demolition and ground clearance prior to any such activities being initiated so that areas can be identified where demolition should be controlled and subsurface ground disturbance reduced to a minimum. The demolition plans shall be adjusted by the City and the Developer to conform to the recommendations of the archeologist to allow completion of an adequate survey.

b. Following completion of the archeological survey, the City, in consultation with the SHPO and the Council, will develop and implement a data recovery program in accordance with the Council's "Guidelines for Making 'Adverse Effect' and 'No Adverse Effect' Determination for Archeological Resources in Accordance with 36 CFR Part 800 (Attachment 4).

c. The repository for adequately curating all recovered material will be determined as part of the data recovery program.

4. Relocation of Historic Properties

a. Prior to the relocation of the Dumas Building and the facades at 244 and 246 King Street, the City will consult with the Technical Preservation Service Division (Heritage Conservation and Recreation Service, Department of the Interior, Washington, D.C. 20243) regarding proper techniques

for relocating historic structures. Further architectural and structural analysis of the Dumas Building and 244 and 246 King Street facades will be undertaken by the City to determine the presence of any structural limitation and to determine the manner in which relocation should be accomplished.

b. Prior to moving the 244 and 246 King Street facades and the Dumas Building, the City will develop a plan for recording, disassembly, moving and reassembly of the facades and the building which will be based on the architectural and structural analysis undertaken and advice received from the Technical Preservation Services Division. This plan shall be developed in consultation with the SHPO and submitted to the SHPO and the Council for review and approval prior to commencing work.

c. Within 60 days after relocation of the Dumas Building and the 244 and 246 King Street facades is completed, the City will notify the SHPO and the Keeper of the National Register of that fact with full particulars so that the National Register records may be amended.

5. Documentation of Historic Properties

Prior to construction, the City shall initiate recording of both the interior and exterior of all buildings to be demolished, partially demolished, or relocated which, after consultation with the SHPO, are determined to contribute to the Historic District. This will be done in order that there will be a permanent record of the structures prior to alteration. The City shall contact the Historic American Buildings Survey (HABS) (Heritage Conservation and Recreation Service, Department of the Interior, Washington, D.C. 20243) which will determine the level of documentation required. Documentation must be accepted by HABS prior to the initiation of demolition, partial demolition, or relocation of the building being recorded.

6. Structural Integrity of Historic Properties and Artifacts

a. Reasonable precautions shall be taken by the City and the Developer during demolition and construction to avoid damage to St. Mary's Catholic Church,

87½ Hasell Street, 233 and 235 Meeting Street, and the front 40 feet of each of the nine buildings on Meeting Street to be preserved. Procedures for the protection of these buildings during demolition and construction shall be developed by the City in consultation with the SHPO. Inspections of the interior and exterior of the buildings shall be performed by the City prior to the initiation of demolition as well as periodic inspections at appropriate intervals throughout demolition and construction. If any of these inspections indicates that work underway may be adversely affecting the buildings, work will be suspended and the protection procedures will be adjusted as necessary in consultation with the SHPO.

b. Prior to any demolition, the City, in consultation with the SHPO, shall inventory all architecturally significant details or artifacts contained within any buildings to be fully or partially demolished. Where possible those architectural details determined by the City, in consultation with the SHPO, to be significant will be reused in buildings to be constructed or rehabilitated. The City will offer the SHPO or his designee the opportunity to recover any architectural details or artifacts that cannot be reused on site. Such details or artifacts shall be recovered by the City for deposit with the State of South Carolina or a State or local historic preservation organization designated by the SHPO.

/. Management Considerations for Minimizing Adverse Effects on the Old and Historic Charleston District

Since it is anticipated that the Charleston Center will generate increased vehicular and pedestrian traffic and will affect economic and development opportunities within the Historic District, the City will ensure, to the fullest extent possible, that the following activities are undertaken.

a. The City will implement recommendations formulated in the "Tourism Impact and Management Study, Charleston, South Carolina" dated February 1978, a copy of which is on file with the City. Implementation, pending legislative approval, will

proceed concurrently with design development of the Charleston Center. Priority will be given to those recommendations that address the following:

(1) Continuation of the City's efforts to develop a comprehensive visitor information center on Meeting Street across from the new museum to orient visitors to Charleston and to encourage the maximum pedestrian movement in the Old and Historic Charleston District.

(2) Promotion of pedestrian and bicycle circulation in the Old and Historic Charleston District including development of free self-guided walking tours.

(3) Institution of parking regulations in the Old and Historic Charleston District designed to alleviate congestion including a residential parking permit program.

(4) Institution of a demonstration shuttle service in the Old and Historic Charleston District.

(5) Improvements to traffic circulation that will reduce congestion in the Old and Historic Charleston District.

(6) Development of the Cooper River water front for public park purposes and as a facility for managing marine and land transportation activities.

F. Concurrently with development and construction of the project, the City will initiate a continuing development plan for City-controlled properties within the project site and for the designated area surrounding the project site (Attachment 5). This plan shall be consistent with the Charleston Commercial Revitalization Program but shall concentrate on individual buildings, site use, and public improvements within the designated area.

The plan shall include, but not be limited to the following.

(1) An inventory of all structures which will include existing functional use, exterior condition, and historic/ architectural significance;

(2) Methods of use of protective easements or restrictive deed covenants to control development at specific sites and/or to conserve significant historic structures;

(3) A program of economic incentives to stimulate rehabilitation and to conserve continued mixed use and diverse retail marketing;

(4) Implementation of the facade rehabilitation program for King Street;

(5) Incentives and appropriate management practices to assure the continued operation of those retailers in the Public Market which provide services and products consistent with the historical traditions of the Market; and,

(6) General reuse studies and marketing approaches for significant properties that are endangered by existing uses or are underutilized, e.g. the Riviera Theater.

This plan will be developed in consultation with the SHPO and the Council.

8. Amendments to this Agreement shall be considered in accordance with Section 800.6(c)(4) of the Council's regulations.

9. Failure of a signatory to carry out its obligations under this Agreement requires that the Council be afforded an opportunity to comment in accordance with 36 CFR Part 800. If the City, the Developer, HUD, or EDA cannot carry out its obligations under this Agreement, it shall not take or sanction any action or make an irreversible commitment that would result in an adverse effect with respect to the Old and Historic Charleston District covered by this Agreement or that would foreclose the Council's consideration of modifications or alternatives to the Project that could avoid or mitigate any adverse effect thereon.

10. In the event the City or the Developer, or both, shall, in the sole opinion of either EDA or HUD, fail to substantially carry out any of its obligations under this Agreement, EDA and HUD each reserves its rights to terminate its grant and to take any and all other actions it may deem appropriate to protect its interests.

11. This Agreement shall be binding upon all the parties hereto, and their respective successors and assigns. There are no unwritten agreements or conditions other than those contained herein and no changes, deletions, or additions hereto shall be of any effect unless incorporated herein by amendment duly executed in accordance with 36 CFR Part 800.

12. Within 90 days after carrying out the terms of this Agreement, the City shall provide a written report to all signatories to this Agreement on the actions taken to fulfill the terms of this Agreement.

Robert Barbey June 6, 1979
Executive Director
Advisory Council on Historic Preservation

James R. Riley (date) June 7, 1979
City of Charleston

Robert Embry (date) June 18, 1979
Department of Housing and Urban Development

Hugh Williams (date) June 18, 1979
Economic Development Administration

Charles E. Lee (date) June 7, 1979
South Carolina State Historic
Preservation Officer

Holywell Corporation:

Attest:

James A. Reed (date)
Asst Secretary

By Charles B. Reed (date) June 18, 1979
President

(date)
Vice Chairman
Advisory Council on Historic Preservation

CHARLESTON CENTER

Project Description

May 31, 1979

Charleston Center is a development in the Central Business District of Charleston, composed of a 431-room hotel, an 850-person conference center, and 78,140 square feet of commercial retail space with an attached 530-car parking garage surrounded by new low-rise construction and rehabilitated perimeter buildings.

The project, bounded by Hasell, King, Market, and Meeting streets, is designed to provide much-needed economic revitalization to downtown Charleston and especially to King Street, the prime retailing center of the City, while at the same time creating a scale, texture, and mass sympathetic to the historic flavor of the downtown Charleston historic district.

Charleston Center will provide new permanent jobs for city residents, a great proportion of which will be available to residents of low and moderate incomes, a new short-term construction employment, and a substantial increase in city tax revenues.

The project is separated into several components including: (1) parking garage and rehabilitation of Meeting Street structures, (2) public right-of-way improvements, (3) hotel/retail space, and (4) conference center. A description of these components follows:

1. Parking garage and rehabilitation of Meeting Street structures.

   The City will construct a 530-space parking garage in the center of the block north of the property known as the "Belk" property. The garage will be screened from Meeting Street by the existing structures numbered 209 to 231. The front 40 feet of these structures will be protected during construction and later rehabilitated.

   Ingress to the parking garage from Meeting Street will be through the property at 207 Meeting Street. A second and third floor will be constructed above this driveway as shown on the site plan. The structures at 233 and 235 Meeting Street and the buildings east and west of the Hasell Street ingress, as shown on

the attached site plan, will not be directly affected by the project but will serve to further screen the facility from the street. The existing facades of 209 to 217 and 221 to 231 Meeting Street will be rehabilitated at City expense subject to the approval of the property owners. In addition the facades presently located at 244-246 King Street will be relocated to 219-221 Meeting Street and affixed to new structures to be erected to a height of three stories at those addresses, again subject to the approval of the owner of 219-221 Meeting Street. In addition the City will seek to make available to the owners of 209-231 Meeting Street low interest loans for interior rehabilitation.

Landscaping in the courtyard to the rear of St. Mary's Catholic Church will further screen the facility from Hasell Street.

2. Public Improvements.

The City will make the following improvements on Meeting, Hasell, King, and Market streets surrounding the Charleston Center as well as in the area south of Market Street:

a. Resurface Market Street from Meeting Street to 100 feet west of King Street, Meeting Street from Hasell Street to Market Street, Hasell Street from King Street to Meeting Street, and King Street from Hasell Street to Market Street.

b. Remove curb parking on Meeting Street from mid-block north of Hasell Street to mid-block of south of Market Street to provide proper roadway capacities, and on Hasell Street between King and Meeting Streets to permit access to the parking garage and to allow service vehicles to maneuver.

c. Reconstruct Market Street between King and Meeting Streets to provide a 40-foot cross-section with two lanes eastbound, one lane westbound, and a westbound turn lane beginning at the middle of that block at the entrance and exit of the Charleston Center.

d. Acquire all properties along the south side of Market Street between King and Meeting Streets and relocate the Dumas Building from 220 King Street to the new southwest corner of Meeting and Market Streets.

e. Modify the traffic signal systems at the intersections of Market and Meeting Streets and Market and King Street, so as to minimize congestion by integrating the traffic flow in the Charleston Center area with traffic flows citywide.

f. Install a traffic signal at the intersection of Meeting and Hasell Streets.

g. Install new underground electrical, telephone, and natural gas utility lines.

h. Construct a surface parking lot to the south of Market Street. The City will acquire all of the properties along the south side of Market Street between King and Meeting Streets. These parcels will be included as part of a 180-car parking lot stretching south from Market Street to Horlbeck Alley. The parking lot will be screened from the street by a brick wall and street trees planted along the south side of Market Street. The land will be used for surface parking until such time as there is sufficient development interest to warrant the City's subdivision of the Market Street frontage for re-sale. The City may re-sell to the highest bidder only that property south of the new Market Street right-of-way that it has been able to acquire by direct purchase (i.e., not by condemnation). The remainder of any parcels acquired through condemnation that are not used for public or street rights-of-way (i.e., public purpose) must first be offered for sale to their original owners. At such time as the subdivided property is sold, it will contain deed restrictions controlling the design and placement of any new buildings in order to ensure design compatibility with Charleston Center and adjacent development.

