

SU 14 - Iron Mining

Duluth's role in the development of northern Minnesota's iron mining industry is closely tied to the opening of the Mesabi Iron Range beginning in the early 1890s. The decision of the Merritt Brothers to terminate their rail line and construct their ore dock at Duluth rather than at Superior was crucial to the growth of the city as a key center of the mining industry. Its growth during the 1890s and early decades of the twentieth century closely parallel that of the white pine lumber industry, but continued upward as the lumber industry declined. During this period, hundreds of mining companies and partnerships were set up. Many fortunes were made, and many more were lost, during this period of intense speculation. For well over half a century, Duluth played a key role as a transportation, supply, and financial center in the development of Minnesota's iron ore mining industry.

* The list of docks and related sites (numbers 1-30 below) is summarized from the 1976 Duluth-Superior Harbor Cultural Resources Study by David A. Walker and Stephen P. Hall. Some of these sites are actually in Wisconsin, and many of them no longer exist.

A. Duluth Sites:

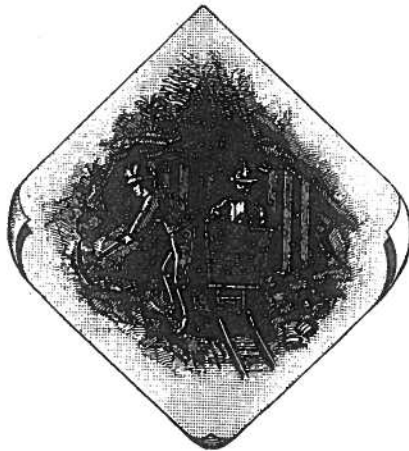
1. Clyde Iron Company, 1889-1908
2. Duluth Blast Furnace Company (Schoenberger and Bryant Car Company Foundry), 1871-1873, Duluth Iron Company, c. 1884-1888
3. Duluth Iron and Steel Company, 1890-1892, West Duluth Blast Furnace Company, 1892-1895, Zenith Furnace Company, 1904-c. 1920
4. Duluth Steam Forge Company, c. 1880s
5. Iron Bay Company, c. 1889
6. Iron Steel Company, c. 1892
7. Lehigh Coal and Iron Company, coke ovens, 1888-?
8. Marinette Iron Works, c. 1890s
9. Minnesota Iron Company, ?-1924
10. National Iron Works, c. 1880s
11. Standard Iron Works, 1888-?
12. Steam Forge Works, 1889-?
13. U.S. Steel Duluth Works, 1908-1973
14. West Superior Iron and Steel Company, 1888-?
15. Burlington Northern Taconite Dock, 1976-
16. Duluth Iron and Metal Scrap Dock, 1919-c. 1963
17. Duluth Iron Company Blast Furnace Dock, 1872-1894
18. DM&IR Railway Company ore dock No. 1, 1893-1913
19. DM&IR Railway Company ore dock No. 2, 1896-1916
20. DM&IR Railway Company ore dock No. 3, 1900-1919
21. DM&IR Railway Company ore dock No. 4, 1906-1927
22. DM&IR Railway Company ore dock No. 5, 1918-present
23. DM&IR Railway Company ore dock No. 6, 1918-present
24. Great Northern Railway Company ore dock No. 2, 1899-present
25. Great Northern Railway Company ore dock No. 3, 1902-1969
26. Great Northern Railway Company ore dock No. 4, 1911-present
27. Soo Line Railway Company ore dock No. 1, 1911-1929
28. Ore dock No. 1 (Allouez), 1892-c. 1925
29. Ore dock No. 2 (Allouez), 1928-present
30. West Superior Iron and Steel Company dock, 1889-?

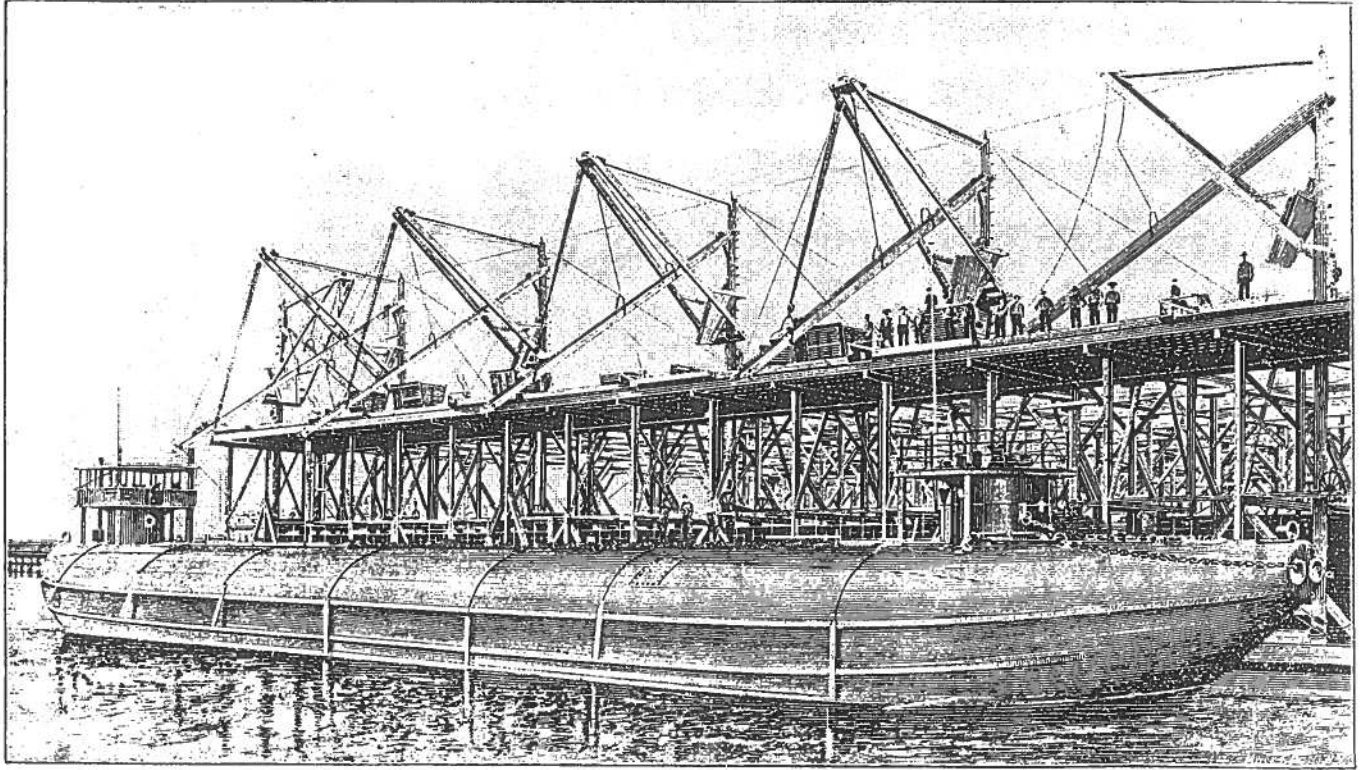
31. Duluth Union Depot, 506 West Michigan Street
32. Clyde Iron Works, 29th Avenue West and Michigan Street
33. Zalk-Josephs, Garfield Avenue and Railroad Street
34. U.S. Steel Duluth Works, Morgan Park
35. Atlas Cement Plant, Morgan Park
36. Morgan Park residential district
37. DM&IR roundhouse, 21st Avenue East and South Street
38. Missabe (Wolvin) Building, 227 West 1st Street
39. National Iron Company, Ramsey Street
40. Meierhoff Building (Marshall-Wells Company), 325 Lake Avenue South
41. Alworth Building, 306 West Superior Street
42. Lonsdale Building, 302 West Superior Street
43. Endion Passenger Depot, 1504 South Street
44. Kitchi Gammi Club, 831 East Superior Street
45. Duluth Aerial Lift Bridge and Ship Canal, Lake Avenue South
46. Sellwood Building, 202 West Superior Street
47. Torrey Building, 314 West Superior Street
48. Old Duluth City Hall and Jail, 126-132 East Superior Street
49. Duluth Civic Center complex, 5th Avenue West and 1st Street
50. Old Duluth Central High School, Lake Avenue and 2nd Street
51. Denfeld High School, 44th Avenue West and 4th Street
52. Munger Terrace, 405 Messaba Avenue
53. Chester Terrace, 1212-1228 East 1st Street
54. Hartley Office Building, 740 East Superior Street
55. Leithead-Sellwood house, 16 South 18th Avenue East
56. G. Crosby house, 2029 East Superior Street
57. W.J. Olcott house, 2316 East 1st Street
58. J.B. Cotton house, 2309 East 1st Street
59. G.C. Stone house, 2228 East Superior Street
60. Glensheen (Chester A. Congdon house), 3300 London Road
61. H.C. Dudley house, 3600 London Road
62. A.B. Chapin (T. Cole) house, 1701 East 1st Street
63. T. Cole house, 1730 East Superior Street
64. F.E. House house, 2210 East Superior Street
65. C.A. Luster house, 1629 East Superior Street
66. A. McDougal houses, 4th Avenue West and 4th Street and 2201 East 1st Street
67. J. Williams house, 2601 East 2nd Street
68. C. Hartley house, 3800 East Superior Street
69. G.H. Cole house, 1901 East 3rd Street
70. W.J. O'Conner house, 2412 East 5th Street
71. D.B. McDonald house, 1831 East 3rd Street
72. G. Carlson house, 202 North 24th Avenue West
73. E.C. Congdon house, 415 Hawthorne Road
74. M. Alworth house, 2605 East 7th Street
75. R. Alworth house, 2627 East 7th Street
76. G. Hartley house, 518 Hawthorne Road
77. G.A. Tomlinson house, 314 Hawthorne Road
78. A.M. Chisholm house, 19th Avenue East and 2nd Street

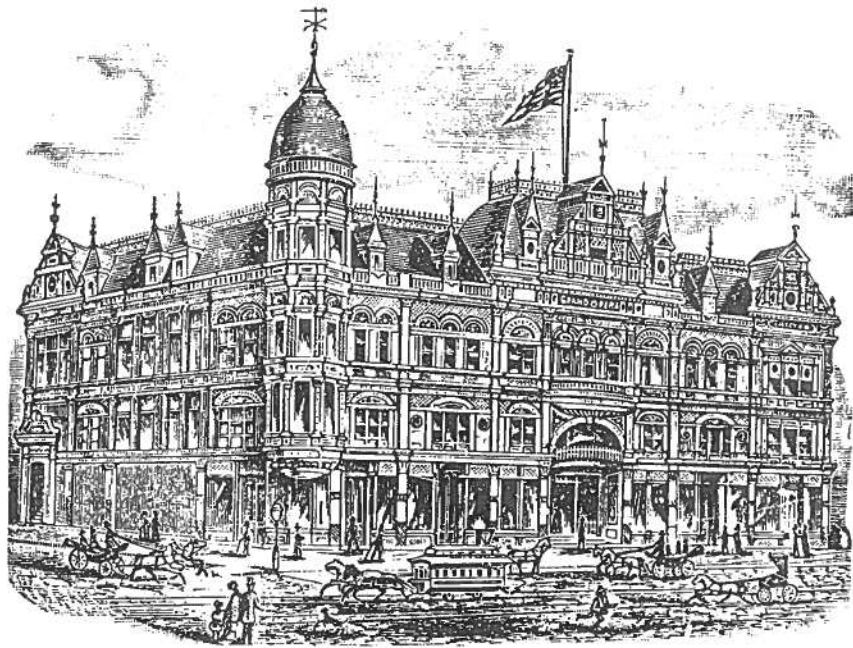
B. Related Regional National Register listed sites

