

(2) Identify and nominate eligible properties to the National Register and otherwise administer applications for listing historic properties on the National Register.

Example 1:

The REDACTED THPO will identify and nominate eligible properties to the National Register and otherwise administer applications for listing historic properties on the National Register. The THPO officer and staff will continue to attend relevant trainings, workshops, and meetings on Heritage Preservation Law. Nominations to the National Register process will be conducted by the THPO in consultation with qualified heritage preservation professionals, with tribal culture bearers, and with the REDACTED Cultural Resources Department.

The nomination procedures will follow the *Secretary of Interior's Standards and Guidelines for Archeology and Historic Preservation*, as well as current professional methods and protocols. These professional practices will be followed for all projects involving REDACTED cultural resources and properties, and are defined as follows:

- Site identification will be based on background research (literature, site records, oral histories, language files, interviews, etc.)
- Development of a research design developed in consultation with the REDACTED Cultural Advisory Board, and outlining goals, methodology, projected outcomes, and schedule of completion.
- Field work using standard non-invasive pedestrian survey, and other site testing as appropriate and approved by the REDACTED Cultural Advisory Board.
- Site recordation and documentation using standard survey forms, photos, and maps. Hard copies of all site records will be stored in locked, fire safe storage, digital copies will be stored on secure tribal servers and password protected.
- Evaluation for purposes of eligibility for the National Register will conform to the criteria in National Register regulations (36 CFR 60) and subsequent Bulletin guidelines; evaluation will include review and recommendations from qualified professionals under the

Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation.

- Following identification, investigation, evaluation, and recording, sites that meet Register criteria of significance and integrity will be nominated to the National Register. Nominations will follow regulations defined in 36 CFR 60 and use required forms and procedures under NPS guidance "How to Complete National Register Forms." Specifically, the THPO will determine significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and is eligible under one or more of the four National

Register Criteria:

A. That are associated with events that have made a significant contribution to the broad patterns of our history; or

B. That are associated with the lives of significant persons in or past; or
C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
D. That have yielded or may be likely to yield, information important in history or prehistory.
This involves examining the property's age, integrity, and significance.

- Age and Integrity. Is the property old enough to be considered historic (generally at least 50 years old) and does it still look much the way it did in the past?
- Significance. Is the property associated with events, activities, or developments that were important in the past? With the lives of people who were important in the past? With significant architectural history, landscape history, or engineering achievements? Does it have the potential to yield information through archaeological investigation about our past? Statements of significance and descriptive text will follow academic standards set in the fields of archaeology, anthropology, and history.

Proposed nominations will be reviewed by the Tribal Historic Preservation Office and the REDACTED Cultural Advisory Board. The THPO will notify affected property owners and local governments and solicit public comment [NOTE—more detail should be given here about comment periods and how they work]. If the owner (or a majority of owners for a district nomination) objects, the property cannot be listed but may be forwarded to the National Park Service for a Determination of Eligibility (DOE). Nominations on on-tribal lands will be submitted to the State Historic Preservation Office for comment and approval. Complete nominations, with certifying recommendations, are submitted by the Tribe to the National Park Service in Washington, D.C. for final review and listing by the Keeper of the National Register of Historic Places.

Example 2: More detailed!

(2) Identify and nominate eligible properties to the National Register and otherwise administer applications for listing historic properties on the National Register.

The REDACTED THPO will identify district, site, building, structure, and objects are eligible for listing on the NRHP as historic properties. The criteria for evaluation found in the NRHP regulations (36 CFR 60.4) will be applied. In addition, the REDACTED THPO may incorporate as “NRHP eligible,” properties with “traditional cultural significance.” “Traditional Cultural Properties,” or TCPs, are not a “property type” eligible for listing on the NRHP, but a status of significance for historic properties. If a TCP is located within the exterior boundaries of the San Pasqual Reservation, it will be evaluated with reference to the NRHP Criteria for Evaluation (36 CFR Part 60) and the guidance of National Register Bulletin 38. In addition, as outlined in (1) above, these properties/resources will also be placed on the REDACTED Tribal Register.

The THPO will follow all procedures set forth at 36 CFR 60, including the following definition and procedures:

A. National Register criteria for evaluation (Section 60.4):

- a. The quality of significance in Tribal and American History, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feelings and association and
- b. that are associated with events that have made a significant contribution to the broad patterns of our history; or
- c. that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- d. that have yielded, or may be likely to yield, information important in prehistory or history.

B. Criteria considerations:

A. Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original location, reconstructed historic buildings, properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria of if they fall within the following categories:

- a. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
- b. A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or

c. A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his productive life; or

d. A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or

e. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or

f. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or

g. A property achieving significance within the past 50 years if it is of exceptional importance.