3. Hotel/retail space.

On the "Belk" portion of the project site the Holywell Corporation will build a 431-room hotel and 71,740 square feet of retail space. The Belk site is presently vacant, except for a one-story concrete block liquor store, which will be demolished.

The hotel center structure is divided into three elements. The east and west portions of the building are 104 feet high while the center is raised to 120 feet and moved forward 8 feet toward Market Street to improve its massing and scale. This configuration lessens the impact on the Charleston skyline. An extensive study, using models, photographs, and sketches, has shown that the preimeter buildings, containing hotel and retail space, effectively screen the hotel tower. Thus the pedestrian scale of Charleston will be retained and reinforced and a presently vacant site will be appropriately filled.

The basic design premise of a taller hotel set back into the site and surrounded by four-story buildings on the perimeter of the site has been adhered to. The tightness of the surrounding commercial fabric has been continued with openings, in the Charleston manner, kept to a minimum for pedestrian access to the interior court yards. All vehicular and hotel-related pedestrian activities are to be accommodated within the site in a paved and landscaped courtyard.

The predominant building material will be a warm earth-tone brick made of South Carolina clays. This same brick is used extensively throughout the city and is successful in tying the many architectural and landscape elements together at the College of Charleston. Some perimeter buildings in Charleston Center will incorporate a painted brick to help delineate different elements and establish a rhythm consistent with the neighboring commercial structures. The mortar used will coordinate with the color of the brick, but will be lighter to allow some contrast. Special emphasis is being given to the design and quality of the brick detailing, which will produce textures and rhythms without change of materials and

add to the richness of surface by allowing a slight variation in the depth of areas around arches, windows, and architrave.

The fenestration provides another element in establishing rhythm and texture of building surfaces. The hotel will have a mansard roof form, containing the top level of guest rooms, mechanical equipment, and restaurant. The material is scheduled to be a standing rib dark-weathered metal and is consistent with the roof material used on the hip-roofs of the perimeter buildings, which have been designed to visually screen the bulk of the roof-top equipment and grills. Any ornamentation on the building, including iron railings and grill work, will be of a dark color, contrasting with and adding texture to the masonry unit.

4. Conference Center.

The conference center has a banquet seating capacity of 850 people and 6,400 square feet of retail space. The building has access from King Street to an interior court yard, separating the department store/hotel from the conference center. The developer will acquire the King Street properties needed for construction of the conference center and will relocate two occupants of this area to land acquired by the developer at other locations. One King Street occupant will be relocated within the King Street commercial area and the other outside the City. The rear elevations of the garage and the conference facility will be simplified to act as a foil and a backdrop for landscaping designed to soften their impact and enhance the setting of St. Mary's Church and its cemetery. The facade of the conference center on King Street is a design relating to the height, scale, and texture of the surrounding King Street commercial structures. The first floor of the conference center on King Street will have 6,400 square feet of commercial space that will use display window treatments similar to the historic commercial structures adjacent to the conference center.

5. Project Responsibility.

Responsibility for the major activities to be undertaken as part of the Charleston Center project are as follows:

a. Property and leasehold acquisition, relocation of Meeting Street businesses, and demolition of portions of selected structures to provide sites for the parking garage and the widening of Market Street between Meeting and King Streets are the responsibility of the City of Charleston.

Construction and operation of 530-space parking garage is also the responsibility of the City of Charleston. Funds from an EDA grant of $3 million and city bonds will be used.

Archeological, environmental, and historical review is the responsibility of the City of Charleston, as is rehabilitation of Meeting Street facades, stub-in of utilities for subsequent private rehabilitation, and relocation of the Dumas building. Funds from an EDA grant and city bonds will be used.

Property acquisition, relocation of affected businesses, demolition of structures, and construction of the hotel, department store, commercial space, restaurant and bar, and conference center is the responsibility of the developer. The City will lend to the developer, through the Charleston Local Development Corporation, $4.15 Million in Urban Development Action grant funds obtained from the Department of Housing and Urban Development.

Construction of a surface parking lot south of Market Street on leased land will be the responsibility of the City of Charleston.

Project administration is the responsibility of the City of Charleston.

Construction of new street surfaces, pedestrian streetscapes, and new and adjusted signalization, and replacement of obsolete and deteriorated utilities (storm/sanitary sewers and water mains), will be the responsibility of the City of Charleston.

The underground relocation of electric service on King, Market, and Meeting Streets is the responsibility of the South Carolina Electric and Gas Company but will be coordinated by the City.

THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION

The following "Standards for Rehabilitation" shall be used by the Secretary of the Interior when determining if a rehabilitation project qualifies as "certified rehabilitation" pursuant to the Tax Reform Act of 1976. These standards appear in Section 36 of the Code of Federal Regulations, Part 67.

1. Every reasonable effort shall be made to use a structure for its originally intended purpose or to provide a compatible use which will require minimum alteration to the structure and its environment.

2. Rehabilitation work shall not destroy the distinguishing qualities or character of the structure and its environment. The removal or alteration of any historic material or architectural features should be held to a minimum.

3. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in the composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of original features, substantiated by physical or pictorial evidence rather than on conjectural designs or the availability of different architectural features from other buildings.

4. Distinctive stylistic features or examples of skilled craftsmanship which characterize historic structures and often predate the mass production of building materials shall be treated with sensitivity.

5. Changes which may have taken place in the course of time are evidence of the history and development of the structure and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

6. All structures shall be recognized as products of their own time. Alterations to create an earlier appearance shall be discouraged.

7. Contemporary design for additions to existing structures or landscaping shall not be discouraged if such design is compatible with the size, scale, color, material, and character of the neighborhood, structures, or its environment.

8. Wherever possible, new additions or alterations to structures shall be done in such a manner that if they were to be removed in the future, the essential form and integrity of the original structure would be unimpaired.

GUIDELINES FOR APPLYING THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION

The following guidelines are designed to help individual property owners formulate plans for the rehabilitation, preservation, and continued use of old buildings consistent with the intent of the Secretary of the Interior's "Standards for Rehabilitation." The guidelines pertain to buildings of all occupancy and construction types, sizes, and materials. They apply to permanent and temporary construction on the exterior and interior of historic buildings as well as new attached or adjacent construction, although not all work implied in the Standards and guidelines is required for each rehabilitation project.

Techniques, treatments, and methods consistent with the Secretary's "Standards for Rehabilitation," are listed in the "recommended" column on the left. Those techniques, treatments, and methods which may adversely affect a building's architectural and historic qualities are listed in the "not recommended" column on the right. Every effort will be made to update and expand the guidelines as additional techniques and treatments become known.

Specific information on rehabilitation and preservation technology may be obtained by writing to the Technical Preservation Services Division, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240, or the appropriate State Historic Preservation Officer. Advice should also be sought from qualified professionals, including architects, architectural historians, and planners, skilled in the preservation, restoration, and rehabilitation of old buildings.

THE ENVIRONMENT

Recommended	*Not Recommended*
Retaining distinctive features such as the size, scale, mass, color, and materials of buildings, including roofs, porches, and stairways that give a neighborhood its distinguishing character.	Introducing new construction into neighborhoods which is incompatible with the character of the district because of size, scale, color, and materials.

THE ENVIRONMENT -- continued

Recommended	*Not Recommended*
Retaining landscape features such as parks, gardens, street lights, signs, benches, walkways, streets, alleys and building set-backs which have traditionally linked buildings to their environment.	Destroying the relationship of buildings and their environment by widening existing streets, changing paving material, or by introducing inappropriately located new streets and parking lots incompatible with the character of the neighborhood.
Using new plant materials, fencing, walkways, street lights, signs, and benches which are compatible with the character of the neighborhood in size, scale, material and color.	Introducing signs, street lighting, benches, new plant materials, fencing, walkways and paving materials which are out of scale or inappropriate to the neighborhood.

BUILDING SITE

Recommended	*Not Recommended*
Identifying plants, trees, fencing, walkways, outbuildings, and other elements which might be an important part of the property's history and development.	
Retaining plants, trees, fencing, walkways, street lights, signs, and benches which reflect the property's history and development.	Making changes to the appearance of the site by removing old plants, trees, fencing, walkways, outbuildings, and other elements before evaluating their importance in the property's history and development.
Basing decisions for new site work on actual knowledge of the past appearance of the property found in photographs, drawings, newspapers, and tax records. If changes are made they should be carefully evaluated in light of the past appearance of the site.	Giving the site an appearance it never had.

BUILDING: EXTERIOR FEATURES

Masonry: Adobe, brick, stone, terra cotta, concrete, stucco and mortar

Recommended	*Not Recommended*
Retaining original masonry and mortar, whenever possible, without the application of any surface treatment.	Applying waterproof or water repellent coatings or other treatments unless required to solve a specific technical problem that has been studied and identified. Coatings are frequently unnecessary, expensive, and can accelerate deterioration of the masonry.
Duplicating old mortar in composition, color, and texture.	Repointing with mortar of high Portland cement content can create a bond that is often stronger than the building material. This can cause deterioration as a result of the differing coefficient of expansion and the differing porosity of the material and the mortar.
Duplicating old mortar in joint size, method of application, and joint profile.	Repointing with mortar joints of a differing size or joint profile, texture or color.
Repairing stucco with a stucco mixture duplicating the original as closely as possible in appearance and texture.	
Cleaning masonry only when necessary to halt deterioration and always with the gentlest method possible, such as low pressure water and soft natural bristle brushes.	Sandblasting brick or stone surfaces; this method of cleaning erodes the surface of the material and accelerates deterioration. Using chemical cleaning products which could have an adverse chemical reaction with the masonry materials, i.e., acid on limestone or marble.

BUILDING: EXTERIOR FEATURES -- continued

Masonry: Adobe, brick, stone, terra cotta, concrete, stucco and mortar

Recommended	*Not Recommended*
Repairing or replacing, where necessary, deteriorated material with new material that duplicates the old as closely as possible.	Applying new material which is inappropriate or was unavailable when the building was constructed, such as artificial brick siding, artificial cast stone or brick veneer.
Replacing missing architectural features, such as cornices, brackets, railings, and shutters.	Removing architectural features, such as cornices, brackets, railings, shutters, window architraves, and doorway pediments.
Retaining the original or early color and texture of masonry surfaces, wherever possible. Brick or stone surfaces may have been painted or whitewashed for practical and aesthetic reasons.	Indiscriminate removal of paint from masonry surfaces. This may subject the building to harmful damage and may give it an appearance it never had.