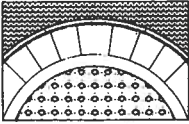
1. Split Rock Lighthouse (Lake)
2. Tugboat Edna G (Lake)

3. Bruce Mine Headframe (St. Louis)
4. E. Butler house (St. Louis)
5. Hibbing High School (St. Louis)
6. Hull Rust Mahoning Mine (St. Louis)
7. E.J. Longyear drill site (St. Louis)
8. Mt. Iron Mine (St. Louis)
9. Car Northland (St. Louis)
10. Sons of Italy Hall (St. Louis)
11. Soudan Iron Mine (St. Louis)
12. Finnish Temperance Building (St. Louis)
13. Pioneer Mine and "A" Headframe (St. Louis)
14. Park Hotel (St. Louis)
15. Carpenter Hospital (St. Louis)
16. Finnish Sauna (St. Louis)
17. Mitchell-Tappan house (St. Louis)
18. Virginia Brewery (St. Louis)
19. Spina Hotel (Crow Wing)
20. Ironton Sintering Plant site (Crow Wing)









APPENDIX B

Sample Copy of National Register Form

NPS Form 10-900
0-60

OMB No. 1024-0048
Exp. 10-31-84

United States Department of the Interior
National Park Service

For NPS use only
received _____
date entered _____

National Register of Historic Places Inventory—Nomination Form

See instructions in *How to Complete National Register Forms*
Type all entries—complete applicable sections

1. Name

historic _____
and/or common _____

2. Location

street & number _____ not for publication _____
city, town _____ vicinity of _____
state _____ code _____ county _____ code _____

3. Classification

Category	Ownership	Status	Present Use	
district	public	occupied	agriculture	museum
building(s)	private	unoccupied	commercial	park
structure	both	work in progress	educational	private residence
site	Public Acquisition	Accessible	entertainment	religious
object	In process	yes: restricted	government	scientific
	being considered	yes: unrestricted	industrial	transportation
		no	military	other:

4. Owner of Property

name _____
street & number _____
city, town _____ vicinity of _____ state _____

5. Location of Legal Description

courthouse, registry of deeds, etc. _____
street & number _____
city, town _____ state _____

6. Representation in Existing Surveys

title _____ has this property been determined eligible? yes no
date _____ federal state county local
depository for survey records _____
city, town _____ state _____

7. Description

Condition	Check one	Check one
excellent	deteriorated	unaltered
good	ruins	altered
fair	unexposed	original site
		moved
		date _____

Describe the present and original (if known) physical appearance _____

8. Significance

Period
prehistoric
1400-1499
1500-1599
1600-1699
1700-1799
1800-1899
1900-

Areas of Significance—Check and justify below
archeology-prehistoric
archeology-historic
agriculture
architecture
art
commerce
communications

community planning
conservation
economics
education
engineering
exploration settlement
industry
invention

landscape architecture
law
literature
military
music
philosophy
politics government

religion
science
sculpture
social
humanitarian
theater
transportation
other (specify) _____

Specific dates _____ Builder Architect _____
Statement of Significance (in one paragraph) _____

9. Major Bibliographical References

10. Geographical Data

Acres of nominated property _____
Quadrangle name _____ Quadrangle scale _____
UTM References

A	Zone	Eastings	Northings	B	Zone	Eastings	Northings
C				D			
E				F			
G				H			

Verbal boundary description and justification _____

List all states and counties for properties overlapping state or county boundaries

state	code	county	code
state	code	county	code

11. Form Prepared By

name/title _____ date _____
organization _____ telephone _____
street & number _____
city or town _____ state _____

12. State Historic Preservation Officer Certification

The evaluated significance of this property within the state is:
national state local

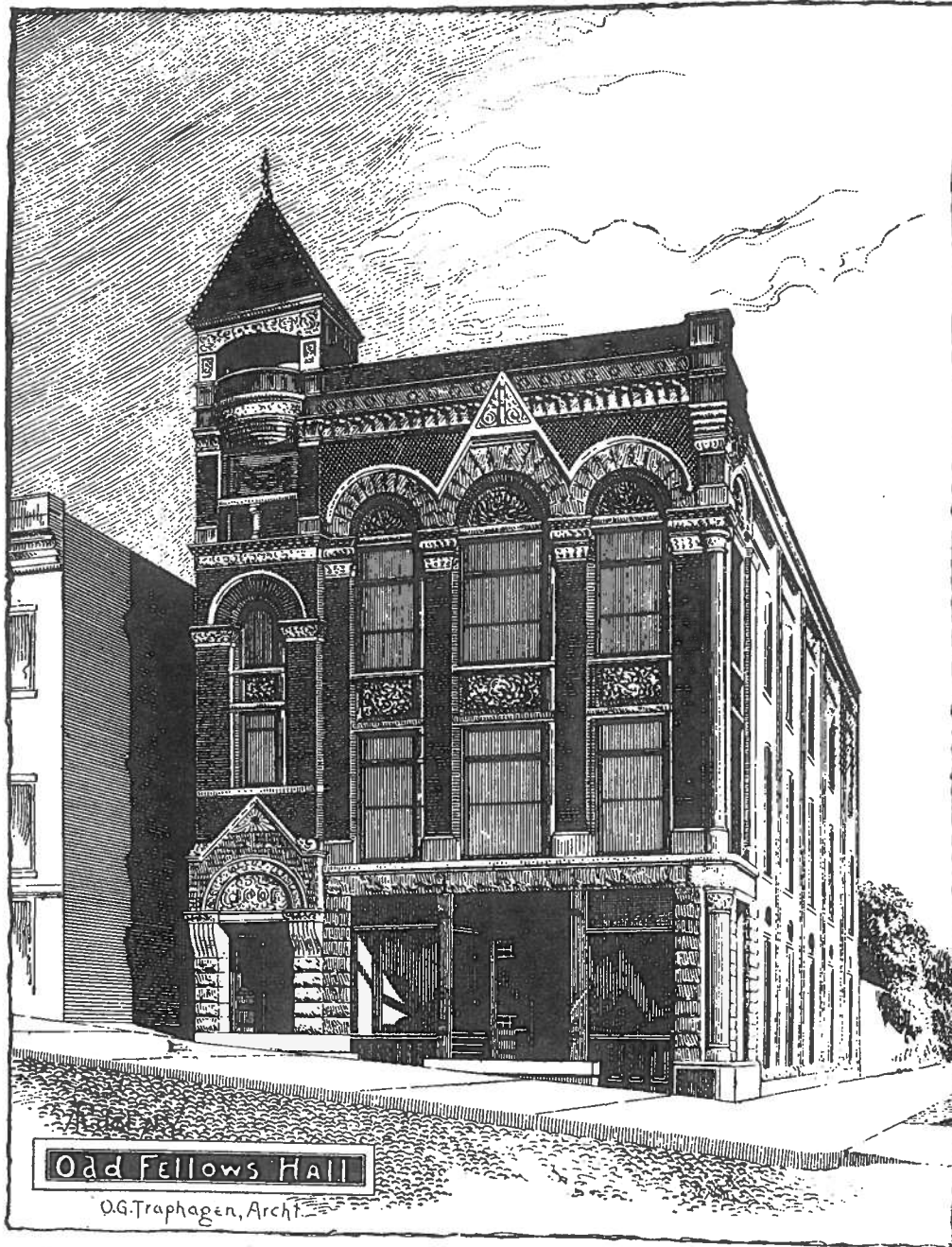
As the designated State Historic Preservation Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service.

State Historic Preservation Officer signature _____
title _____ date _____

For NPS use only
I hereby certify that this property is included in the National Register _____ date _____

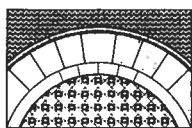
Keeper of the National Register _____
Attest: _____ date _____
Chief of Registration _____

U.S. GOVERNMENT PRINTING OFFICE: 1965 O - 419-011



Old Fellows Hall

O.G. Traphagen, Archt.



APPENDIX C

Checklist of Local Works by Selected Architects

The following list is an attempt to provide, within the limits of time available, a summary of Duluth works by selected architects. It is compiled from a variety of published and unpublished sources. Although every effort was made to be as thorough and accurate as possible, the list is by no means complete. It represents merely a good starting point.

W.C. Agnew

Guilford Hartley residence, 518 Hawthorne Road	1915
Francis residence, 519 Hawthorne Road	1920
W.S. Telford residence, 126 33rd Avenue East	1924
W.D. Bailey residence, 2603 East 5th Street	1925
Chester Park Shelter House, Chester Bowl	1927
H.C. Hornby residence, 3120 Greysolon Road	1928
Crane Company showrooms, 102 Lake Avenue South	1929
C. Russell McLean residence, 2400 Butte Avenue	--

William T. Bray

Carl Luster residence, 1629 East Superior Street	1904
Edward L. Bradley residence, 2229 East 1st Street	1904
Frank E. House residence, 2210 East Superior Street	1904
William Burgess residence, 2019 East Superior Street	1904
William J. Olcott residence, 2316 East 1st Street	1905-06
Newell F. Russell residence, 4440 London Road	1910

William T. Bray and Carl Nystrom

Julie A. Duncan residence, 2221 East 2nd Street	1906
A.W. Frick residence, 2231 East 2nd Street	1906
Dwight B. Cutler residence, 5 North 23rd Avenue East	1906
George Spencer residence, 2230 East 2nd Street	1907
M.G. Goshey residence, 2521 East 6th Street	1907
George Cole residence, 1901 East 3rd Street	1908
John D. Elliot residence, 2429 East 2nd Street	1908
William E. Richardson residence, 2525 East 2nd Street	1908
Charles F. Jaky residence, 2401 East 5th Street	1908
Ward Ames Jr. residence, 2216 East 2nd Street	1908
H.F. Salyards residence, 2311 East 3rd Street	1908
William J. O'Connor residence, 2412 East 5th Street	1908
O.S. Andreson residence, 2609 East 5th Street	1908
Thomas J. Davis residence, 2104 East 1st Street	1909
T.F. Coles residence, 1617 East 2nd Street	1909
J.S. Lutes residence, 2601 East 6th Street	1909
H.S. Newell residence, 2431 East 5th Street	1909
Henry H. Meyers residence, 2505 East 1st Street	1909
Alexander McDougall residence, 2201 East 1st Street	1910
H.G. Barnum residence	1910
J.E. Lundmark I residence, 2033 Woodland Avenue	1910
E.S. Hemmenway residence, 2115 East 3rd Street	1910