The process and timeline for the identification and nomination of properties eligible for the National Register shall be as follows (adapted from Section 60.6):

1. The THPO is responsible for identifying and nominating eligible properties to the National Register. Nomination forms shall be prepared by qualified staff and/or consultants under the supervision of the THPO. The THPO established priorities for preparation and submittal of nominations for all properties meeting National Register criteria for evaluation within the Tribal land as defined in the Memorandum of Agreement then in effect between the National Park Service and the REDACTED. All nominations shall be consistent with the approved Tribal Historic Preservation Plan.

2. The THPO shall consult with local cultural and historic consultants and experts in the nomination process. The Tribe shall provide notice of the intent to nominate a property and will solicit written comments especially on the significance of the property and whether or not it meets the National Register criteria for evaluation. The Tribal notice also shall give owners of private property an opportunity to concur in or object to listing. The notice shall be carried out as specified in the subsections below.

3. As part of the nomination process, the THPO shall notify in writing the property owner(s), except as specified in paragraph (e) of this section, of the Tribe's intent to bring the nomination before the REDACTED HPC. The list of owners shall be obtained from either official land recordation records or tax records, whichever is more appropriate, within 90 days prior to the notification of intent to nominate.

4. The THPO is responsible for notifying only those owners whose names appear on the list consulted. Where there is more than one owner on the list, each separate owner shall be notified. The THPO shall send the written notification at least 30 but not more than 75 days before the REDACTED HPC meeting. Required notices may vary in some details of wording, but the content of notices shall be approved by the National Register.

The notice shall give the owner(s) at least 30 but not more than 75 day to submit written comments and concur in or object in writing to the nomination of such property. At least 30 but not more than 75 days before the REDACTED HPC meeting, the THPO is also required to notify by the above mentioned National Register approved notice the applicable chief elected official of the county (or equivalent governmental unity) in which the property is located. The National Register nomination shall be on file with the Tribal Historic Preservation Program during the comment period and a copy made available by mail when requested by the public, or made available at a local library, courthouse, or other public place, prior to the REDACTED HPC meeting so that written comments regarding the nomination can be prepared.

5. For a nomination with more than 50 property owners, the THPO is required to notify in writing at least 30 but not more than 75 days in advance of the REDACTED HPC meeting the chief elected local officials of the county (or equivalent governmental unit) in which the property or district is located. THPO shall provide general notice to property owners concerning the Tribe's intent to nominate. The general notice shall be published at least 30 days but not more than 75 days before the REDACTED HPC meeting provide an opportunity for the submission of written comments and provide the owners of private property or a majority of such owners for districts an opportunity to concur in or object in writing to the nomination. Such general notice must be published in one or more local newspapers of general circulation in the area of the nomination. The content of the notices shall be approved by the National Register. If such general notice is used to notify the property owners for a nomination containing more than 50 owners, it is suggested that a public information meeting be held in the immediate area prior to the REDACTED HPC meeting. If the THPO wishes to individually notify all property owners, he or she may do so, in which case, the THPO need not publish a general notice.

6. For multiple submissions, each district, site, building, structure, and object included in the submission shall be treated as a separate nomination for the purpose of notification and to provide owners of private property the opportunity to concur in or object in writing to the nomination in accord with this section.

7. The commenting period following notification can be waived only when all property owners and the chief elected local official have advised the THPO in writing that they agree to the waiver.

8. Upon notification, any owner or owners of a private property who wish to object shall submit to the THPO a notarized statement certifying that the party is the sole or partial owner of the private property, as appropriate, and objects to the listing. In nominations with multiple ownerships of a single private property or of districts, the property will not be listed if a majority of the owners object to listing. Upon receipt of notarized objections respecting a district or single private property with multiple owners, it is the responsibility of the THPO to ascertain whether a majority of owners of private property have objected. If an owner whose name did not appear on the list certifies in a written notarized statement that the owner is the

sole or partial owner of a nominated private property such owner shall be counted by the THPO in determining whether a majority of owners has objected. Each owner of private property in a district has one vote regardless of how many properties or what part of one property that party owns and regardless of whether the property contributes to the significance of the district.

9. If a property has been submitted to and approved by the REDACTED HPC for inclusion in the National Register prior to the effective date of this section, the THPO need not resubmit the property to the REDACTED HPC; but before submitting the nomination to the National Park Service shall afford owners of private property the opportunity to concur in or object to the property's inclusion in the Register pursuant to applicable notification procedures described above.

10. Completed nomination forms or the documentation proposed for submission on the nomination forms and comments concerning the significance of a property and its eligibility for the National Register are submitted to the REDACTED HPC. The REDACTED HPC shall review the nomination forms or documentation proposed for submission on the nomination forms and any comments concerning the property's significance and eligibility for the National Register. The REDACTED HPC shall determine whether or not the property meets the National register criteria for evaluation and make a recommendation to the THPO to approve or disapprove the nomination.