Wood: Clapboard, weatherboard, shingles and other wooden siding

Recommended	*Not Recommended*
Retaining original material, whenever possible.	Removing architectural features such as siding, cornices, brackets, window architraves, and doorway pediments. These are in most cases, an essential part of a building's character and appearance, illustrating the continuity of growth and change.
Repairing or replacing, where necessary, deteriorated material with new material that duplicates in size, shape and texture the old as closely as possible.	Resurfacing frame buildings with new material which is inappropriate or was unavailable when the building was constructed such as artificial stone, brick veneer, asbestos or asphalt shingles, plastic or aluminum siding. Such

BUILDING: EXTERIOR FEATURES -- continued

Wood: Clapboard, weatherboard, shingles and other wooden siding

Recommended	*Not Recommended*
	material also can contribute to the deterioration of the structure from moisture and insect attack.

Architectural Metals: Cast iron, steel, pressed tin, aluminum, zinc

Recommended	*Not Recommended*
Retaining original material, whenever possible.	Removing architectural features that are an essential part of a building's character and appearance, illustrating the continuity of growth and change.
Cleaning when necessary with the appropriate method. Cast iron and steel are normally not affected by mechanical cleaning methods while pressed tin, zinc and aluminum should be cleaned by the most gentle method possible.	Exposing metals which were intended to be protected from the environment. Do not use cleaning methods which alter the color, texture, and tone of the metal.

Roofs and Roofing

Recommended	*Not Recommended*
Preserving the original roof shape.	Changing the original roof shape or adding features inappropriate to the essential character of the roof such as oversized dormer windows or picture windows.
Retaining the original roofing material, whenever possible.	Applying new roofing material that is inappropriate to the style and period of the building and neighborhood.

BUILDING: EXTERIOR FEATURES — continued

Roofs and Roofing

Recommended	*Not Recommended*
Replacing deteriorated roof coverings with new material that matches the old in composition, size, shape, color, and texture.	Replacing deteriorated roof coverings with new materials which differ to such an extent from the old in composition, size, shape, color, and texture that the appearance of the building is altered.
Preserving or replacing, where necessary, all architectural features which give the roof its essential character, such as dormer windows, cupolas, cornices, brackets, chimneys, cresting, and weather vanes.	Stripping the roof of architectural features important to its character.

Windows and Doors

Recommended	*Not Recommended*
Retaining existing window and door openings including window sash, glass, lintels, sills, architraves, shutters, and doors, pediments, hoods, architraves, steps, and all hardware.	Introducing new window and door openings into the principal elevations, or enlarging or reducing window or door openings to fit new stock window sash or new stock door sizes.
	Altering the size of window panes or sash. Such changes destroy the scale and proportion of the building.
Duplicating the material, design, and the hardware of the older window sash and doors if new sash and doors are used.	Inappropriate new window or door features such as aluminum storm and screen window combinations that require the removal of original windows and doors or the installation of plastic or metal strip awnings or fake shutters that alter the character and appearance of the building.

BUILDING: EXTERIOR FEATURES — continued

Windows and Doors

Recommended	*Not Recommended*
Using original doors and door hardware when they can be repaired and reused in place.	Discarding original doors and door hardware when they can be repaired and reused in place.

Entrances, porches, porte-cocheres, and steps

Recommended	*Not Recommended*
Retaining porches and steps which are appropriate to the building and its development. Porches or additions reflecting later architectural styles are often important to the building's historical integrity and, wherever possible, should be retained.	Removing or altering porches and steps which are appropriate to the building and its development and the style it represents.
Repairing or replacing, where necessary, deteriorated architectural features of wood, iron, cast iron, terra-cotta, tile, and brick.	Stripping porches and steps of original material and architectural features, such as hand rails, balusters, columns, brackets, and roof decoration of wood, iron, cast iron, terra-cotta, tile, and brick. Enclosing porches and steps in a manner that destroys their intended appearance.

Exterior Finishes

Recommended	*Not Recommended*
Discovering original paint colors and finishes; repainting with colors based on the original, when appropriate, to illustrate the distinctive character of the property.	Stripping down to the bare surface without some evidence of original exterior surface.

BUILDING: EXTERIOR FEATURES -- continued

Exterior Finishes

Recommended	*Not Recommended*
	Repainting with colors that cannot be documented through research and investigation to be appropriate to the building and neighborhood.

BUILDING: INTERIOR FEATURES

Recommended	*Not Recommended*
Retaining original material, architectural features, and hardware, whenever possible, such as: stairs, elevators, hand rails, balusters, ornamental columns, cornices, baseboards, doors, doorways, windows, mantle pieces, paneling, lighting fixtures, parquet or mosaic flooring.	Removing original material, architectural features, and hardware, except where essential for safety or efficiency.
Repairing or replacing, where necessary, deteriorated material with new material that duplicates the old as closely as possible.	Installing new decorative material which is inappropriate or was unavailable when the building was constructed, such as vinyl plastic or imitation wood wall and floor coverings, except in utility areas such as kitchens and bathrooms.
Retaining original plaster, whenever possible.	Destroying original plaster except where necessary for safety and efficiency.
Discovering and retaining original paint colors, wallpapers and other decorative motifs or, where necessary, replacing them with colors, wallpapers or decorative motifs based on the original.	

PLAN

Recommended	*Not Recommended*
Retaining the basic plan of a building, the relationship and size of rooms, corridors, and other spaces.	Altering the basic plan of a building by demolishing principal walls, partitions, and stairways.

NEW CONSTRUCTION

Recommended	*Not Recommended*
Keeping new additions and adjacent new construction to a minimum, making them compatible in scale, building materials, and texture.	Making unnecessary new additions.
Designing new work to be compatible in materials, size, scale, color, and texture with the earlier building and the neighborhood.	Designing new work which is incompatible with the earlier building and the neighborhood in materials, size, scale, and texture.
Using contemporary designs compatible with the character and mood of the building or the neighborhood.	Imitating an earlier style or period of architecture in new additions, except in rare cases where a contemporary design would detract from the architectural unity of an ensembe or group. Especially avoid imitating an earlier style of architecture in new additions that have a completely contemporary function such as a drive-in bank or garage.
Increasing building height only when absolutely necessary. Maintaining the scale, openings, and texture of existing building.	Adding new height to the building which changes the scale and character of the building. Additions in height should not be visible when viewing the principal facade.
	Adding new floors which destroy important architectural details and features of the building.

NEW CONSTRUCTION

Recommended	*Not Recommended*
Protecting architectural details and features contributing to the character of the building.	
Placing television antennae and mechanical equipment, such as air conditioners, in an inconspicuous location.	Placing television antennae and mechanical equipment, such as air conditioners, where they can be seen from the street.

MECHANICAL SERVICES: HEATING, AIR CONDITIONING, ELECTRICAL, PLUMBING, FIRE PROTECTION

Recommended	*Not Recommended*
Installing necessary building services in areas and spaces that will require the least possible alteration to the plan, materials, and appearance of the building.	Causing unnecessary damage to the plan, materials, and appearance of the building when installing mechanical services.
Installing the vertical runs of ducts, pipes, and cables in closets, service rooms, and wall cavities.	Installing vertical runs of ducts, pipes, and cables in places where they will be a visual intrusion.
	Cutting holes in important architectural features, such as cornices, decorative ceilings, and paneling.
Selecting mechanical systems that best suit the building.	Installing "dropped" acoustical ceilings to hide mechanical systems. This destroys the proportions and character of the rooms.
Rewiring early lighting fixtures.	
Having exterior electrical and telephone cables installed underground.	Having exterior electrical and telephone cables attached to the principal elevations of the building.

SAFETY AND CODE REQUIREMENTS

Recommended	*Not Recommended*
Complying with code requirements in such a manner that the essential character of a building is preserved intact.	
Investigating variances for historic properties afforded under some local codes.	
Installing adequate fire prevention equipment in a manner which does minimal damage to the appearance or fabric of a property.	
Providing access for the handicapped without damaging the essential character of a property.	
Adding new stairways and elevators which do not alter existing exit facilities or other important architectural features and spaces of the building.	Adding new stairways and elevators which alter existing exit facilities or important architectural features and spaces of the building.

U.S. Department of the Interior
National Park Service
Office of Archeology and Historic Preservation
Washington, D.C. 20240
March 25, 1977

Attachment 3

11. Any other related issues.

Communications must be submitted by March 29, 1977 to the Docket Officer, OSHA, New Department of Labor Bldg., 200 Constitution Avenue, NW., Washington, D.C. 20210. The submissions will be available for public inspection and copying at the above location.

The recommendations of the Standards Advisory Committee on Hazardous Materials Labeling will be available for inspection and copying, upon request, at any of the following addresses:

NATIONAL OFFICE

Department of Labor-OSHA, Room N3620, 200 Constitution Ave., N.W., Washington, D.C. 20210.

REGIONAL OFFICES

REGION I

U.S. Department of Labor, Occupational Safety and Health Administration, JFK Federal Building, Room 1804—Government Center, Boston, Massachusetts 02203.

REGION II

U.S. Department of Labor, Occupational Safety and Health Administration, 1515 Broadway (1 Astor Plaza) Room 3445, New York, New York 10036.

REGION III

U.S. Department of Labor, Occupational Safety and Health Administration, Gateway Building—Suite 2100, 3535 Market Street, Philadelphia, Pennsylvania 19104.

REGION IV

U.S. Department of Labor, Occupational Safety and Health Administration, 1375 Peachtree Street, N.E.—Suite 587, Atlanta, Georgia 30309.

REGION V

U.S. Department of Labor, Occupational Safety and Health Administration, 230 South Dearborn Street, 32nd Floor—Room 3263, Chicago, Illinois 60604.

REGION VI

U.S. Department of Labor, Occupational Safety and Health Administration, 555 Griffin Square Building, Room 602, Dallas, Texas 75202.

REGION VII

U.S. Department of Labor, Occupational Safety and Health Administration, 911 Walnut Street—Room 3000, Kansas City, Missouri 64106.

REGION VIII

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building—Room 15010, 1961 Stout Street, Denver, Colorado 80294.

REGION IX

U.S. Department of Labor, Occupational Safety and Health Administration, 9470 Federal Building, 450 Golden Gate Avenue—Box 36017, San Francisco, California 94102.

REGION X

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Office Building, Room 6048, 909 First Avenue, Seattle, Washington 98174.

This advance notice of proposed rulemaking is issued under sections 6 and 8 of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1599; 29 U.S.C. 655, 657) and Secretary of Labor's Order No. 8-76 (41 FR 25059).

Signed at Washington, D.C., this 19th day of January, 1977.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc. 77-2337 Filed 1-25-77;4:17 pm]

[29 CFR Part 1910]

[Docket No. OSH-11A]

OCCUPATIONAL NOISE EXPOSURE

Availability of Post-Hearing Comments and Additional Information on Economic Impact Analysis; Limited Comment Period

Pursuant to notices published in the FEDERAL REGISTER on June 18, 1976 (41 FR 24716) and August 6, 1976 (41 FR 32912), an informal hearing was convened on September 21, 1976 concerning the economic impact analysis (EIA) of the proposed standard on occupational noise exposure, and related issues as set forth in the notices. The hearing extended through October 8, 1976, at which time Administrative Law Judge Jean Greene who had presided at the hearing, announced that the record would remain open for receipt of post-hearing comments for a period of 60 days.