N.C. Clark residence, 2423 East 2nd Street	1910
Gust Carlson residence, 202 North 24th Avenue East	1910
E.G. Townsend residence, 236 West Lewis Street	1911
J.E. Lundmark II residence, 2115 Woodland Avenue	1911
Daniel Burnham	
St. Louis County Court House (w/ John J. Wangenstein) 5th Avenue West and 1st Street	1909
Duluth Civic Center plan, 5th Avenue West and 1st Street	1909
Alworth Building, 306 West Superior Street	1910
Dean and Dean	
Morgan Park Town plan Cement block residences United Protestant Church Goodfellowship Club	1915-17
Ernest R. Erickson and Company	
Western National Bank, 5629 Grand Avenue	1928-29
Medical Arts Building, 324 West Superior Street	1932-33
Frederick G. German	
Oppel Block (w/ O. Traphagen), 115-117 East Superior Street	1887
David T. Adams residence and apartments, 707-711 East 1st Street	1894
Lakeside Land Company residences in Lakeside and Lester Park	1890s
Marshall Wells Wholesale Hardware Building, 325 Lake Avenue South	1890-1920
West Duluth Municipal Building	--
West Duluth YMCA	--
Duluth Central Men's YMCA	--
Duluth Boys' YMCA	--
Duluth Girls' YWCA	--
Washington Junior High School, Lake Avenue and 3rd Street	1911
Jerome Merritt School, 40th Avenue West and 86th Street	1910
Security Storage and Van Company Building	1914
Bradley Building, Lake Avenue and Superior Street	--
Bethel Home for Men, 8th Avenue East and 1st Street	1912
Bethel Home for Women, 1230 East 9th Street	--
Benjamin Baker residence, 2231 East Third Street	1912
J. Millen-Ward Ames residence, 1618 Vermilion Road	1912
Duluth Curling Club, 1328 East Superior Street	1912
First Church of Christ Scientist, 9th Avenue East and 1st Street	1912
Dr. William P. Abbott residence, 2810 East 7th Street	1912
Salter Company Building, 7th Avenue East and Superior	1912
Marshall Alworth residence, 314 Hawthorne Road	1914
Jeffery-Margaret Duplex, 21st Avenue East and Superior	1914
John A. Savage residence, 2222 East Superior Street	1918
Robert Kelly residence, 3126 East 1st Street	1922
W.T. Bailey residence, 2508 East 1st Street	1922
St. Anthony of Padua Church, 11th Avenue East and 8th Street	1923
Amphitheatre, 12th Avenue East and Superior Street	1924
Lester Park Branch Library, 106 North 54th Avenue East	1926

Frederick G. German and A. Werner Lignell

Clara M. Smith residence, 1616 East 1st Street	1903
A.C. Weiss residence, 1615 East Superior Street	1904
Glen Avon Presbyterian Church, 2104 Woodland Avenue	1905
Luther Mendenhall houses, 2000, 2010, 2020-2022 Woodland Avenue	1905
Marvin Memorial Building, 8th Avenue East and 1st Street	c. 1906
Freimuth Building, Lake Avenue and Superior Street	1907
First Street Department Store, 3rd Avenue west and 1st Street	c. 1907
Duluth Marine Supply Building, foot of South 5th Avenue West	1912
William H. Cole residence, 2204 East 1st Street	1908
Donald B. McDonald residence, 1831 East 3rd Street	1908
Duluth Yacht Club, Oatka Beach Building, Minnesota Avenue	1906
West Duluth I.O.O.F. Hall, 1931 West Superior Street	1911

Bertram Goodhue

Kitchi Gammi Club, 831 East Superior Street	1912
St. Paul's Church, 1710 East Superior Street	1912
Hartley Building, 740 East Superior Street	1914
Cavour Hartley residence, 3800 East Superior Street	1915

I. Vernon Hill

Arthur P. Cook residence, 501 West Skyline Drive	1900
F.A. Patrick residence, 2306 East Superior Street	1901
George Crosby residence, 2029 East Superior Street	1902
William H. Bruen residence, 1429-31 London Road	1902
I. Vernon Hill residence, 2220 East Superior Street	1902
Louis E. Biebermann residence, 2031 East 1st Street	1902

I. Vernon Hill and William T. Bray

Robert Smith residence, 2330 East 5th Street	1903
George Chesebrough residences, 1306 East Superior Street and 1425 East Superior Street	1914 1915

Abraham Holstead

Denfeld Senior High School (w/ William J. Sullivan) 44th Avenue West and 4th Street	1925-26
Leif Eriksen Band Shell, 12th Avenue East and London Road	--

William A. Hunt

Wolvin Building, 4th Avenue West and 1st Street	1904
William M. Prindle residence, 2211 Greysolon Road	1905
Zar D. Scott residence, 2125 East 1st Street	1907
William G. LaRue residence, 2131 East 2nd Street	1909
Samuel J. Colter residence, 2521 East 5th Street	1910
Mrs. A.H. Florada residence, 221 North 23rd Avenue East	1909
Linna Pattison residence, 2429 Greysolon Road	1914
Sellwood Building, 200 West Superior Street	1948

Frederick Kees and S.M. Colburn

Richard M. Sellwood residence, 1931 East 2nd Street	1903
Joseph Cotton residence, 2309 East 1st Street	1906

Charles McMillen and E.S. Stebbins

J.O. Ensign residence, 504 East 2nd Street	c. 1880
Adams School, 17th Avenue West and Superior Street	c. 1880
Monroe School, 26th Avenue West and Superior Street	1885
Jackson School, 5th Avenue West and 3rd Street	1885
W. VanBrunt residence, 1103 East Superior Street	1886
R.N. Marble residence, 1012 East 1st Street	1886
J.G. Williams residence, 929 East 4th Street	1886
H. DeWitt residence, 5 12th Avenue East	1886
R.C. Ray residence, 226 3rd Avenue East	1886
W.E. Lucas residence, 131 West 4th Street	1887
M. Norris residence, 112 East 3rd Street	1888
Henry Nolte residence, 1215 East 2nd Street	1888
Masonic Temple Opera Building, 203 East Superior Street	1889
H.B. Moore residence, 1029 East 1st Street	1889

A. Reinhold Melander

First Lutheran Church, 29 East 3rd Street	1930
Lincoln Park Pavilion, 26th Avenue West and 4th Street	—
Campus of UMD	1948
North Shore State Bank, 48th Avenue East and Superior	1959
Somers Hall, College of St. Scholastica	1964
Science Building, College of St. Scholastica	1969
Duluth Post Office, 2800 West Michigan Street	1971

Emmet S. Palmer, Lucien P. Hall, and William A. Hunt

Irving School, 56th Avenue West and Nicollet Street	1894
Lonsdale Building, 3rd Avenue West and Superior Street	1895
Duluth Normal School (Old Main), 23rd Avenue East and 5th Street	1898
Residence, 1311 East 1st Street	1898
Othelia Leithead residence, 16 South 18th Avenue East	1902
Andrew Davidson residence, 1525 East Superior Street	1902
Frank A. Brewer residence, 2215 East Superior Street	1902
Residence, 4 North 17th Avenue East	1903

Emmet S. Palmer and Lucien P. Hall

Old Duluth Central High School, Lake Avenue and 2nd Street	1892
Charles E. Lovett residence, 1728-32 East 3rd Street	1892

Emmet S. Palmer and William A. Hunt

Albert L. Ordean residence, 2307 East Superior Street	1905
Julius Barnes residence, 25 South 26th Avenue East	1921

Frederick W. Perkins

Duluth Women's Club, 2400 East Superior Street	1910
John Williams residence, 2601 East 2nd Street	1912
George P. Tweed residence, 2531 East 7th Street	1914
Cassius Bagley residence, 2431 East 1st Street	1914
C.A. Luster residence, Hawthorne and Vermilion Roads	1914
G.A. French residence, 2425 East 1st Street	1915

Anthony Puck

C.A. Eggert residence, 719 East 2nd Street 1905
First Unitarian Church, 18th Avenue East and 1st Street 1910

Henry Raeder, Arthur S. Coffin, and Benjamin Crocker

Chamber of Commerce Building (Manhattan Building),
410-416 West Superior Street 1889
Old Palladio Building, 403 West Superior Street 1890
E.C. Holliday House, 28 South 21st Avenue East 1890

Adolph Rudolph

Endion School, 1803 East 1st Street 1890
Lowell School, 155 West Central Entrance 1894
Emerson School, 1030 West 3rd Street 1891
Carnegie Library, 1st Avenue West and 2nd Street 1902

Howard Shaw Associates

Adam C. Thompson residence, 3500 East Superior Street 1925
Harry C. Dudley residence, 3600 London Road 1930

Thomas J. Shefchik

Duluth City Hall (plan by D.H. Burnham and Company),
5th Avenue West and 1st Street 1928
Ordean Junior High School, 105 South 40th Avenue East 1956
First American National Bank, 231 West Superior Street 1958

C.H. Smith

Congdon Park School, 31st Avenue East and Superior Street 1929
Gas Plant Building, Water and Light Department,
City of Duluth, Birch and Garfield Avenues 1930
WEBC Building (Palladio Building),
4th Avenue West and Superior Street 1937
Federal Building - Civic Center (w/ D. Burnham),
5th Avenue West and 1st Street 1938
Community House - 1st Methodist Church, 3rd Avenue and 3rd Street 1939
Gershgol Store Building, 125 West 1st Street 1940
Hugo Manufacturing Company Buildings,
49th Avenue West and Superior Street 1940
Lurye Furniture Company Building, 1216 East Superior Street 1946
Superior Wood Products Buildings 1948
Glen Avon Church, east addition, 2105 Woodland Avenue 1950
S & H Realty Company Store Building, 610 East 4th Street 1951

George and William Smith and Emerson Vokes

Marshall H. Alworth residence, 2605 East 7th Street 1911
Royal D. Alworth residence, 2627 East 7th Street 1917

Harold S. Starin

Duluth Athletic Club, 402 West 1st Street 1945
National Guard Armory, 1305 London Road 1938