11. Nomination approved by the REDACTED HPC and comments received are then reviewed by the THPO and if he or she finds the nominations to be adequately documented and technically, professionally, and procedurally correct and sufficient and in conformance with National Register criteria for evaluation, the nomination are submitted to the Keeper of the National Register of Historic Place, National Park Service, United States Department of the Interior, Washington, D.C. 20240. All comments received by the THPO and notarized statements of objection to listing are submitted with a nomination.

12. If the THPO and the REDACTED HPC disagree on whether a property meets the National Register criteria for evaluation, the THPO, if he or she chooses, may submit the nomination with his or her opinion concerning whether or not the property meets the criteria for evaluation and the opinion of the REDACTED HPC to the Keeper of the National Register for a final decision on the listing of the property. The opinion of the REDACTED HPC may be in the minutes of the Review Board meeting. The THPO shall submit such disputed nominations if so requested within 45 days of the review by the REDACTED HPC or the chief elected local official of the local, county or municipal political subdivision in which the property is located by need not otherwise do so. Such nomination will be substantively reviewed by the Keeper.

13. If the owner of a private property or the majority of such owners for a district or single property with multiple owners have objected to the nomination prior to the submittal of a nomination, the THPO shall submit the nomination to the Keeper only for a determination of eligibility.

14. The THPO shall sign the nomination form if in his or her opinion the property meets the National Register criteria for evaluation. The THPO's signature certifies that:

- a. All procedural requirements have been met;
- b. The Nomination form is adequately documented;
- c. The nomination form is technically and professionally correct and sufficient;
- d. In the opinion of the THPO, the property meets the national Register criteria for evaluation;

15. Nominations will be included in the National Register within 45 days of receipt by the Keeper or designee unless the Keeper disapproves a nomination, an appeal is filed, or the owner of private property (or the majority of such owners from a district or single property with multiple owners) objects by notarized statements received by the Keeper prior to listing. Nominations which are technically or professionally inadequate will be returned for correction and resubmission. When a property does not appear to meet the National Register criteria for evaluation the nomination will be returned with an explanation as to why the property does not meet the national Register criteria for evaluation.

16. If the owner of private property (or the majority of such owners from a district or single property with multiple owners) has objected to the nomination by notarized statement prior to listing, the Keeper shall review the nomination and make a determination of eligibility within 45 days of receipt, unless an appeal is filed. The keeper shall list such properties determined eligible in the National Register upon receipt of notarized statements from the owner(s) of private property that the owner(s) no longer object to listing.

17. Any person or organization which supports or opposes the nomination of a property by a THPO may petition the Keeper during the nomination process either to accept or reject a nomination. The petitioner must state the grounds of the petition and request in writing that the Keeper substantively review the nomination. Such petitions received by the Keeper prior to the listing of a property in the National Register or a determination of its eligibility where the private owners object to listing will be considered by the Keeper and the nomination will be substantively reviewed.

18. The THPO shall inform the property owners and the chief elected local official when properties are listed in the national Register. In the case of a nomination where there are more than 50 property owners, they may be notified of the entry in the National Register by the same general notice which notifies all property owners individually of entries in the National Register need not publish a general notice.

19. In the case of nomination where the owner of private property (or the majority of such owners for a district or single property with multiple owners) has objected and the Keeper has determined the nomination eligible for the National Register, the THPO shall notify the appropriate chief elected local official and the owner(s) of such property of this determination. The general notice may be used for properties with more than 50 owners or the THPO may notify the owners individually. 20. If subsequent to nomination the THPO or the REDACTED HPC makes major revisions to a nomination or renominates a property rejected by

the Keeper, the THPO shall notify the affected property owner(s) and the chief elected local official of the revisions or renomination in the same manner as the original notification for the nomination, but need not resubmit the nomination to the REDACTED HPC. Comments received and notarized statements of objection must be forwarded to the Keeper along with the revisions or renomination.

The THPO also certifies by the re-submittal that the affected property owner(s) and the chief elected local official have been re-notified. Major revisions as used herein means revisions of boundaries or important substantive revisions to the nomination which could be expected to change the ultimate outcome as to whether or not the property is listed in the national Register by the Keeper. Notwithstanding any provision hereof to the contrary, the THPO in the nomination notification process or otherwise need not make available to any person or entity (except a Federal agency planning a project, the property owner, the chief elected official of the political jurisdiction in which the property is located, and the local historic preservation commission for certified local governments) specific information relation to the location of properties proposed to be nominated to, or listed in, the National Register if he or she determines that the disclosure of specific information would create a risk of destruction or harm to such properties.