During the hearing, OSHA received many requests for information which was not contained in the economic impact analysis itself, but which was related to its preparation. OSHA's representative at the hearing noted that all requests for additional material would be taken under advisement by the agency, and that a decision would be forthcoming with regard to such material.

As was discussed at the hearing, it would require substantial additional funding and effort to provide the requested information for the record. Much of the requested information could not be made public by the contractor because it was obtained pursuant to pledges of confidentiality. Moreover OSHA cannot make such information available because OSHA does not have it in its possession or control. With regard to requested data the release of which would not breach any pledges of confidentiality, OSHA has decided to take steps to supply such data for the record, and has contracted with Bolt Beranek and Newman, Inc., (BBN), the contractor for the EIA, to make it available.

In addition, BBN has prepared a post-hearing comment, which discusses certain issues that arose at the hearing, particularly those areas of the EIA which have engendered the most comment. This post-hearing comment is now available for inspection and copying at the following address:

Technical Data Center (Docket No. OSH-11A), Room N-3620, Occupational Safety and Health Administration, U.S. Department of Labor, 3rd Street and Constitution Avenue, NW, Washington, D.C. 20210.

The BBN post-hearing comment includes data requested at the hearing which can be furnished without compromising BBN's pledges of confidentiality.

OSHA recognizes that participants at the hearing may wish to comment on the additional information contained in BBN's post-hearing comment. Therefore, OSHA hereby reopens the comment period for the limited purpose of permitting participants at the hearing to comment upon the BBN post-hearing comment, for a period of 30 days. Comments must be submitted in quadruplicate to the above address, and must be postmarked on or before February 28, 1977.

At the end of this period the presiding Administrative Law Judge will certify the record of the proceeding to the Assistant Secretary of Labor for Occupational Safety and Health. The proposal will be reviewed in light of all oral and written submissions received as part of the record and final action will be taken based on the entire record developed in this proceeding.

(Sec. 6, Pub. L. 91-596, 84 Stat. 1593 (29 U.S.C. 655); 29 CFR Part 1911; Secretary of Labor's Order No. 8-76.)

Signed at Washington, D.C., this 19th day of January 1977.

BERT M. CONCKLIN,
Deputy Assistant Secretary of Labor

[FR Doc.77-2376 Filed 1-19-77;5:06 pm]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 66]

RECOVERY OF SCIENTIFIC, PREHISTORIC, HISTORIC, AND ARCHEOLOGICAL DATA: METHODS, STANDARDS, AND REPORTING REQUIREMENTS

Proposed Guidelines

On August 13, 1975, the Department of the Interior distributed a "Statement of Program Approach" with respect to its responsibilities under Pub. L. 93-291, the Archeological and Historic Preservation Act of May 24, 1974 (88 Stat. 174, 16 U.S.C. Section 469a-1 et seq.; hereinafter, "the Act"). Comments have been received from many Federal agencies, State Historic Preservation Officers, and members of the public. The Department expects to publish proposed rulemaking with respect to this aspect of the Act, for comment, in the near future.

Many of the comments received indicate a need for the Department to provide substantive guidance to agencies that undertake to recover scientific, prehistoric, historic, and archeological data; such guidance is also contemplated by the Act. It is the purpose of this notice of proposed rulemaking to provide this information as a part of the Department's proposed overall rulemaking with respect to the Act. This guidance will facilitate the Department's coordination of activities authorized under the Act, and its reporting to Congress on the scope and effectiveness of the program, as required by section 5(c) of the Act. It will also help guarantee the uniform high quality of reports submitted to the

partment pursuant to the requirements of section 3(a) of the Act.

The Act provides Federal agencies with method of mitigating impacts of their ertakings upon those historic properties that contain scientific, prehistoric, toric, or archeological data. This thod, data recovery, is not the only thod that may be properly applied in der to mitigate project impacts identified through the process prescribed by e National Environmental Policy Act 1969 (Pub. L. 91-190, hereinafter, EPA"). Actions that preserve historic operties in place are usually preferable the preservation of data alone through ta recovery activities, both because ch actions usually extend the useful es of the properties and their data and cause they often are less costly. The ivities authorized by the Act must also understood as applicable only to the itigation of project impacts on the data research value of historic properties, t on those historic or cultural attributes that are not data related. For ample, the Act does not pertain to actions that may be appropriate under EPA or the National Historic Preservation Act of 1966 (Pub. L. 89-665; hereafter, "NHPA") to preserve the historic or cultural meaning or integrity of a operty to a neighborhood, community, group.

In order to ascertain when application the Act to impact mitigation activities y be appropriate and to apply its provisions wisely, it is necessary that the ining steps required by NEPA, NHPA, d Executive Order 11593 be taken before the Act is invoked; the Act is not a bstitute for these planning authorities. is also obvious that before data can be overed under the terms of the Act, districts, sites, buildings, structures, d objects that contain or represent ch data must be carefully located and ntified. Accordingly, Appendix B is ovided setting forth the Department's neral guidelines for the location and ntification of historic properties.

It is the policy of the Department of Interior, whenever practicable, to afd the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may subit written comments, suggestions, or jections regarding these proposed idelines to the Chief, Office of Archeoly and Historic Preservation, National rk Service, U.S. Department of the terior, Washington, D.C. 20240 on or fore March 14, 1977.

Under the terms of the Act, these idelines are a Department of the Interior responsibility. The budget implications of the Act for other Federal agencies have been presented to the Office of anagement and Budget for coordination therewith. It is hereby certified that e economic and inflationary impacts these proposed guidelines have been refully evaluated in accordance with ecutive Order 11821. The impact will minor and preparation of an inflation pact statement is not required.

This rulemaking is developed under the authority, *inter alia*, of section 5(c) of the Archeological and Historic Preservation Act of 1974, 16 U.S.C. § 469a-3 *et seq* (1970 ed.). In consideration of the foregoing, it is proposed to amend Chapter I of Title 36, Code of Federal Regulations, to add a new Part 66 as follows:

PART 66—RECOVERY OF SCIENTIFIC, PREHISTORIC, HISTORIC AND ARCHEOLOGICAL DATA: METHODS, STANDARDS, AND REPORTING REQUIREMENTS

Sec.
66.1 Definitions.
66.2 Data recovery operations.
66.3 Protection of data and materials.
66.4 Provision of reports to the Department.
Appendix A: Format standards for final reports of data recovery.
Appendix B: Guidelines for the location and identification of historic properties containing scientific, prehistoric, historical, or archeological data.
Appendix C: Professional qualifications.
Appendix D: Recommendations for the procurement of location, identification, and data recovery programs.

AUTHORITY: Sections 2(a), 2(c), 2(j), and 2(k) (without regard to the last sentence thereof), 49 Stat. 666 (16 U.S.C. 462(a), (c), (j), (k)); Section 5(c), 88 Stat. 174 (16 U.S.C. 469a-3).

§ 66.1 Definitions.

(1) *Area subject to environmental impact* is that land area, or areas, where land may be disturbed, or buildings or structures altered, or the environment of historic properties changed, in such a way as to affect their historical value.

(2) *Historic properties* are sites, districts, structures, buildings, and objects that may meet the National Register criteria set forth at 36 CFR 60.6, by virtue of their possession of one or more kinds of historical value. One kind of historical value is data or research value, the known or potential capacity of a property to provide information important to the reconstruction, analysis, and understanding of history.

(3) *History* comprises the events, patterns, and processes of the human past, including those that have affected literate societies and those that have affected pre-literate or nonliterate groups, whose history is sometimes referred to as prehistory.

(4) *Significant data*, as used by the Act, are data that can be used to answer research questions, including questions of present importance to scholars and questions that may be posted in the future.

(5) *Archeological data* are data embodied in material remains (artifacts, structures, refuse, etc.) produced purposely or accidentally by human beings, and in the spatial relationships among such remains.

(6) *Historical data* are data useful in the study and understanding of human life during the period since the advent of written records in the area of concern. The date of inception of the historic period varies from area to area within the United States.

(7) *Prehistoric data* are data useful to the study and understanding of human life during the prehistoric period, i.e., at all time periods prior to substantial contact between the native people of the United States and literate societies. The end point of the prehistoric period varies from area to area within the United States.

(8) *Scientific data*, as used by the Act, are data provided by sciences other than archeology, history, and architecture, that are relevant to an understanding of human life during either historic or prehistoric periods. Ethnographic, biological, geological, paleontological, ecological, and geophysical data, among others, are often important to the understanding of the human past.

(9) *Location and identification study* is the study necessary to determine the locations of, and to evaluate, historic properties. At a minimum it requires background research; if existing data are inadequate to permit the location and evaluation of historic properties, it requires field inspection as well (See Appendix B).

(10) *Data recovery* is the systematic removal of the scientific, prehistoric, historic, and/or archeological data that provide an historic property with its research or data value. Data recovery may include preliminary survey of the historic property or properties to be affected for purposes of research planning, the development of specific plans for research activities, excavation, relocation, preparation of notes and records, and other forms of physical removal of data and the material that contains data protection of such data and material, analysis of such data and material, preparation of reports on such data and material, and dissemination of reports and other products of the research. Examples of data recovery include archeological research producing monographs, descriptive, and theoretical articles, study collections of artifacts and other materials; architectural or engineering studies resulting in measured drawings, photogrammetry, or photography; historic or anthropological studies of recent or living human populations relevant to the understanding of historic properties, and relocation of properties whose data value can best be preserved by so doing.

(11) *Material* means actual objects removed from an historic property as a part of a data recovery program, including but not limited to artifacts, byproducts of human activity such as flakes of stone, fragments of bone, and organic waste of various kinds, architectural elements, soil samples, pollen samples, skeletal material, and works of art.

(12) *Principal Investigator* means the contractor or other person directly responsible for a location and identification, or data recovery project.

(13) *Research design* is a plan, usually generated by the principal investigator, outlining the proposed approach to a location, identification, or data recovery project. Minimally, the design should spell out relevant research problems, research methods, and some predicted results of the study. Research designs are

often modified as the course of research yields new findings.

(14) *Research methods* are procedures and techniques used to record, recover, and/or analyze a body of data such that conclusions may be drawn concerning research problems.

(15) *Research problems* are questions in anthropology, sociology, geography, history, architectural history, art history, and other disciplines of the sciences and humanities that can potentially be answered by studying historic properties. Scientific, prehistoric, historic and archeological data are valuable insofar as they are potentially applicable to the investigation of research problems. Research problems are typically posed as questions about human behavior, thought, or history. Potential answers to such questions, and the ways in which such possible answers may be reflected in the data content of specific historic properties are often spelled out in research designs as hypotheses and test implications.

§ 66.2 Data recovery operations.

(a) Data recovery program operations carried out under the authority of the Act should meet at least the following minimum standards:

(1) All operations should be conducted under the supervision of qualified professionals in the disciplines appropriate to the data that are to be recovered. Qualifications commonly required for professionals are set forth in Appendix C;

(2) The program should be conducted in accordance with a professionally adequate research design. This design should reflect:

(i) An understanding by the principal investigator of the data or research value of the property. This value will normally have been defined as a result of a location and identification study as discussed in Appendix B.

(ii) An acquaintance on the part of the principal investigator with previous relevant research, including research in the vicinity of the proposed undertaking and research on topics germane to the data recovery program regardless of where such research has been carried out.