Minnesota Power and Light Building, 30 West Superior Street	1955
Jewish Educational Center, 1602 East 2nd Street	1958
Harold S. Starin and A. Reinhold Melander	
Kiichli residence, (w/ A.N. Starin), 3301 East 1st Street	1916
Edward F. Chapin residence, (w/ A.N. Starin), 3301 East 1st St.	1919
Arthur Dunning residence, 133 Greenwood Lane	1921
A.W. Worley residence, 3024 East 1st Street	1921
Victor Hunt residence, 125 West Kent Road	1922
J.M. Smith residence, 3028 East 1st Street	1922
E.B. Dunning residence, 2415 Roslyn Avenue	1923
E.J. Cameron residence, 1909 Lakeview Drive	1923
George E. Webb residence, 2122 Abbottsford Avenue	1923
F.S. Gavin residence, 2710 East 7th Street	1923
Dr. E.J. Sundby residence, 108 East Victoria Street	1923
C.W. Stilson residence, 26 East Allen Avenue	1923
Dr. S.H. Boyer residence, 2133 Sussex	1923
H.S. MacGregor residence, 2720 East 7th Street	1924
E.A. Parr residence, 1919 Lakeview Drive	1924
B.E. LaLonde residence, 127 Waverly Place	1924
F.S. Compton residence, 2821 East 2nd Street	1924
Walker Jamar residence, 2932 Greysolon Place	1924
Mrs. Cecilia Melander residence, 2211 Vermilion Road	1924
Irvin F. Powers residence, 2822 East Superior Street	1924
Gilbert C. Ryan residence, 2291 Vermilion Road	1924
David Drummond residence, 2717 East 7th Street	1924
James Rockwell residence, 3010 Greysolon Place	1924
Gearhard A. Tenbusch	
John Fraser residence, 1602 Jefferson Street	1892
Gearhard A. Tenbusch and I. Vernon Hill	
Endion Passenger Station, 15th Avenue East and South Street	1899
Walter Turle residence, 2216 East Superior Street	1899
Austin Terryberry	
Crane Building, 18th Avenue West and Superior Street	1905
H.R. Armstrong residence, 1516 East 2nd Street	1905
Townhouses, 1610-12 East Superior Street	1906
Townhouses, 1514-18 East Superior Street	1909
Oliver Traphagen	
Clinton Markell residence, 306 East 2nd Street	1881
H.M. Peyton residence, 503 West 1st Street	1881
Stone-Ordean Warehouse, 347 Lake Avenue South	1881
A.B. McLean residence, 3 East 4th Street	1881
H.H. Bell residence, 602 East 2nd Street	1881
Merchants Hotel, 202-04 West Superior Street	1882
M.J. Forbes residence, 530 East 2nd Street	1885
J.W. Norton residence, 217 East 2nd Street	1885
A. Wieland Store, 209 West Superior Street	1886

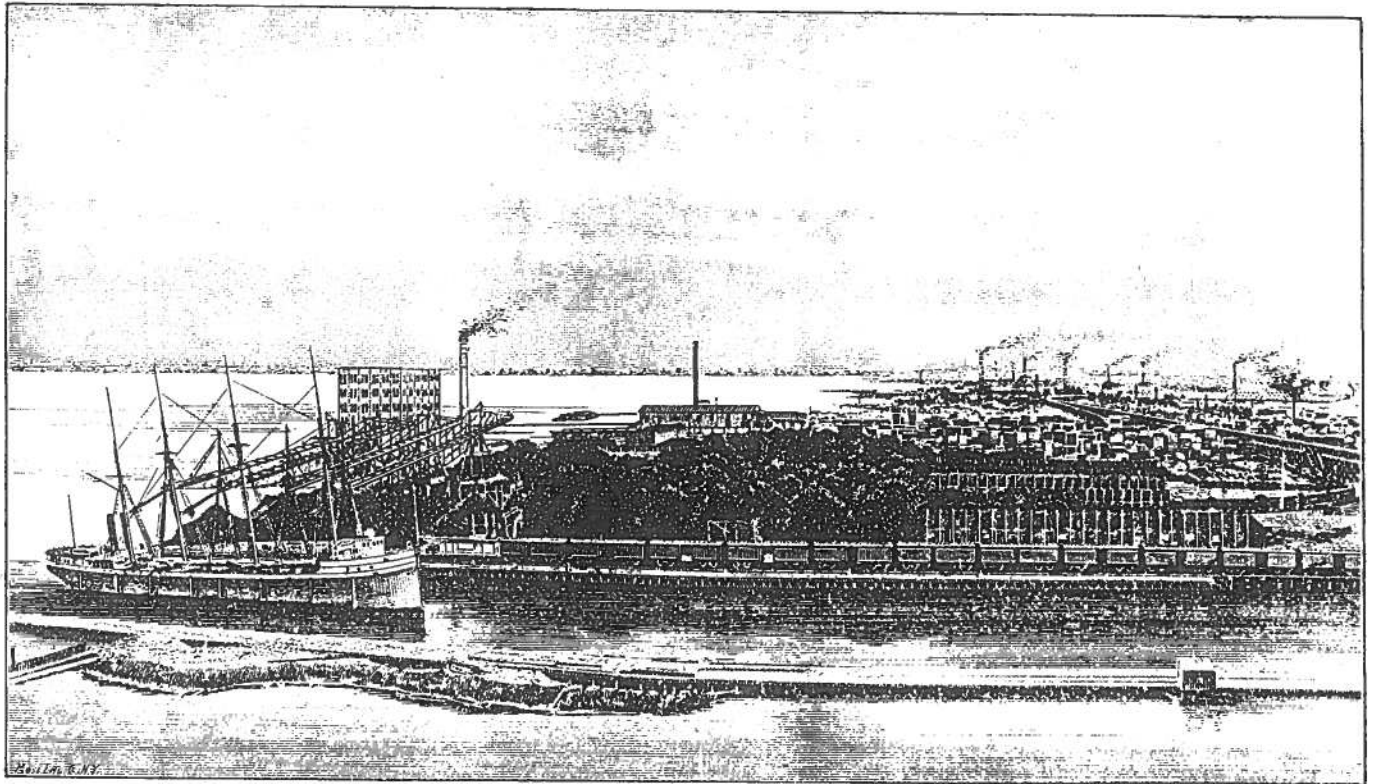
Wirth Building, 13 West Superior Street	1886
Mesaba Block, 402 West Superior Street	1888
California Wine House, 15 West Superior Street	1888
European Hotel, 215 West Superior Street	1888
First National Bank Building, 3rd Avenue East and Superior Street	1889
Wells-Stone and Marshall-Wells Hardware Company Warehouses, Marine Block, Foot of 5th Avenue West	1889
Odd Fellows Building, 20 Lake Avenue North	1889
J.W. Norton residence, 1131 East Superior Street	1889
Bayha and Company, 1905 West Superior Street	1889
Old City Hall and Jail, 132 and 126 East Superior Street	1889
George C. Howe residence, 1421 East Superior Street	1889

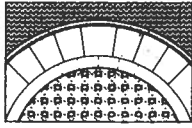
Oliver Traphagen and Francis Fitzpatrick

Duluth Storage Warehouse, Foot of 7th Avenue West	1890
G.G. Hartley residence, 1305 East Superior Street	1890
Chester Terrace, 1212-28 East 1st Street	1890
A.J. Whiteman residence, London Road	1890
Fire Station #1, 1st Avenue East and 3rd Street	c. 1890
Apartment Building, 301-07 East 3rd Street	c. 1890
Philadelphia Row, 1412-20 East Superior Street (Hamilton Hotel)	1890
Duluth Shoe Company, Foot of 6th Avenue West	1891
First Presbyterian Church, 300 East 2nd Street	1891
Hardy School, Hardy and Woodland Avenues	1891
Pavilion, end of incline railway	--
Lyceum Theater Building, 5th Avenue West and Superior Street	1892
Torrey Building, 314-16 West Superior Street	1892
George Spencer residence, 302 16th Avenue East	1892
Buckingham Row, 125 East 4th Street	1892
O.G. Traphagen residence, 1511 East Superior Street	1892
Dr. W.H. Magie residence, 1401 East Superior Street	1892
Munger Terrace, 405 Mesaba Avenue	1892
Board of Trade Building, 301 West 1st Street	1894
William C. Sherwood residence	
Duluth Fuel Company, 220 West Superior Street	1894
Crane-Ordway Company, 8-10 East Michigan Street	1894
Phoenix Block, 4th Avenue West and Superior Street	

John J. Wangenstein

Apartment Building (w/ Olav Roen), 214-16 East 4th Street	1890
John Gonska residence, 231 5th Avenue East	c. 1890
Charles Britts residence (w/ E.W. Baillie), 2201 East Superior	1892
Charles W. Elston residence, (w/ E.W. Baillie), 1609 East Superior Street	1894
Providence Building (w/ E.W. Baillie), 4th Avenue West and Superior Street	1894
E. Millie Bunnell residence, 2017 East Superior Street	1899
Louis S. Loeb residence, 1123 East Superior Street	1901
Dwight Woodbridge residence, 1715 Wallace	1905
DeWitt-Seitz Building, 394 Lake Avenue South	1908
S.P. Morterud residence, 2216 Woodland	1909
John J. Ecklund residence, 224 North 24th Avenue East	1909
Duluth Boat Club, Minnesota Point	--



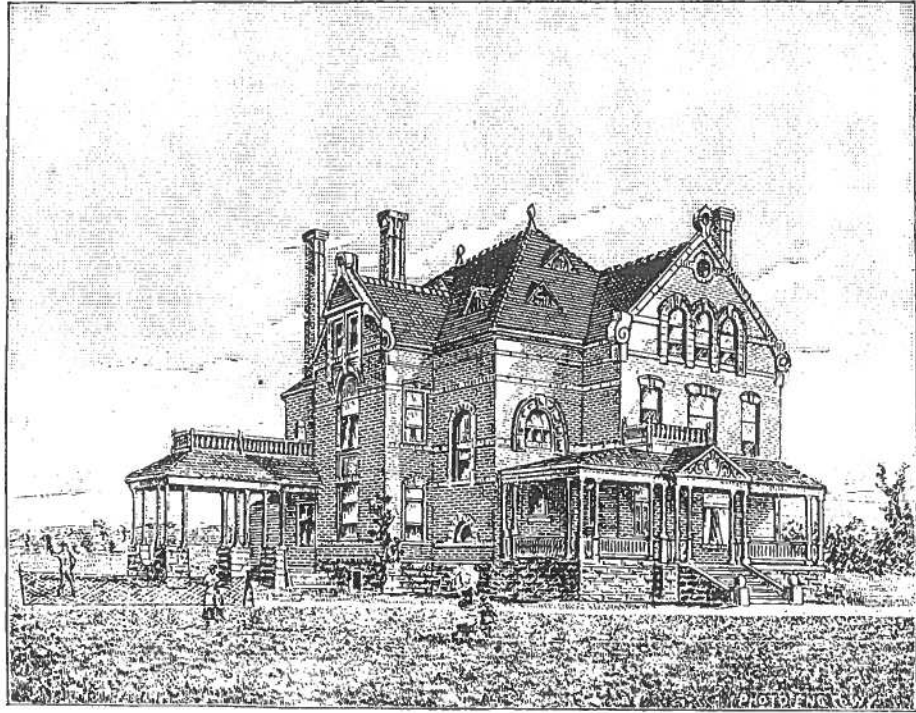


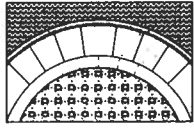
APPENDIX D

United States Secretary of the Interior's Recommended Standards for Historic Preservation Projects

The secretary of the interior has developed standards for preservation projects as well as guidelines for applying them to activities ranging from acquisition through rehabilitation and even reconstruction when necessary. The standards are used as the official criteria by which work on National Register historic properties is evaluated and eligibility for federal tax credits is certified.

- 1 Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
- 2 The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- 3 All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- 4 Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- 5 Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.
- 6 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 composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- 7 The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- 8 Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to any project.
- 9 Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.
- 10 Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.





APPENDIX E

Guidelines for Applying the Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings

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 archeologists, skilled in the preservation, restoration and rehabilitation of old buildings.

The Environment

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.

Retaining landscape features such as parks, gardens, streetlights, signs, benches, walkways, streets, alleys and building setbacks which have traditionally linked buildings to their environment.

Using new plant materials, fencing, walkways, streetlights, signs and benches which are compatible with the character of the neighborhood in size, scale, material and color.

Not Recommended

Introducing new construction into neighborhoods which is compatible with the character of the district because of size, scale, color and materials.

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.

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

Identifying plants, trees, fencing, walkways, out-buildings and other elements which might be an important part of the property's history and development.

Retaining plants, trees, fencing, walkways, streetlights, signs and benches which reflect 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.

Not Recommended

Making changes to the appearance of the site by removing old plants, trees, fencing, walkways, out-buildings and other elements before evaluating their importance in the property's history and development. Leaving plant materials and trees in close proximity to the building that may be causing deterioration of the historic fabric.

Providing site and roof drainage that causes water to splash against building or foundation walls or drain toward the building.

Archeological Features

Recommended

Leaving known archeological resources intact.
Minimizing disturbance of terrain around the structure, thus reducing the possibility of destroying unknown archeological resources.
Arranging for archeological survey by a professional archeologist of all terrain that must be disturbed during the rehabilitation program.

Not Recommended

Installing underground utilities, pavements and other modern features that disturb archeological resources.
Introducing heavy machinery or equipment into areas where their presence may disturb archeological resources.

Building: Exterior Features

Exterior Finishes

Recommended

Discovering the historic paint colors and finishes of the structure and repainting with these colors to illustrate the distinctive character of the property.

Not Recommended

Removing paint and finishes down to the bare surface; strong paint strippers whether chemical or mechanical can permanently damage the surface. Also, stripping obliterates evidence of the historical paint finishes.
Repainting with colors that cannot be documented through research and investigation to be appropriate to the building and neighborhood.

Entrances, Porches, and Steps

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.
Repairing or replacing, where necessary, deteriorated architectural features of wood, iron, cast iron, terra-cotta, tile and brick.

Not Recommended

Removing or altering porches and steps which are appropriate to the building and its development and the style it represents.
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.

Roofs and Roofing

Recommended

Preserving the original roof shape.
Retaining the original roofing material, whenever possible.
Providing adequate roof drainage and insuring that the roofing materials are providing a weathertight covering for the structure.
Replacing deteriorated roof coverings with new material that matches the old in composition, size, shape, color and texture.
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.

Not Recommended

Changing the essential character of the roof by adding inappropriate features such as dormer windows, vents or skylights.
Applying new roofing material that is inappropriate to the style and period of the building and neighborhood.
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.
Stripping the roof of architectural features important to its character.

Windows and Doors

Recommended

Retaining and repairing existing window and door openings including window sash, glass, lintels, sills, architraves, shutters, doors, pediments, hoods, steps and all hardware.

Not Recommended

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.

Duplicating the material, design and the hardware of the older window sash and doors if new sash and doors are used.

When needed, installing visually unobtrusive storm windows and doors that do not damage existing frames and that can be removed in the future.

Using original doors and door hardware when they can be repaired and reused in place.

Altering the size of window panes or sash. Such changes destroy the scale and proportion of the building.

Installing inappropriate new window or door features such as aluminum storm and screen windows or insulating glass combinations that require the removal of original windows and doors or the installation of plastic, canvas or metal strip awnings or fake shutters that detract from the character and appearance of the building.

Wood: Clapboard, weatherboard, shingles, and other wooden siding

Recommended

Retaining and preserving significant architectural features, whenever possible.

Repairing or replacing, where necessary, deteriorated material with new material that duplicates in size, shape and texture the old as closely as possible.

Not Recommended

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.

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 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

Retaining original material, whenever possible.

Cleaning when necessary with the appropriate method.

Metals should be cleaned by methods that do not abrade the surface.

Not Recommended

Removing architectural features that are an essential part of the building's character and appearance, illustrating the continuity of growth and change.

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.

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

Recommended*

Retaining original masonry and mortar, whenever possible, without the application of any surface treatment.

Repointing only those mortar joints where there is evidence of moisture problems or when sufficient mortar is missing to allow water to stand in the mortar joint.

Duplicating old mortar in composition, color and texture.

Duplicating old mortar in joint size, method of application and joint profile.

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 or to remove graffiti and stains and

Not Recommended

Applying waterproof or water-repellent coatings or surface consolidation 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.

Repointing mortar joints that do not need repointing. Using electric saws and hammers to remove mortar can seriously damage the adjacent brick.

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.

Repointing with mortar joints of a differing size or joint profile, texture or color.

*For more information consult *Preservation Briefs: 1: The Cleaning and Waterproof Coating of Masonry Buildings* and *Preservation Briefs: 2: Repointing Mortar Joints in Historic Brick Buildings*. Both are available from *Technical Preservation Services Division, National Park Service, Washington, D.C. 20240*.

always with the gentlest method possible, such as low pressure water and soft natural bristle brushes.

Repairing or replacing, where necessary, deteriorated material with new material that duplicates the old as closely as possible.

Replacing missing significant architectural features, such as cornices, brackets, railings and shutters.

Retaining the original or early color and texture of masonry surfaces, including early signage, wherever possible. Brick or stone surfaces may have been painted or whitewashed for practical and aesthetic reasons.

Sandblasting, including dry and wet grit and other abrasives, brick or stone surfaces; this method of cleaning erodes the surface of the material and accelerates deterioration. Using chemical cleaning products which would have an adverse chemical reaction with the masonry materials, i.e., acid on limestone or marble.

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.

Removing architectural features, such as cornices, brackets, railings, shutters, window architraves and doorway pediments.

Indiscriminate removal of paint from masonry surfaces. This may subject the building to harmful damage and may give it an appearance it never had.

Building: Interior Features

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. Repairing or replacing, where necessary, deteriorated material with new material that duplicates the old as closely as possible.

Retaining original plaster, whenever possible.

Discovering and retaining original paint colors, wallpapers and other decorative motifs based on the original.

Where required by code, enclosing an important interior stairway in such a way as to retain its character. In many cases glazed fire rated walls may be used. Retaining the basic plan of a building, the relationship and size of rooms, corridors and other spaces.

Not Recommended

Removing original material, architectural features and hardware, except where essential for safety or efficiency.

Replacing interior doors and transoms without investigating alternative fire protection measures or possible code variances.

Installing new decorative material and panelling which destroys significant architectural features 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 bathrooms and kitchens.

Removing plaster to expose brick to give the wall an appearance it never had.

Removing paint from wooden architectural features by sandblasting and other abrasive techniques.

Removing paint from wooden architectural features that were never intended to be exposed.

Enclosing important stairways with ordinary fire rated construction which destroys the architectural character of the stairway and the space.

New Construction

Recommended

Keeping new additions and adjacent new construction to a minimum, making them compatible in scale, building materials and texture.

Designing new work to be compatible in materials, size, scale, color and texture with the earlier building and the neighborhood.

Using contemporary designs compatible with the character and mood of the building or the neighborhood.

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.

Not Recommended

Designing new work which is incompatible with the earlier building and the neighborhood in materials, size, scale and texture.

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 ensemble 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.

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

facades.

Adding new floors or removing existing floors which destroy important architectural details, features and spaces of the building.

Building: Structural Systems

Recommended

Recognizing the special problems inherent in the structural systems of historic buildings, especially where there are visible signs of cracking, deflection or failure. Undertaking stabilization and repair of weakened structural members and systems.

Replacing historically important structural members only when necessary. Supplementing existing structural systems when damaged or inadequate.

Not Recommended

Disturbing existing foundations with new excavations that undermine the structural stability of the building. Leaving known structural problems untreated which will cause continuing deterioration and will shorten the

Mechanical Services

Recommended

Installing necessary mechanical services in areas and spaces that will require the least possible alteration to the structural integrity and physical appearance of the building.

Utilizing early mechanical systems, including plumbing and early lighting fixtures where possible.

Installing the vertical runs of ducts, pipe and cables in closets, service rooms and wall cavities.

Insuring adequate ventilation of attics, crawl spaces and cellars to prevent moisture problems.

Installing thermal insulation in attics and in unheated cellars and crawl spaces to conserve energy.

Not Recommended

Causing unnecessary damage to the plan, materials and appearance of the building when installing mechanical services.

Having exterior electric and telephone cables attached to the principal elevations of the building.

Concealing or "making invisible" mechanical equipment in historic walls or ceilings. Frequently this concealment requires the removal of historic fabric.

Installing "dropped" acoustical ceilings to hide mechanical systems. This destroys the proportions and character of the rooms.

Installing foam, glass fiber or cellulose insulation into wall cavities of either wooden or masonry construction. This has been found to cause moisture problems when there is no adequate moisture barrier.

Safety and Code Requirements

Recommended

Complying with code requirements in such a manner that the essential character of the building is preserved intact. Working with local code officials to investigate alternative life safety measures which preserve the architectural integrity of the building.

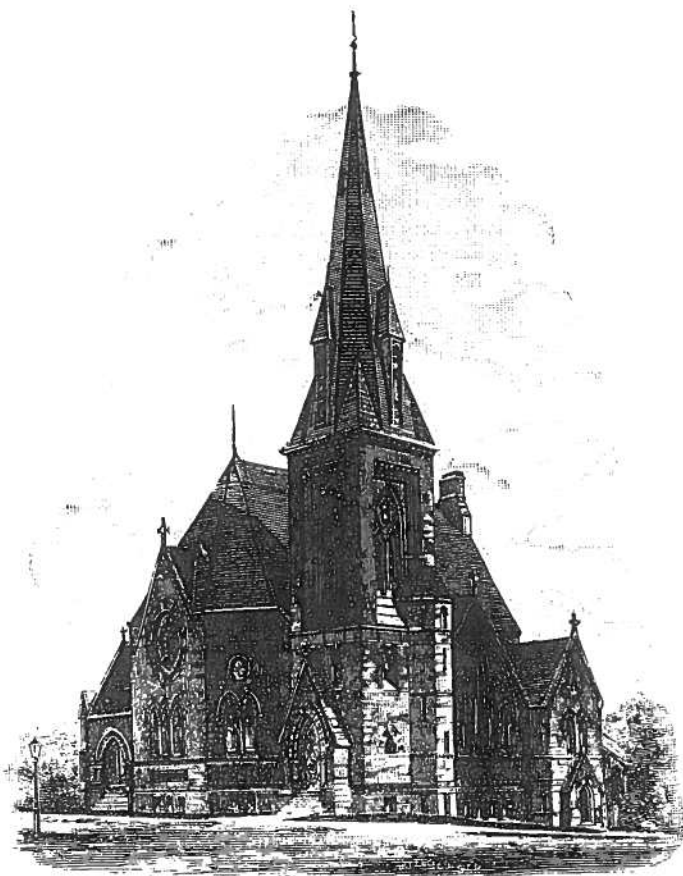
Investigating variances for historic properties afforded under some local codes.