(iii) The development of a definite set of research problems, taking into account the defined research value of the property, other relevant research and general theory in the social and natural sciences and the humanities that may be pertinent to the data to be recovered.

(iv) A responsiveness to the need to recover from the property to be investigated, a usable sample of data on all research problems that reflect the property's research value, or a clear and defensible rationale for collecting data on a smaller range of problems at the expense of others.

(v) Competence on the part of the principal investigator and his or her staff in the methods and techniques necessary to recover the data contained in the property, and an intention to utilize these methods and techniques in the research;

(3) The program should provide for adequate personnel, facilities, and equipment to fully implement the research design;

(4) The program should provide for adequate consultation with scholars whose research interests would enable them to contribute to the research;

(5) The program should employ methods that insure full, clear, and accurate descriptions of all field operations and observations, including excavation and recording techniques, stratigraphic and/or associational relationships where appropriate, significant environmental relationships, etc. Where architectural characteristics are recorded, such recording should be consistent with the standards published by the Historic American Building Survey (HABS) in "Recording Historic Buildings," by H. J. McKee (National Park Service, 1970). Updated guidelines for recording architectural, engineering, and archeological data may be obtained from the Director, Office of Archeology and Historic Preservation, National Park Service;

(6) If portions or elements of the property under investigation can be preserved, the program should employ methods that make economical use of these portions or elements. Destructive methods should not be applied to such portions or elements if nondestructive methods are feasible;

(7) The program should result in a report or reports detailing the reasons for the program, the research design, the methods employed in both fieldwork and analysis, the data recovered, and the knowledge or insights gained as a result of the data recovery, with reference to the research design and the research value of the property. The report or reports should meet contemporary professional standards, and should be prepared in accordance with the format guidelines set forth in Appendix A;

(8) The program should provide for adequate perpetuation of the data recovered, as discussed at § 66.3. Care should be taken during curation and handling of specimens and records to insure that data are not lost or decimated. Provision must be made for disseminating the report of the program. Appropriate methods for dissemination of results include but are not limited to publication in scholarly journals, monographs, and books, presentation on microfilm or microfiche through the National Technical Information Service or other outlets, and distribution in manuscript form to State Historic Preservation Officers and other appropriate archives and research libraries. Reports submitted to the Department of the Interior pursuant to section 3(a) of the Act will be disseminated as set forth in § 66.4, but nonredundant independent distribution is encouraged. At a minimum, a copy of each report should be provided to the State Historic Preservation Officer; and

(9) Particularly when a data recovery program is conducted upon a potentially complex historic property (e.g., a recent town site; a prehistoric site that may contain many occupation layers, cemeteries, or architectural remains), situations may arise or data be encountered that were not anticipated in designing the program. Adequate provision should be made for modification of the program plan to cope with unforeseen discoveries or other unexpected circumstances.

(b) These guidelines should be regarded as flexible, inasmuch as (a) some specialized types of data recovery (e.g., the relocation of a structure or object) may not require all the operations discussed above, and (b) innovative approaches to data recovery should be encouraged, as long as these have as their purpose the basic purpose set forth in section 1 of the Act.

§ 66.3 Protection of data and materials.

(a) Data recovery programs result in the acquisition of notes, photographs, drawings, plans, computer output, and other data. They also often result in the acquisition of architectural elements, artifacts, soil, bone, modified stones, pollen, charcoal, and other physical materials subject to analysis, interpretation, and in some instances display. Analytic techniques that can be applied to such data and material change and improve through time, and interpretive questions that may be asked using such data and material also change and develop. For these reasons, and to maintain data and material for public enjoyment through museum display, it is important that the data and material resulting from data recovery programs be maintained and cared for in the public trust.

(1) Data and materials recovered from lands under the jurisdiction or control of a Federal agency are the property of the United States Government. They shall be maintained by the Government or on behalf of the Government by qualified institutions through mutual agreement. A qualified institution is one equipped with proper space, facilities, and personnel for the curation, storage, and maintenance of the recovered data and materials. The exact nature of the requisite space, facilities, and personnel will vary depending on the kinds of data and materials recovered, but in general it is necessary for a qualified institution to maintain a laboratory where specimens can be cleaned, labeled, and preserved or restored if necessary; a secure and fireproof storage facility organized to insure orderly maintenance of materials; a secure and fireproof archive for the storage of photographs, notes, etc., and a staff capable of caring for the recovered data and material.

(2) Data recovered from lands not under the control or jurisdiction of a Federal agency, as a condition of a Federal license, permit, or other entitlement, are recovered on behalf of the people of the United States and thus are the property of the United States Government. They should be maintained as provided under § 66.3(1)(a) above. The nonfederal provider of funds should be provided with copies of such data upon request. Material recovered under such

circumstances should be maintained in the manner prescribed under § 66.3(1)(a) insofar as is possible.

(b) Data and material resulting from a data recovery program should be maintained by a qualified institution or institutions as close as possible to their place of origin, and made available for future research.

(c) Data on architectural and/or engineering characteristics, recorded in accordance with the standards discussed at § 66.2.1(e) above, should be filed with the Library of Congress.

§ 66.4 Provision of reports to the Department.

(a) Pursuant to the terms of section 3(a) of the Act, any Federal agency that undertakes a program of data recovery as authorized by the Act shall provide the Department of the Interior with copies of the resulting reports. The Department shall make these reports available to the public.

(b) In order to facilitate public access to these reports, the Department, represented by the Office of Archeology and Historic Preservation, National Park Service, has entered into an agreement with the National Technical Information Service, which agreement provides for the storage on microfiche, and reproduction upon demand, of all final reports on data recovery programs either undertaken by the Department or provided to the Department under the authority of the Act.

(c) Two (2) copies of each final report shall be filed with the Director, Office of Archeology and Historic Preservation, National Park Service, Washington, D.C. 20240. All final reports shall be prepared in accordance with the format standards set forth in Appendix A.

(d) In order to facilitate the Department's fulfillment of its responsibilities under section 5(c) of the Act, to report to Congress concerning the scope and effectiveness of the National Survey and Data Recovery effort, each agency engaging in such activities shall also file with the Director, Office of Archeology and Historic Preservation:

(1) Two (2) copies of each final report on any location and identification study, regardless of whether the study resulted in the actual identification of historic properties;

(2) One (1) copy of each scope-of-work or other description of a proposed location and identification or data recovery program;

(3) One (1) copy of each contract let for any location and identification or data recovery program;

(4) Together with each final report of a location and identification or data recovery program, a statement of the costs incurred by the Federal Government in the conduct of the program; and

(5) Together with each final report of a location and identification or data recovery program, the comments of at least one (1) professional in the field of study represented by the report, and of the State Historic Preservation Officer(s) in whose State(s) the program took place, on the scope and effectiveness of the program reported.

APPENDIX A—FORMAT STANDARDS FOR FINAL REPORTS OF DATA RECOVERY PROGRAMS

The following format standards are required for reports provided to the Department of the Interior under terms of section 3(a) of the Act. They are recommended for other reports provided to the Department pursuant to § 66.4.4(a) as well.

1. Text and line drawings should be clean, clear, and easily reproducible.

2. Photographs should be original black and white positive prints, or high-quality reproductions.

3. Typescript should be single spaced.

4. All pages should be numbered in sequence.

5. Form NTIS-35, available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia, 22161 should be enclosed with each report, partially completed in accordance with the example shown in Figure 1 below.

Figure 1

BIBLIOGRAPHIC DATA SHEET	1. Report No.	2.	3. Recipient's Accession No.
4. Title and Subtitle COMMUNITY ORGANIZATION AT THE ROCKPILE SITE			5. Report Date Jun 79 6.
7. Author(s) John Doe and Sally H. Slade			8. Performing Organization Rept. No. ME-22
9. Performing Organization Name and Address Western Oklahoma State University Western, Oklahoma			10. Project/Task/Work Unit No. 11. Contract/Grant No. CX 1595-9-0073
12. Sponsoring Organization Name and Address U.S.D.A. Soil Conservation Service, Rockpile Soil Conservation District			13. Type of Report & Period Covered 1/77-6/79 14.

15. Supplementary Notes

16. Abstracts

A data recovery project at the Rockpile Site in northwestern Texas (41 XA 1011) was directed to the development of an understanding of settlement organization during the Late Archaic period. The single-component site represented a permanent village occupied by hunters and gatherers. Analysis of faunal and floral remains indicates intensive exploitation of the local environment. Complete excavation of the site revealed evidence of both circular and rectangular houses arranged in rows. Non-random distribution of Alibates flint detritus suggests the possibility of occupational specialization among households. Non-random distribution of non-utilitarian artifacts suggests the recognition of different social statuses.

17. Key Words and Document Analysis. 17a. Descriptors

17b. Identifiers/Open-Ended Terms

Community organization
Social organization
Occupational specialization
Subsistence practices
Northwest Texas
Archaic

17c. COSATI Field/Group

18. Availability Statement	19. Security Class (This Report) UNCLASSIFIED	21. No. of Pages 523
	20. Security Class (This Page UNCLASSIFIED	22. Price

FORM NTIS-35 (REV. 10-73) ENDORSED BY ANSI AND UNESCO. THIS FORM MAY BE REPRODUCED USCOMM-DC 8265-P74

INSTRUCTIONS FOR COMPLETING FORM NTIS-35 (Bibliographic Data Sheet based on COSATI Guidelines to Format Standards for Scientific and Technical Reports Prepared by or for the Federal Government, PB-180 600).

1. Report Number. Each individually bound report shall carry a unique alphanumeric designation selected by the performing organization or provided by the sponsoring organization. Use uppercase letters and Arabic numerals only. Examples FASEB-NS-73-87 and FAA-RD-73-09.

2. Leave blank.

3. Recipient's Accession Number. Reserved for use by each report recipient.

4. Title and Subtitle. Title should indicate clearly and briefly the subject coverage of the report, subordinate subtitle to the main title. When a report is prepared in more than one volume, repeat the primary title, add volume number and include subtitle for the specific volume.

5. Report Date. Each report shall carry a date indicating at least month and year. Indicate the basis on which it was selected (e.g., date of issue, date of approval, date of preparation, date published).

6. Performing Organization Code. Leave blank.

7. Author(s). Give name(s) in conventional order (e.g., John R. Doe, or J. Robert Doe). List author's affiliation if it differs from the performing organization.

8. Performing Organization Report Number. Insert if performing organization wishes to assign this number.

9. Performing Organization Name and Mailing Address. Give name, street, city, state, and zip code. List no more than two levels of an organizational hierarchy. Display the name of the organization exactly as it should appear in Government indexes such as Government Reports Index (GRI).

10. Project/Task/Work Unit Number. Use the project, task and work unit numbers under which the report was prepared.

11. Contract/Grant Number. Insert contract or grant number under which report was prepared.

12. Sponsoring Agency Name and Mailing Address. Include zip code. Cite main sponsors.

13. Type of Report and Period Covered. State interim, final, etc., and, if applicable, inclusive dates.

14. Sponsoring Agency Code. Leave blank.

15. Supplementary Notes. Enter information not included elsewhere but useful, such as: Prepared in cooperation with . . . Translation of . . . Presented at conference of . . . To be published in . . . Supersedes . . . Supplements . . . Cite availability of related parts, volumes, phases, etc. with report number.