Installing adequate fire prevention equipment in a manner which does minimal damage to the appearance or fabric of a property.

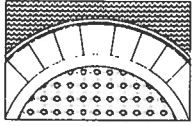
Providing access for the handicapped without damaging the essential character of a property.

Not Recommended

Adding new stairways and elevators which alter existing exit facilities or important architectural features and spaces of the building.



PILGRIM CONGREGATIONAL CHURCH.



APPENDIX F Additional Urban Design Guidelines and Criteria

General

1. The basic objective should be to respect the original architecture and relationship among the different buildings in the particular area.
2. Any new construction should be sympathetic to adjoining original buildings.
3. Brick should not be painted unless there is no other alternative. Clean and tuckpoint brick walls and use paint trim to highlight the building's architecture.
4. Plans should also be developed for improving alleys and the rear of buildings.
5. It is not enough to merely repaint the fronts of existing buildings if signs, lighting, planting, and everything else are going to be ignored. Attention must be paid to all the urban design elements that affect the area.

Building Rehabilitation

Successful restoration may involve the repair and minor replacement of original components and details that are substantially intact. Sensitive rehabilitation may include the introduction of new elements that are not original but that, with careful planning and selection, can relate well to the older parts of your buildings and to the surrounding buildings and community as a whole.

There are several general guidelines to follow, both in planning the rehabilitation of a building in a way that retains its character and later, in selecting appropriate building materials:

1. Try to keep any characteristic details that may still be on the building. Saving rotted parts will help you in selecting replacement details.
2. When introducing new elements to the exterior, try to use materials similar in proportion and detail to those characteristics of that type of building.
3. Look at neighboring buildings to see if your plans for rehabilitation will fit in. Check especially for compatibility of materials and color.
4. Do not try to make the building look either older or newer than it really is by using materials or details from other periods.

Use of Color

One of the most important decisions a houseowner may have to make is the choice of exterior colors. This is of particular importance in the case of a wood frame house, where the combination of wall and trim colors usually decides its basic character, making it appear either cheerful or gloomy, light or heavy, restful or "busy", etc. In the case of a brick building, although the basic wall color has already been established, the choice of color for windows, doors, trim, etc., can still have a decisive influence on the character of the exterior.

The choosing of colors is a very personal thing, but, nevertheless, it has its effect on the general character of the street. A good color scheme, therefore, should be neighborly as well as effective in itself, so that both the house and the environment benefit.

Whole books can, and have, been written on the subject of the use of color in buildings, but, for present purposes, the following brief suggestions may be of help to the homeowner confronted by the very real problem of having to make a choice from dozens of tiny color samples in paint catalogs:

1. Do not use too many colors. Oddly enough, the most effective architectural color schemes usually contain a very limited number of real colors -- perhaps one or two at the most -- many of the elements such as windows, trim, roofing, tiles, etc., being in white, grey, or black, which are actually non-colors.
2. If you have a frame house, be very careful in choosing the basic wall color (especially if using aluminum or vinyl clapboards as already noted). White (or rather off-white) nearly always looks right on a clapboard house, but sometimes a darker-toned color can also be very effective -- especially if the window trim is off-white or very light in tone. For this the muted or "natural" colors such as gull-grey, grey-blue, slightly greyed yellow ochre, or brick red, are especially appropriate for the Upper Midwest climate, as they look attractive in all seasons of the year. On the other hand, many of the pastel colors such as pale violets and purples, and pale greens and pinks, tend to look slightly discordant without a tropical sky as a backdrop, and they often do not relate happily with the rest of the street.
3. Avoid definite colors when choosing roofing materials which are visible. Often the roof is not thought of as part of the color scheme of a building, and many otherwise effective color combinations have been spoiled by the introduction of green, violet, or pink-tinted asphalt shingles, which turns out to be the straw that breaks the camel's back! Over-colorful roofs also have an undesirable effect of drawing attention away from the more important parts of the building. Neutral grey roofs, on the other hand, will allow a much wider selection of colors on the lower parts of the house -- where it really counts -- and provides a sort of safety buffer against "over-color". The darker tones of grey, such as charcoal (which could almost be called off-black), are particularly effective as a replacement

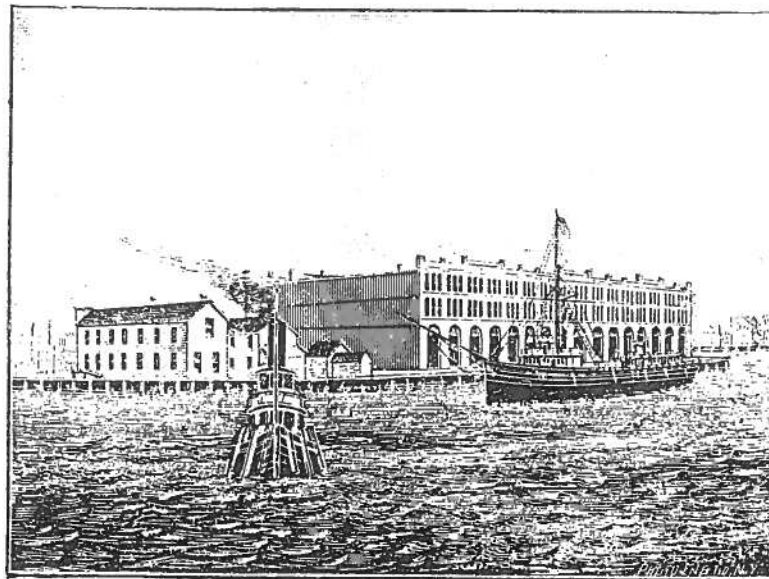
for the traditional slates and look well in themselves, besides combining with almost any color. (Despite rumors, a dark roof does not seem to draw any significant amount of extra heat into the house in summertime.)

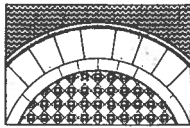
4. If in doubt, paint the moving parts of the windows white or off-white. This gives life to the exterior by contrasting with the glazed "hole" of the window which is usually black in effect, and also looks well from the interior, helping to reflect light into the room. It is often also appropriate to follow through by painting the rest of the window, including the outer trim, in white.
5. Reserve the use of bright colors for elements of maximum importance such as the front door. Although the front door, or doors, may also look attractive in natural or stained wood, if the surface has to be extensively patched or repaired, the most appropriate finish may be a few coats of relatively brightly-colored paint.

When selecting colors for a house it is often difficult to visualize exactly how the color which appears on the small sample in a paint catalog will look when applied to a whole wall and how it will relate to other contrasting colors or to black and white. Also, such questions arise as whether such items as window trim, corner boards, downspouts, etc., should be painted to match, or to contrast with, the wall, and whether shutters or blinds should be used. One of the best ways to decide these questions and to get a good idea of how the final result will look is to make a simple flat model which roughly resembles the front of the house, out of cardboard or hardboard and to paint it with the intended colors. One of the advantages of such a model over a drawing is that the different parts such as the window trim, eaves, and corner boards can be painted separately and put together afterwards. Also, by making these parts removable, the different effects of painting -- say, the window trim white, or the color of the surrounding wall, if different -- can be compared easily.

In such a model it is not necessary that all the details of the real house be reproduced -- only that the areas which might be in different colors be represented roughly in proportion, i.e., that the width and size of the window trim, cornices, corner boards, etc., are approximately right. The paint color, also, must be accurately matched, and this, of course, can best be done by using some of the paint to be used on the real house. Sometimes this is only obtainable in gallon cans -- rather more than needed for a model -- but the homeowner can take consolation with the thought that if it proves to be the right color, the rest can be used on the real house, and, if not, it was still cheaper to find out this way than by painting the whole building!

Adapted from Revitalizing Older Houses in Charleston, Boston Redevelopment Authority, 1973.





APPENDIX G

Advisory Council and Determination of Eligibility Procedures

Title 36—Parks, Forests, and Public Property

CHAPTER VIII—ADVISORY COUNCIL ON HISTORIC PRESERVATION

PART 800—PROCEDURES FOR THE PROTECTION OF HISTORIC AND CULTURAL PROPERTIES

Pursuant to the National Historic Preservation Act of 1966 (80 Stat. 915, 16 U.S.C. 470) and Executive Order 11593, May 13, 1971, "Protection and Enhancement of the Cultural Environment" (36 FR 8921, 16 U.S.C. 470), the Advisory Council on Historic Preservation has established Procedures for Compliance, set forth in the FEDERAL REGISTER of February 28, 1973 (38 FR 5388), to implement the purposes of those authorities. Proposed revisions to those procedures were published in the FEDERAL REGISTER of November 5, 1973 (38 FR 30464) and 30 days were allowed for public comment. Federal agencies were also solicited to consult with the Advisory Council with regard to the development of procedures for the protection of non-federally owned historic and cultural properties as required by section 1(3) of Executive Order 11593.

In response to comments received by the Advisory Council and in consultation with Federal agencies, the proposed procedures have been revised to incorporate suggestions from Federal and State agencies and private citizens. It is the purpose of this notice, through publication of revised "Procedures for the Protection of Historic and Cultural Properties," to apprise the public as well as government agencies, associations, and all other organizations and individuals interested in historic preservation, that the following procedures are hereby adopted as set forth below. The procedures will appear in the Code of Federal Regulations in Title 36, Chapter 8 at Part 800. The procedures are being codified because they affect State and local governmental agencies, private organizations, and individuals, in addition to Federal agencies, to which they are specifically directed, and because of the resultant need to make them widely and readily available.

Federal agencies are advised that the procedures set forth certain steps for agencies to follow to fulfill their obligations pursuant to section 1(3) of Executive Order 11593 and to use as a guide in the development of their required internal procedures in consultation with the Council. The Advisory Council reiterates its solicitation of Federal agencies to consult with the Council on the development of those procedures. Inquiries regarding such consultation, as well as inquiries regarding the substance of and compliance with the procedures in general, should be directed to the Executive Secretary, Advisory Council on Historic Preservation, Suite 430, 1522 K Street NW., Washington, D.C. 20005.

Effective date: January 25, 1974.

ROBERT R. GARVEY, JR.,
Executive Director, Advisory
Council on Historic Preservation.

A new Chapter VIII, Advisory Council on Historic Preservation, containing Part 800, Procedures for the Protection of Historic and Cultural Properties, is added to title 36, CFR, reading as set forth below.

Sec.	
800.1	Purpose and authorities.
800.2	Coordination with agency requirements under the National Environmental Policy Act.
800.3	Definitions.
800.4	Agency procedures.
800.5	Consultation process.
800.6	Council procedures.
800.7	Other powers of the Council.
800.8	Criteria of effect.
800.9	Criteria of adverse effect.
800.10	National Register criteria.

AUTHORITY: Pub. L. 89-665, 80 Stat. 915, (16 U.S.C. 470); E.O. 11593, 3 CFR 1971 Comp., p. 154.

§ 800.1 Purpose and authorities.

(a) The National Historic Preservation Act of 1966 created the Advisory Council on Historic Preservation, an independent agency of the Executive branch of the Federal Government, to advise the President and Congress on matters involving historic preservation. Its members are the Secretary of the Interior; the Secretary of Housing and Urban Development, the Secretary of the Treasury, the Secretary of Commerce, the Attorney General, the Secretary of Transportation, the Secretary of Agriculture, the Administrator of the General Services Administration, the Secretary of the Smithsonian Institution, the Chairman of the National Trust for Historic Preservation, and 10 citizen members appointed by the President on the basis of their outstanding service in the field of historic preservation.

(b) The Council reviews Federal, federally assisted, and federally licensed undertakings affecting cultural properties as defined herein in accordance with the following authorities:

(1) Section 106 of the National Historic Preservation Act. Section 106 requires that Federal, federally assisted, and federally licensed undertakings affecting properties included in the National Register of Historic Places be submitted to the Council for review and comment prior to the approval of any such undertaking by the Federal agency.

(2) Section 1(3) of Executive Order 11593, May 13, 1971, "Protection and Enhancement of the Cultural Environment." Section 1(3) requires that Federal agencies, in consultation with the Council, establish procedures regarding the preservation and enhancement of non-federally owned historic and cultural properties in the execution of their plans and programs. After soliciting consultation with the Federal agencies, the Advisory Council has adopted procedures, set forth in §§ 800.3 through 800.10, to achieve this objective and Federal agencies should fulfill their responsibilities under section 1(3) by following these procedures. The Council further recommends that Federal agencies use these procedures as a guide in the development, in consultation with the Council, of their required internal procedures.

(3) Section 2(b) of Executive Order 11593, May 13, 1971, "Protection and Enhancement of the Cultural Environment." Federal agencies are required, by section 2(a) of the Executive Order, to locate, inventory, and nominate properties under their jurisdiction or control to the National Register. Until such processes are complete, Federal agencies must submit proposals for the transfer, sale, demolition, or substantial alteration of federally owned properties eligible for inclusion in the National Register to the Council for review and comment. Federal agencies must continue to comply with section 2(b) review requirements, even after the initial inventory is complete, when they obtain jurisdiction or control over additional properties that are eligible for inclusion in the National Register or when properties under their jurisdiction or control are found to be eligible for inclusion in the National Register subsequent to the initial inventory.

§ 800.2 Coordination with agency requirements under the National Environmental Policy Act.

Section 101(b) (4) of the National Environment Policy Act (NEPA) declares that one objective of the national environmental policy is to "preserve important historic, cultural, and natural aspects of our national heritage and maintain, wherever possible, an environment which supports diversity and variety of individual choice." In order to meet this objective, the Advisory Council instructs Federal agencies to coordinate NEPA compliance with the separate responsibilities of the National Historic Preservation Act and Executive Order 11593 to ensure that historic and cultural resources are given proper consideration in the preparation of environmental impact statements. Agency obligations pursuant to the National Historic Preservation Act and Executive Order 11593 are independent from NEPA and must be complied with even when an environmental impact statement is not required. However, where both NEPA and the National Historic Preservation Act or Executive Order 11593 are applicable, the Council on Environmental Quality, in its *Guidelines for the Preparation of Environmental Impact Statements* (40 CFR Part 1500), directs that compliance with section 102(2)(C) of NEPA should, to the extent possible, be combined with other statutory obligations—such as the National Historic Preservation Act and Executive Order 11593—to yield a single document which meets all applicable requirements. To achieve this objective, Federal agencies should undertake, to the fullest extent possible, compliance with the procedures set forth below whenever properties included in or eligible for inclusion in the National Register are involved in a project to ensure that obligations under the National Historic Preservation Act and Executive Order 11593 are fulfilled during the preparation of a draft environmental impact statement required under section 102(2)(C) of NEPA. The Advisory Council recommends that compliance with these procedures be undertaken at the earliest

stages of the environmental impact statement process to expedite review of the statement. Statements on projects affecting properties included in or eligible for inclusion in the National Register should be sent directly to the Advisory Council for review. All statements involving historic, architectural, archeological, or cultural resources, whether or not included in or eligible for inclusion in the National Register, should be submitted to the Department of Interior for review.

§ 800.3 Definitions.

As used in these procedures:

(a) "National Historic Preservation Act" means Public Law 89-665, approved October 15, 1966, an "Act to establish a program for the preservation of additional historic properties throughout the Nation and for other purposes," 80 Stat. 915, 16 U.S.C. 470, as amended, 84 Stat. 204 (1970) and 87 Stat. 139 (1973) hereinafter referred to as "the Act."

(b) "Executive Order" means Executive Order 11593, May 13, 1971, "Protection and Enhancement of the Cultural Environment," 36 FR 8921, 16 U.S.C. 470.

(c) "Undertaking" means any Federal action, activity, or program, or the approval, sanction, assistance, or support of any other action, activity or program, including but not limited to:

(1) Recommendations or favorable reports relating to legislation, including requests for appropriations. The requirement for following these procedures applies to both: Agency recommendations on their own proposals for legislation and agency reports on legislation initiated elsewhere. In the latter case only the agency which has primary responsibility for the subject matter involved will comply with these procedures.

(2) New and continuing projects and program activities: directly undertaken by Federal agencies; or supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance; or involving a Federal lease, permit, license, certificate, or other entitlement for use.

(3) The making, modification, or establishment of regulations, rules, procedures, and policy.

(d) "National Register" means the National Register of Historic Places, which is a register of districts, sites, buildings, structures, and objects, significant in American history, architecture, archeology, and culture, maintained by the Secretary of the Interior under authority of section 2(b) of the Historic Sites Act of 1935 (49 Stat. 666, 16 U.S.C. 461) and section 101(a)(1) of the National Historic Preservation Act. The National Register is published in its entirety in the FEDERAL REGISTER each year in February. Addenda are published on the first Tuesday of each month.

(e) "National Register property" means a district, site building, structure, or object included in the National Register.

(f) "Property eligible for inclusion in the National Register" means any district, site, building, structure, or object which the Secretary of the Interior determines is likely to meet the National Register Criteria. As these determinations are made, a listing is published in the FEDERAL REGISTER on the first Tuesday of each month, as a supplement to the National Register.

(g) "Decision" means the exercise of agency authority at any stage of an un-

dertaking where alterations might be made in the undertaking to modify its impact upon historic and cultural properties.

(h) "Agency Official" means the head of the Federal agency having responsibility for the undertaking or a subordinate employee of the Federal agency to whom such authority has been delegated.

(i) "Chairman" means the Chairman of the Advisory Council on Historic Preservation, or such member designated to act in his stead.

(j) "Executive Director" means the Executive Director of the Advisory Council on Historic Preservation established by Section 205 of the Act, or his designated representative.

(k) "State Historic Preservation Officer" means the official within each State, authorized by the State at the request of the Secretary of the Interior, to act as liaison for purposes of implementing the Act, or his designated representative.

(l) "Secretary" means the Secretary of the Interior, or his designee authorized to carry out the responsibilities of the Secretary of the Interior under Executive Order 11593.

§ 800.4 Agency procedures.

At the earliest stage of planning or consideration of a proposed undertaking, including comprehensive or area-wide planning in which provision may be made for an undertaking or an undertaking may be proposed, the Agency Official shall take the following steps to comply with the requirements of section 106 of the National Historic Preservation Act and sections 1(3) and 2(b) of Executive Order 11593.

(a) *Identification of resources.* As early as possible and in all cases prior to agency decision concerning an undertaking, the Agency Official shall identify properties located within the area of the undertaking's potential environmental impact that are included in or eligible for inclusion in the National Register.

(1) To identify properties included in the National Register, the Agency Official shall consult the National Register, including monthly supplements.

(2) To identify properties eligible for inclusion in the National Register, the Agency Official shall, in consultation with the appropriate State Historic Preservation Officer, apply the National Register Criteria, set forth in Section 800.10, to all properties possessing historical, architectural, archeological, or cultural value located within the area of the undertaking's potential environmental impact. If the Agency Official determines that a property appears to meet the Criteria, or if it is questionable whether the Criteria are met, the Agency Official shall request, in writing, an opinion from the Secretary of the Interior respecting the property's eligibility for inclusion in the National Register. The Secretary of the Interior's opinion respecting the eligibility of a property for inclusion in the National Register shall be conclusive for the purposes of these procedures.

(b) *Determination of effect.* For each property included in or eligible for inclusion in the National Register that is located within the area of the undertaking's potential environmental impact, the Agency Official, in consultation with the State Historic Preservation Officer, shall apply the Criteria of Effect, set forth in Section 800.8, to determine whether the undertaking has an effect upon the prop-

erty. Upon applying the Criteria and finding no effect, the undertaking may proceed. The Agency Official shall keep adequate documentation of a determination of no effect.

(c) *Effect established.* Upon finding that the undertaking will have any effect upon a property included in or eligible for inclusion in the National Register, the Agency Official, in consultation with the State Historic Preservation Officer, shall apply the Criteria of Adverse Effect, set forth in §800.9, to determine whether the effect of the undertaking is adverse.

(d) *Finding of no adverse effect.* Upon finding the effect not to be adverse, the Agency Official shall forward adequate documentation of the determination, including evidence of the views of the State Historic Preservation Officer, to the Executive Director for review. Unless the Executive Director notes an objection to the determination within 45 days after receipt of adequate documentation, the Agency Official may proceed with the undertaking.

(e) *Finding of adverse effect.* Upon finding the effect to be adverse or upon notification that the Executive Director does not accept a determination of no adverse effect, the Agency Official shall:

(1) Request, in writing, the comments of the Advisory Council; (2) notify the State Historic Preservation Officer of this request; (3) prepare a preliminary case report; and (4) proceed with the consultation process set forth in Section §00.5.

(f) *Preliminary case report.* Upon requesting the comments of the Advisory Council, the Agency Official shall provide the Executive Director and the State Historic Preservation Officer with a preliminary case report, containing all relevant information concerning the undertaking. The Agency Official shall obtain such information and material from any applicant, grantee, or other beneficiary involved in the undertaking as may be required for the proper evaluation of the undertaking, its effects, and alternate courses of action

§ 800.5 Consultation process.

(a) *Response to request for comments.* Upon receipt of a request for Advisory Council comments pursuant to Section 800.4(e), the Executive Director shall acknowledge the request and shall initiate the consultation process.

(b) *On-site inspection.* At the request of the Agency Official, the State Historic Preservation Officer, or the Executive Director, the Agency Official shall conduct an on-site inspection with the Executive Director, the State Historic Preservation Officer and such other representatives of national, State, or local units of government and public and private organizations that the consulting parties deem appropriate.