16. Abstract. Include a brief (200 words or less) factual summary of the most significant information contained in the report. If the report contains a significant bibliography or literature survey, mention it here.

17. Key Words and Document Analysis. (a). Descriptors. Select from the Thesaurus of Engineering and Scientific Terms the proper authorized terms that identify the major concept of the research and are sufficiently specific and precise to be used as index entries for cataloging.
(b). Identifiers and Open-Ended Terms. Use identifiers for project names, code names, equipment designators, etc. Use open-ended terms written in descriptor form for those subjects for which no descriptor exists.
(c). COSATI Field/Group. Field and Group assignments are to be taken from the 1964 COSATI Subject Category List. Since the majority of documents are multidisciplinary in nature, the primary Field/Group assignment(s) will be the specific discipline, area of human endeavor, or type of physical object. The application(s) will be cross-referenced with secondary Field/Group assignments that will follow the primary posting(s).

18. Distribution Statement. Denote public releasability, for example "Release unlimited", or limitation for reasons other than security. Cite any availability to the public, other than NTIS, with address, order number and price, if known.

19 & 20. Security Classification. Do not submit classified reports to the National Technical Information Service.

21. Number of Pages. Insert the total number of pages, including introductory pages, but excluding distribution list, if any.

22. NTIS Price. Leave blank.

FORM NTIS-35 (REV. 10-73) USCOMM-DC [illegible]

APPENDIX B—GUIDELINES FOR THE LOCATION AND IDENTIFICATION OF HISTORIC PROPERTIES CONTAINING SCIENTIFIC, PREHISTORIC, HISTORICAL, OR ARCHEOLOGICAL DATA

In order to notify the Secretary of the potential loss or destruction of significant scientific, prehistoric, historical, or archeological data pursuant to sections 2, 3 and 4 of the Act, in a manner that will permit the Secretary to act effectively in response to this notification, it is necessary that the agency provide appropriate documentation concerning the nature and significance of all historic properties subject to impact, that may contain such data. It is recommended that such documentation be generated by agencies in the course of their planning activities carried out under the authorities of the National Environmental Policy Act of 1969 (Pub. L. 91-190) (NEPA), the National Historic Preservation Act of 1966 (Pub. L. 89-665 as amended) (NHPA), Executive Order 11593, and related authorities.

It is important that agencies understand the relationship among NEPA, such general historic preservation authorities as the NHPA, and the Archeological and Historic Preservation Act. NEPA mandates the evaluation of project impacts on the entire environment, including all kinds of cultural resources. One kind of cultural resource is the historic property which is the concern of the NHPA and Executive Order 11593. Section 106 of the NHPA sets forth specific actions to be taken when this kind of cultural resource is subject to effect. Some historic properties contain scientific, prehistoric, historical, and archeological data; the Archeological and Historic Preservation Act of 1974 provides mechanisms for the recovery of such data if and when the planning processes provided for by NEPA, NHPA, and related authorities have resulted in the conclusion that data recovery constitutes the most prudent and feasible method of impact-mitigation.

Identification of cultural resources is an obvious prerequisite to the evaluation of impact on such resources, and to the planning of methods for the mitigation of such impacts. Identification of cultural resources in general through the NEPA process involves a broad, general, interdisciplinary study of all those social and cultural aspects of the environment, both tangible and intangible, that may be affected by the undertaking. Identification of historic properties requires the location of those tangible places and things that may contain or represent historic values, and sufficient study of those properties to determine what their values are and whether these values are of sufficient importance to make the properties eligible for the National Register of Historic Places. In the process of such study, it should become apparent which properties contain significant scientific, prehistoric, historic, or archeological data. Once the undertaking's impact on such properties has been evaluated, it will then be possible to ascertain whether data recovery constitutes an appropriate mitigation action, and it is at this point that the Archeological and Historic Preservation Act can be effectively utilized.

The guidelines presented in this appendix are the same as those required to identify properties eligible for the National Register of Historic Places pursuant to section 106 of NHPA as amended and to sections 2(a), 2(b), and (where applicable) 1(2) of Executive Order 11593. Although prepared for publication under these authorities, they are presented here for the convenience of Federal agencies and other users.

1. *General Conduct of Location and Identification Studies.* Although the exact activities necessary for the identification of historic properties will vary depending on the nature of agency landholdings or jurisdiction and, where applicable, on the nature of the agency's undertaking, the following steps will generally be appropriate.

1. *Background Research and Evaluation of Existing Data.*—a. Since few areas of the Nation have yet been adequately surveyed for historic properties, current lists of such properties seldom provide adequate information for full identification. Documentary research is the starting place for any identification study, however. Systematic study and evaluation of documentary data will usually permit predictions to be made about the kinds of historic properties that may be encountered in the area, and about their possible distributions. Such study may also make it possible to develop a broad evaluatory framework within which the significance of particular properties can be judged. Finally, background research may pinpoint some particular properties that are already adequately documented or properties that are known but need further study to obtain full documentation. In undertaking background research, answers to the following questions should be sought:

(1) Are there known historic properties in the area?

(2) Is knowledge about the presence or absence of historic properties based on a survey or surveys carried out according to the standards set forth in this appendix?

(3) If not, to what extent are survey data lacking?

(4) If the area has not been systematically surveyed, what predictions can be made about the location or kinds of historic properties to be expected based on data from nearby surveyed areas, from the known history of the area, from the constraints known to be imposed by the natural environment, etc.?

(5) Given the known history and prehistory of the region, the social and cultural concerns of its people, and pertinent State, local, and regional plans, what kinds of preservation and/or research priorities appear to be appropriate, and what kinds of historic properties might be important to the satisfaction of these priorities?

b. The agency undertaking a location and identification study, should be vigorous in searching out useful sources of data, and should encourage innovative approaches in their use to predict the locations of properties and to develop evaluatory frameworks. It must be recognized, however, that some institutions and organizations that maintain lists, files, or other bodies of unpublished data are legitimately concerned about the integrity of these documents and/or about the cost involved in permitting their use; these concerns should be ascertained and, if legitimate, honored. At least the following sources of background data should be consulted:

(1) The State Historic Preservation Officer should be consulted with reference to the State Historic Preservation Plan maintained by his office, to obtain such data as:

(a) Information on properties listed in or nominated to the National Register, properties on other lists, inventories, or registers known to the State Historic Preservation Officer, and properties on which the State has evaluated and unevaluated survey data;

(b) Information on predictive data regarding potential properties in the area;

(c) Recommendations as to the need for surveys in the area;

(d) Recommendations concerning methods that should be used in conducting such surveys and possible sources of professional expertise;

(e) Results of any previous surveys in the area, and the State Historic Preservation Officer's comments thereon; and

(f) Recommendations concerning pertinent State or local laws and policies concerning historic properties.

(2) Basic published and unpublished sources on local history, prehistory, anthropology, ethnohistory, and ecology should be studied to obtain an overview of the region's potential historic property distributions and research or preservation values.

(3) The National Register and other lists or files of data on historic properties should be consulted. The National Register is published in its entirety in the FEDERAL REGISTER, usually in February of each year; additions are published regularly in the FEDERAL REGISTER. The most recent full publication and subsequent additions should be consulted to determine whether any properties exist in an area to be affected by a Federal undertaking. The National Register listings are also accompanied by a list of properties in both Federal and nonfederal ownership which have been determined to be eligible for inclusion as well as a list of pending nominations. The catalogs of the Historic American Buildings Survey and the Historic American Engineering Record maintained by the National Park Service, and any similar surveys and published reports should be utilized. State, university, or professional society historians, architects, architectural historians, and archeologists, and local organizations may also have registers, inventories, catalogs, or other lists of sites or areas with known or presumed historic values.

(4) Persons with first-hand knowledge of historic properties and/or their historic values should be interviewed where feasible and appropriate. Such interviews, and a proper respect for the opinions expressed by those interviewed, are of particular importance where properties of cultural importance to local communities or social groups may be involved. Oral data should be elicited and recorded using existing professional methods such as those prescribed by the Oral History Association, Box 13734, N.T. Station, Denton, Texas 76203.

c. Background research should be undertaken by or under the supervision of professional historians, architectural historians, historical architects, and/or archeologists. It will often be necessary to draw upon the services of specialists such as ethno-historians, anthropologists, sociologists, and cultural geographers to make full use of documentary data.

2. *Field Inspection.* If review and evaluation of existing information fails to produce complete data based upon prior professional examination of the area subject to environmental impact, then the background research should be supplemented by direct examination of the area of concern.

a. Staff and Planning. Field inspection usually can be performed only by professional historians, archeologists, architectural historians, and historical architects. It will sometimes be necessary or useful to call upon additional specialists to deal with particular characteristics of the area. For example, if industrial properties are present the services of an industrial historian or an industrial archeologist may be appropriate, and if the continuing ways of life of local social or ethnic groups are important to understanding historic properties, social or cultural anthropologists and folklorists may be necessary additions to the staff. If paleontological materials are likely in cultural context (i.e. in association with cultural material) the services of a professional paleontologist would be necessary. The exact nature of the appropriate staff will depend on the kinds of data that can be expected

occur. For example, it is obviously unreasonable to employ an architectural historian in the absence of buildings or structures. The nature of the area will also affect the kinds of methods that must be employed. Urban areas and rural areas require different approaches. Terrain, vegetation, land ownership and other factors will also affect the kinds of techniques that will be required to complete it. For example, if few indications of archeological sites are likely to appear on the surface of the ground due to erosion, alluviation, or other factors, it will probably be necessary for archeologists to undertake subsurface testing both to locate sites and to obtain sufficient information for evaluation purposes.

Agencies planning field inspection should take factors such as the above into account in preparing work plans, and should consult with the Secretary, the State Historic Preservation Officer, and/or other qualified persons or groups to determine exactly what special approaches may be necessary.

Adequate records must be kept of all field inspections to clearly indicate what lands were inspected, the degree of intensity with which they were inspected, the kinds of historic properties sought, all historic properties recorded, and any factors that may have affected the quality of the observations.

b. Levels of field inspection: The intensity of field inspection in advance of an undertaking should be commensurate with the projected impact of the undertaking.

An undertaking whose only effects will be indirect and diffuse—for instance an undertaking whose sole effect will be to permit generalized population growth in a large area—will generally require a systematic sample reconnaissance, or some other less intensive kind inspection than will an undertaking having definable direct impacts.

The level of project planning will also affect the nature of field inspection undertaken; at an early level of planning, when many options are open for location of project facilities, low-intensity reconnaissance may be appropriate to provide planning guidance; when alternative project locations have been reduced, a much more intensive survey will usually be necessary.

Although many different types of field inspections may be appropriate in different situations, such inspections generally fall into two types: reconnaissance survey and intensive survey.

1. *Reconnaissance Survey*—Full identification of historic properties for purposes of determination of eligibility and detailed recording normally requires that an intensive survey be conducted as discussed at section 4 of this appendix. Some agencies however, may find it helpful to their planning activities to conduct reconnaissance surveys in order to obtain preliminary or predictive data on the distribution and nature of historic properties. Reconnaissance survey is designed to provide a general impression of an area's historic properties and their values, and involves small-scale field work relative to the overall size of the area being studied. Although reconnaissance survey will seldom ever provide sufficient data to insure identification of all historic properties in an area, it should make it possible to identify obvious and well-known properties, to check the existence and condition of properties tentatively identified or predicted from background research, to identify areas where historic properties are obviously lacking, and to indicate where certain kinds of properties are likely to occur, thus making possible a more informed and efficient intensive survey at a later stage in planning.

In areas of potential direct impact from Federal undertakings, reconnaissance survey should be used only as a preliminary to an intensive survey, unless the reconnaissance reveals that it is impossible or extremely unlikely for historic properties to occur in the area. In areas of potential indirect impact, reconnaissance may provide sufficient data to permit an agency to evaluate its possible impacts and to develop plans to assist local agencies in avoiding or mitigating such impacts. In cases where a Federal agency intends to license or permit a State, local, or private undertaking, particularly if the undertaking involves large land areas, a reconnaissance may provide the agency with sufficient information to permit the development of protective stipulations in the permit or license. An agency that participates in many small-scale undertakings in a large region may find it useful to undertake a reconnaissance of the region in order to develop a basis for making decisions about the need for intensive surveys on individual projects, or to obtain guidance in the kinds of survey activities that may be needed. Although a reconnaissance survey will not ordinarily provide sufficient data to insure identification of all historic properties under the jurisdiction or control of, or subject to impact by a Federal agency, it may be a very useful tool for effective agency planning. A reconnaissance survey is preceded by adequate background research as discussed above. In the field an effort is made to gain a sufficient impression of the area under consideration, and its cultural resources, at least to permit predictions to be made about the distribution of historic properties within the area and the potential significance of such properties. For small areas, a superficial visit to the area by professionals in pertinent disciplines (architectural historians, historians, archeologists, and others whose expertise is appropriate to the study of the area) may be sufficient for reconnaissance purposes. Such a reconnaissance should provide an informed general opinion about the kinds of properties that might be encountered and the appropriate methods to be used in completing an intensive survey if such a survey is necessary. For larger areas, a more systematic approach to reconnaissance survey is usually necessary. For archeological resources this usually involves the detailed inspection of selected lands representing a statistically valid sample of the entire area, from which projections can be made to the entire area. Comprehensive drive-through or walking inspections of architecturally significant resources or at least spot-checks of various neighborhoods, within the area, are appropriate for the characterization of architectural resources in such a reconnaissance. Coordination in the field with local parties interested in or knowledgeable about the area's history and historic properties is appropriate during a reconnaissance as during an intensive survey.

4. *Intensive Survey*. An intensive survey is a systematic detailed field inspection done by or under the supervision of professional architectural historians, historians, archeologists, and/or other appropriate specialists. This type of study is usually required to determine the significance of properties and their eligibility for listing in the National Register. It is preceded by adequate background research as discussed above. All districts, sites, buildings, structures, and objects of possible historical or architectural value are examined by or under the supervision of a professional historian, architectural historian, or historical architect. Persons knowledgeable in the history, prehistory, and folkways of the area are interviewed by or under the supervision of a professional historian, ethnohistorian, cultural anthropologist, or folklorist. The surface of the land and all districts, sites, buildings, and objects of possible archeological value are inspected by or under the supervision of a professional archeologist. Historic archeologists are employed where historic sites are likely, prehistoric archeologists are used if prehistoric sites are probable. Systematic subsurface testing is conducted if necessary to locate or obtain full descriptive and evaluative data. Documentary data necessary to the evaluation of specific properties are compiled and analyzed. A systematic effort is made to identify all properties within the area of concern that might qualify for the National Register, and to record sufficient information to permit their evaluation. All historic properties should be evaluated against the criteria established at 36 CFR 60.6, and supporting documentation should be developed with reference to the standards published in the FEDERAL REGISTER for comment on April 27, 1976, as 36 CFR 63, Appendix A. Since the precise kinds of field activities necessary to identify historic properties vary among the different regions of the United States, it is vital that agencies preparing to undertake intensive surveys consult with the State Historic Preservation Officer and other sources of professional guidance in developing plans for such surveys.

II. *Special Considerations with respect to Submerged Lands*. For submerged lands documentary research by qualified researchers may serve to indicate the need for, and recommended location of, physical and/or electronic surveys for submerged archeological sites and sunken vessels. Because of the specialized nature and problems attending underwater survey activities, agency officials may wish to determine specific survey procedures in consultation with the Director, Office of Archeology and Historic Preservation, National Park Service, Washington, D.C. 20240.

III. *Documenting Location and Identification Studies*. The nature and level of specificity required in documenting a location and identification study will vary somewhat with the scope and kind of undertaking (if any) for which the study is conducted, the kinds of information already on hand about the area being studied, and other factors. In general, however, it is necessary to document the methods used in conducting the study, the assumptions that guided the application of the methods, the results of applying the methods, and any deficiencies in these results that may have arisen from the application or misapplication of the methods. Typically, the report of a location and identification study should contain the following types of information.

1. *Description of the study area*. Boundaries of the area should be indicated and the rationale used in defining the boundaries should be presented. Topographic and environmental characteristics that might affect the distribution, significance, or preservation of historic properties should be described.

2. *Background research and preparation*. Documentary data and, where relevant, data from oral sources pertinent to the study should be discussed and evaluated. Sources utilized should be identified, and methods of analysis presented and discussed. Background data should be analyzed in such a way as to form a basis for planning any necessary field investigations, and for evaluating the significance of properties that may be discovered. Accordingly, the researcher should indicate a familiarity not only with

local history and prehistory, but also with the professional literature in history, architecture, anthropology, archeology, or other disciplines that may provide bases for evaluating historic properties.

3. *Research Design.* The report should also set forth the research design or plan of study that guided the work, discussing what sorts of historic properties were expected in the area, what research values they might represent, and what strategies were to be employed in seeking the resources. Often it will be possible to make specific predictions about what kinds of properties can be expected in the field and how they ought to appear. The researcher should also set forth any biases or sources of error that can be identified as having potentially influenced the results of the study. For example, researchers trained specifically in prehistoric archeology may be unable to accurately observe historic properties. If this bias is not corrected by addition of historian, historic archeologist, or architectural historian to the study team, it should be explicitly acknowledged in the report as a possible source of error.

4. *Field Inspection.* The composition of the field study team should be presented. An attempt should be made to insure that all pertinent professional disciplines are represented in this team. Names and qualifications of team members and consultants should be presented and their duties discussed. It is the researcher's obligation to employ persons and methods that will insure the accurate recognition of all classes of historic properties. Methods used in seeking, observing, and recording historic properties should be clearly set forth. The extent to which the study area was fully covered by inspections on foot should be presented, textually and/or using maps and charts. Any portion of the area not inspected, or inspected at a lower level of intensity, should be indicated and discussed. On-the-ground observational procedures should be presented.

a. In reporting the inspection of lands thought to contain nonstructural historic properties, or structures in ruins, the following should normally be discussed:

(1) How surveyors were distributed over the study area, how far apart they were placed and in what directions they walked;

(2) What signs of historic and/or prehistoric activity surveyors were instructed to seek;

(3) What special techniques, if any, were used to seek special kinds of properties thought to occur in the area (e.g., rock art, standing structures), and/or to cope with special difficulties (e.g., pavement, heavy brush, overburden);

(4) If subsurface testing was done, under what conditions it was done, what techniques were used, and where it was done; and

(5) If less than the entire area was inspected, a sampling design should be presented and justified.

b. In reporting the inspection of lands containing buildings, and/or structures, the following should normally be discussed:

(1) How surveyors covered the area—by foot, auto, etc.;

(2) Whether surveyors proceeded individually or as teams;

(3) Intensity of inspection of properties: did the inspection address only facades? exteriors? interiors?

(4) How much of the area was covered at a time; did the inspection cover the entire area, proceed in stages, or cover only a portion? The rationale for the coverage strategy should be presented; and

(5) What kinds of properties were surveyors instructed to seek (e.g., industrial as well as domestic buildings; vernacular architecture as well as "high style" buildings; buildings representing different "themes")?

c. The above categories are not presented as a "check list," but as an example of the kinds of questions that should be answerable using the report of a field inspection. To the extent possible, archeological and architectural historical inspections should be coordinated, since many properties discovered may be of both archeological and historic architectural importance.

d. All procedures used should be justified in terms of their applicability to the area, its potential properties, its environment, and the plan of study.

5. *Results.* a. If an intensive survey has been done, all historic properties should be clearly and completely described. To the extent possible, documentation of properties should refer to Appendix A to the "Procedures for Requesting Determination of Eligibility," 36 CFR Part 63, published for comment in the FEDERAL REGISTER, April 27, 1976. Documentation can be provided on standard forms or as text, but should be complete and internally consistent.

b. If a reconnaissance survey has been done, the predicted distributions of historic properties should be presented and justified on the basis of background research and field inspection. Specific historic properties actually recorded during the field inspection should be described, insofar as possible, as set forth at section III(5)(a) above.

c. Negative data, as well as positive data, should be presented and discussed, i.e., if historic properties were not found, this fact should be noted and, if possible, accounted for.

6. *Evaluations.*—a. Evaluations of historic properties should be made in sufficient detail to provide an understanding of the historical values that they represent, so that this understanding can serve as a basis for managing the properties or planning impact-mitigation programs if necessary. Properties of importance to a community, neighborhood, social or ethnic group should be discussed with reference to the values and concerns of those to whom the properties may be important.

b. If an intensive survey has been done, all historic properties should be evaluated against the criteria of eligibility for the National Register of Historic Places set forth at 36 CFR 60.6.

c. If a reconnaissance survey has been done, to the extent possible, the predicted significance of each kind of historic property likely to occur within the study area should be presented and justified in relation to its general cultural setting, with reference to the criteria set forth at 36 CFR 60.6.

7. *Recommendations.* In most cases it is expected that the report will provide recommendations concerning any need that may exist for further study, evaluation, or, where applicable, impact mitigation.

8. *Accompanying photographs, graphics, and tabular material.* A location and identification study report should contain sufficient photographs, maps, charts, tables, and appendix material to insure its accurate use for study and planning purposes.

APPENDIX C—PROFESSIONAL QUALIFICATIONS

1. Basic professional Occupation Standards. It is essential that any project proposal identify suitably qualified key professional personnel. Basic minimum qualifications for these types of personnel who most often serve as principal investigators and key consultants on contract projects are given below. Agencies which undertake or evaluate identification or data recovery projects using their own employees should also insure that these qualifications are possessed by appropriate staff members in a manner consistent with applicable Civil Service requirements. Professional personnel of the Department of the Interior are available at all times to consult with other Federal, State and local agencies regarding the application of these criteria in given instances. For these services agency officials should contact the Chief, Office of Archeology and Historic Preservation, National Park Service, Department of the Interior, Washington D.C. 20240. In the following definitions, a month of professional experience need not consist of a continuous month of full-time work but may be made up of discontinuous periods of full-time or part-time work adding up to the equivalent of a month of full-time experience.

a. History. The minimum professional qualifications in history are a graduate degree in American history or a closely related field; or a bachelor's degree in history or a closely related field plus one of the following: (a) 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 (b) substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

b. Archeology. The minimum professional qualifications in archeology are (a) a graduate degree in archeology, anthropology, or closely related field, or equivalent training accepted for accreditation purposes by the Society of Professional Archeologists, (b) demonstrated ability to carry research to completion, usually evidenced by timely completion of theses, research reports, or similar documents, and (c) at least 16 months of professional experience and/or specialized training in archeological field, laboratory, or library research, administration, or management, including at least 4 months experience in archeological field research and at least one year of experience and/or specialized training in the kind of activity the individual proposes to practice. For example, persons supervising field archeology should have at least 1 year or its equivalent in field experience and/or specialized field training, including at least six months in a supervisory role. Persons engaged to do archival or documentary research should have had at least 1 year experience and/or specialized training in such work. Archeologists engaged in regional or agency planning or compliance with historic preservation procedures should have had at least 1 year of experience in work directly pertinent to planning, compliance actions, etc., and/or specialized historic preservation or cultural resource management training. A practitioner of prehistoric archeology should have had at least 1 year of experience or specialized training in research concerning archeological resources of the prehistoric period. A practitioner of historic archeology should have had at least 1 year of experience in research concerning archeological resources of the historic period. Experience in archeological research in the region where the project will be undertaken, is usually desirable.

c. Architectural History. The minimum professional qualifications in architectural history are a graduate degree in architectural history, historic preservation, or closely related field, with course work in American architectural history; or a bachelor's degree in architectural history, with a concentration in American architecture; or a bachelor's degree in architectural history, historic preservation, or closely related field plus one of the following:

(1) At least two years full-time experience in research, writing, or teaching in American history or restoration architecture with an academic institution, historical organization

Guidelines for Making "Adverse Effect" and "No Adverse Effect" Determinations for Archeological Resources in Accordance with 36 CFR Part 800

Archeological properties included in or eligible for inclusion in the National Register of Historic Places are generally nominated under National Register Criterion "d" (36 CFR Part 60.6) which states that a property may qualify if it has "yielded, or may be likely to yield, information important in prehistory or history." While disturbance of archeological properties should be avoided, under certain circumstances, properties primarily significant for the data they contain can be said to realize their significance when this data is retrieved in an appropriate manner.

In such cases where a Federal undertaking (36 CFR Part 800.3(c)) can result in the recovery of data from an archeological property in or eligible for inclusion in the National Register of Historic Places, the Agency Official should take the following steps to decide whether a "no adverse effect" determination can be made.

> The Agency Official shall, in consultation with the State Historic Preservation Officer (SHPO), apply the criteria set forth in Part I below. If these criteria are not met, the Agency Official shall comply with the procedures set forth at 36 CFR Part 800.4(e) et seq. If the criteria are met, the Agency Official may issue a determination of no adverse effect for any data recovery program conducted in accordance with the requirements set forth in Part II below. Documentation that the criteria and requirements set forth in Parts I and II below have been met, along with the comments of the SHPO, shall be forwarded to the Council for review in accordance with 36 CFR Part 800.4(d).

Part I: Criteria

1. The property is not a national historic landmark, a national historic site in non-Federal ownership, or a property of national historical significance so designated within the National Park System.

2. The SHPO has determined that in-place preservation of the property is not necessary to fulfill purposes set forth in the State Historic Preservation Plan.

3. The SHPO and the Agency Official agree that:

   a. The property (including properties that are subsidiary elements in a larger property defined in Criterion 1) has minimal value as an exhibit in-place for public understanding and enjoyment;

b. Above and beyond its scientific value, the property is not known to have historic or cultural significance to a community, ethnic, or social group that would be impaired by the retrieval of data;

c. Currently available technology is such that the significant information contained in the property can be retrieved.

4. Funds and time have been committed to adequately retrieve the data.

PART II: Data Recovery Requirements

1. The data recovery will be conducted under the supervision of an archeologist who meets the "Proposed Department of the Interior Qualifications for the Supervisory Archeologist (Field Work Projects)." (See Attachment #1.)

2. The data recovery will be conducted in accordance with "Professional Standards for Data Recovery Programs." (See Attachment #2.)

3. A specified date has been set for completion and submission of the final report to the Agency Official.

4. Plans have been made for disposition of the material recovered after they have been analyzed for the final report. (See Attachment #3.)

5. Regarding the status of the affected property, documentation of the condition and significance of the property after data recovery will be provided the Agency Official and SHPO for forwarding to the National Register of Historic Places for action to include nominations, boundary changes, or removal of National Register or eligiblity status, in accordance with National Register procedures (36 CFR Part 60.16 and 60.17).

ATTACHMENT #1

Proposed Department of the Interior Qualifications for the Supervisory Archeologist (Field Work Projects)

The minimum professional qualifications for the Supervisory Archeologist are a graduate degree in archeology, anthropology, or a closely related field, or equivalent training accepted for accreditation purposes by the Society of Professional Archeologists, plus: (1) at least 16 months of professional experience or specialized training in archeology field, laboratory, or library research, including (a) at least 4 months of experience in general North American archeology, and (b) at least 6 months of field experience in a supervisory role; (2) a demonstrated ability to carry research to completion, usually evidenced by timely completion of thesis, research reports, or similar documents.

For work involving prehistoric archeology, the Supervisory Archeologist should have had at least 1 year of experience in research concerning archeological resources of the prehistoric period.

For work involving historic archeology, the Supervisory Archeologist should have had at least 1 year of experience in research concerning archeological resources of the historic period.

ATTACHMENT #2

Professional Standards for Data Recovery Programs

1. The data recovery program should be conducted in accordance with a professionally adequate recovery plan (research design).

   a. The plan shall be prepared or approved by the Supervisory Archeologist and shall reflect a familiarity with previous relevant research.

   b. The plan shall include a definite set of research objectives, taking into account previous relevant research, to be answered in analysis of the data to be recovered.

   c. The plan shall provide for recovery of a usable sample of data on all significant research topics that can reasonably be addressed using the property or a justification for collecting data on a smaller range of topics at the expense of others.

   d. The plan shall specify and justify the methods and techniques to be used for recovery of the data contained in the property. (Methods destructive of data or injurious to the natural features of the property should not be employed if nondestructive methods are feasible.)

2. The data recovery program should provide for adequate personnel, facilities, and equipment to fully implement the recovery plan.

3. The data recovery program should insure that full, accurate and intelligible records will be made and maintained of all field observations and operations, including but not limited to excavation and recording techniques, stratigraphic and/or associational relationships where appropriate, and significant environmental relationships.

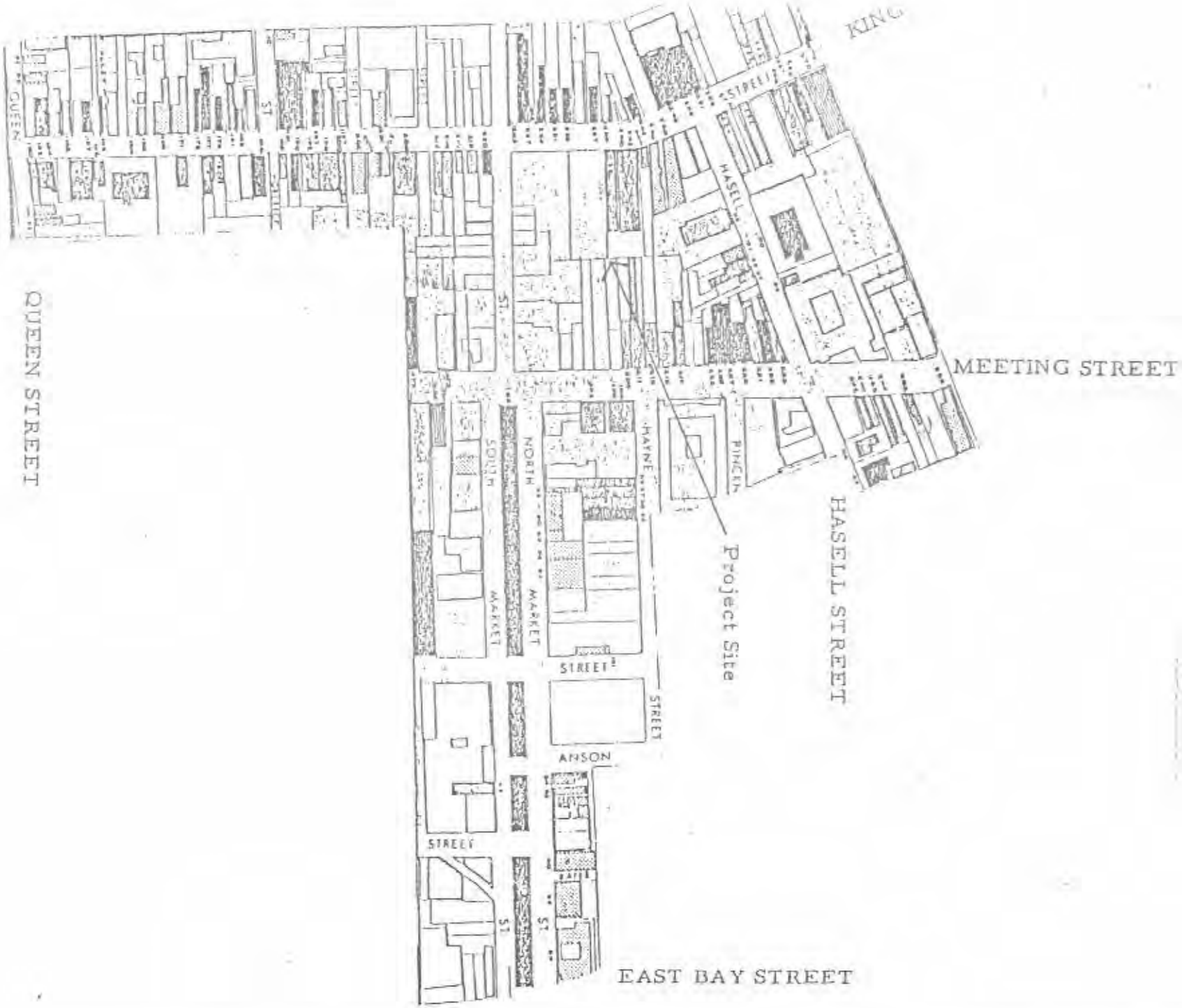
4. Particularly when a data recovery program is conducted upon a potentially complex historic or prehistoric property (e.g., a historic town site or a prehistoric site that may contain many occupation layers, cemeteries, or architectural remains), situations may arise or data be encountered that were not anticipated in designing the program. Adequate provision should be made for modification of the data recovery plan to cope with unforeseen discoveries or other unexpected circumstances.

5. The data recovery program should include provisions for dissemination of the results of the program. Generally, the final report should be made available to the SHPO, the State archivist, the State archeologist, the Departmental Consulting Archeologist of the Department of the Interior, and the Chairman, Department of Anthropology, Smithsonian Institution.

ATTACHMENT #3

Treatment of Recovered Materials

The recommended professional treatment of recovered materials is curation and storage of the artifacts at an institution that can properly insure their preservation and that will make them available for research and public view. If such materials are not in Federal ownership, the consent of the owner must be obtained, in accordance with applicable law, concerning the disposition of the materials after completion of the report.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ANSON
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