(c) *Public information meeting.* At the request of the Agency Official, the State Historic Preservation Officer, or the Executive Director, the Executive Director shall conduct a meeting open to the public, where representatives of national, State, or local units of government, representatives of public or private organizations, and interested citizens can receive information and express their views on the undertaking, its effects on historic and cultural properties, and alternate courses of action. The Agency Official shall provide adequate facilities for the meeting and shall afford appropriate notice to the public in advance of the meeting.

(d) *Consideration of alternatives.* Upon review of the pending case and subsequent to any on-site inspection and any public information meeting, the Executive Director shall consult with the Agency Official and State Historic Preservation Officer to determine whether there is a feasible and prudent alternative to avoid or satisfactorily mitigate any adverse effect.

(e) *Avoidance of adverse effect.* If the Agency Official, the State Historic Preservation Officer, and the Executive Director select and unanimously agree upon a feasible and prudent alternative to avoid the adverse effect of the undertaking, they shall execute a Memorandum of Agreement acknowledging avoidance of adverse effect. This document shall be forwarded to the Chairman for review pursuant to Section 800.6(a).

(f) *Mitigation of adverse effect.* If the consulting parties are unable to unanimously agree upon a feasible and prudent alternative to avoid any adverse effect, the Executive Director shall consult with the Agency Official and the State Historic Preservation Officer to determine whether there is a feasible and prudent alternative to satisfactorily mitigate the adverse effect of the undertaking. Upon finding and unanimously agreeing to such an alternative, they shall execute a Memorandum of Agreement acknowledging satisfactory mitigation of adverse effect. This document shall be forwarded to the Chairman for review pursuant to Section 800.6(a).

(g) *Memorandum of Agreement.* It shall be the responsibility of the Executive Director to prepare each Memorandum of Agreement required under these procedures. In preparation of such a document the Executive Director may request the Agency Official to prepare a proposal for inclusion in the Memorandum, detailing actions to be taken to avoid or mitigate the adverse effect.

(h) *Failure to avoid or mitigate adverse effect.* Upon the failure of consulting parties to find and unanimously agree upon a feasible and prudent alternative to avoid or satisfactorily mitigate the adverse effect, the Executive Director shall request the Chairman to schedule the undertaking for consideration at the next Council meeting and notify the Agency Official of the request. Upon notification of the request, the Agency Official shall delay further processing of the undertaking until the Council has transmitted its comments or the Chairman has given notice that the undertaking will not be considered at a Council meeting.

§ 800.6 Council procedures.

(a) *Review of Memorandum of Agreement.* Upon receipt of a Memorandum of Agreement acknowledging avoidance of adverse effect or satisfactory mitigation of adverse effect, the Chairman shall institute a 30-day review period. Unless the Chairman shall notify the Agency Official that the matter has been placed on the agenda for consideration at a Council meeting, the memorandum shall become final: (1) Upon the expiration of the 30-day review period with no action taken; or (2) when signed by the Chairman. Memoranda duly executed in accordance with these procedures shall constitute the comments of the Advisory Council. Notice of executed Memoranda of Agreement shall be published in the FEDERAL REGISTER monthly.

(b) *Response to request for consideration at Council meeting.* Upon receipt of a request from the Executive Director for

consideration of the proposed undertaking at a Council meeting, the Chairman shall determine whether or not the undertaking will be considered and notify the Agency Official of his decision. To assist the Chairman in this determination, the Agency Official and the State Historic Preservation Officer shall provide such reports and information as may be required. If the Chairman decides against consideration at a Council meeting, he will submit a written summary of the undertaking and his decision to each member of the Council. If any member of the Council notes an objection to the decision within 15 days of the Chairman's decision, the undertaking will be scheduled for consideration at a Council meeting. If the Council members have no objection, the Chairman shall notify the Agency Official at the end of the 15-day period that the undertaking may proceed.

(c) *Decision to consider the undertaking.* Upon determination that the Council will consider an undertaking, the Chairman shall: (1) Schedule the matter for consideration at a regular meeting no less than 60 days from the date the request was received, or in exceptional cases, schedule the matter for consideration in an unassembled or special meeting; (2) notify the Agency Official and the State Historic Preservation Officer of the date on which comments will be considered; and (3) authorize the Executive Director to prepare a case report.

(d) *Content of the case report.* For purposes of arriving at comments, the Advisory Council prescribes that certain reports be made available to it and accepts reports and statements from other interested parties. Specific informational requirements are enumerated below. Generally, the requirements represent an explication of elaboration of principles contained in the Criteria of Effect and in the Criteria of Adverse Effect. The Council notes, however, that the Act recognizes historical and cultural resources should be preserved "as a living part of our community life and development." Consequently, in arriving at final comments, the Council considers those elements in an undertaking that have relevance beyond historical and cultural concerns. To assist it in weighing the public interest, the Council welcomes information not only bearing upon physical, sensory, or esthetic effects but also information concerning economic, social, and other benefits or detriments that will result from the undertaking.

(e) *Elements of the case report.* The report on which the Council relies for comment shall consist of:

(1) A report from the Executive Director to include a verification of the legal and historical status of the property; an assessment of the historical, architectural, archeological, or cultural significance of the property; a statement indicating the special value of features to be most affected by the undertaking; an evaluation of the total effect of the undertaking upon the property; a critical review of any known feasible and prudent alternatives and recommendations to remove or mitigate the adverse effect;

(2) A report from the Agency Official requesting comment to include a general discussion and chronology of the proposed undertaking; when appropriate, an account of the steps taken to comply with section 102(2)(A) of the National Environmental Policy Act of 1969 (83 Stat. 852, 42 U.S.C. 4321): an evaluation of the effect of the undertaking upon

the property, with particular reference to the impact on the historic, architectural, archeological and cultural values; steps taken or proposed by the agency to take into account, avoid, or mitigate adverse effects of the undertaking; a thorough discussion of alternate courses of action; and, if applicable and available, a copy of the draft environmental statement prepared in compliance with section 102(2)(C) of the National Environmental Policy Act of 1969;

(3) A report from any other Federal agency having under consideration an undertaking that will concurrently or ultimately affect the property, including a general description and chronology of that undertaking and discussion of the relation between that undertaking and the undertaking being considered by the Council;

(4) A report from the State Historic Preservation Officer to include an assessment of the significance of the property; an identification of features of special value; an evaluation of the effect of the undertaking upon the property and its specific components; an evaluation of known alternate courses of action; a discussion of present or proposed participation of State and local agencies or organizations in preserving or assisting in preserving the property; an indication of the support or opposition of units of government and public and private agencies and organizations within the State; and the recommendations of his office;

(5) A report by any applicant or potential recipient when the Council considers comments upon an application for a contract, grant, subsidy, loan, or other form of funding assistance, or an application for a Federal lease, permit, license, certificate, or other entitlement for use. Arrangements for the submission and presentation of reports by applicants or potential recipients shall be made through the Agency Official having jurisdiction in the matter; and

(6) Other pertinent reports, statements, correspondence, transcripts, minutes, and documents received by the Council from any and all parties, public or private. Reports submitted pursuant to this section should be received by the Council at least two weeks prior to a Council meeting.

(f) *Coordination of case reports and statements.* In considerations involving more than one Federal department, either directly or indirectly, the Agency Official requesting comment shall act as a coordinator in arranging for a full assessment and discussion of all interdepartmental facets of the problem and prepare a record of such coordination to be made available to the Council. At the request of the Council, the State Historic Preservation Officer shall notify appropriate governmental units and public and private organizations within the State of the pending consideration of the undertaking by the Council, and coordinate the presentation of written statements to the Council.

(g) *Council meetings.* The Council does not hold formal hearings to consider comments under these procedures. Two weeks notice shall be given, by publication in the FEDERAL REGISTER, of all meetings involving Council review of Federal undertakings in accordance with these procedures. Reports and statements will be presented to the Council in open session in accordance with a prearranged agenda. Regular meetings of the Council generally occur on the first Wednesday and Thursday of February, May, Au-

gust and November.

(h) *Oral statements to the Council.* A schedule shall provide for oral statements from the Executive Director; the referring Agency Official presently or potentially involved; the applicant or potential recipient, when appropriate; the State Historic Preservation Officer; and representatives of national, State, or local units of government and public and private organizations. Parties wishing to make oral remarks shall submit written statements of position in advance to the Executive Director.

(i) *Comments by the Council.* The comments of the Council, issued after consideration of an undertaking at a Council meeting, shall take the form of a three-part statement, including an introduction, findings, and a conclusion. The statement shall include notice to the Agency Official of the report required under section 800.6(j) of these procedures. Comments shall be made to the head of the Federal Agency requesting comment or having responsibility for the undertaking. Immediately thereafter, the comments of the Council will be forwarded to the President and the Congress as a special report under authority of section 202(b) of the Act and published as soon as possible in the FEDERAL REGISTER. Comment shall be available to the public upon receipt of the comments by the head of the Federal agency.

(j) *Report of agency action in response to Council comments.* When a final decision on the undertaking is reached by the Federal Agency, the Agency Official shall submit a written report to the Council containing a description of actions taken by the Federal Agency subsequent to the Council's comments; a description of actions taken by other parties pursuant to the actions of the Federal Agency; and the ultimate effect of such actions on the property involved. The Council may request supplementary reports if the nature of the undertaking requires them.

(k) *Records of the Council.* The records of the Council shall consist of a record of the proceedings at each meeting, the case report prepared by the Executive Director, and all other reports, statements, transcripts, correspondence, and documents received.

(l) *Continuing review jurisdiction.* When the Council has commented upon an undertaking pursuant to Section 800.6 such as a comprehensive or area-wide plan that by its nature requires subsequent action by the Federal Agency, the Council will consider its comments or approval to extend only to the undertaking as reviewed. The Agency Official shall ensure that subsequent action related to the undertaking is submitted to the Council for review in accordance with § 800.4(e) of these procedures when that action is found to have an adverse effect on a property included in or eligible for inclusion in the National Register.

§ 800.7 Other powers of the Council.

(a) *Comment or report upon non-Federal undertaking.* The Council will exercise the broader advisory powers, vested by section 202(a) (1) of the Act, to recommend measures concerning a non-Federal undertaking that will adversely affect a property included in or eligible for inclusion in the National Register: (1) upon request from the President of the United States, the President of the U.S. Senate, or the Speaker of the House of Representatives, or (2) when agreed upon by a majority vote of the members of the Council.

(b) *Comment or report upon Federal undertaking in special circumstances.* The Council will exercise its authority to comment to Federal agencies in certain special situations even though written notice that an undertaking will have an effect has not been received. For example, the Council may choose to comment in situations where an objection is made to a Federal agency finding of "no effect."

§ 800.8 Criteria of effect.

A Federal, federally assisted, or federally licensed undertaking shall be considered to have an effect on a National Register property or property eligible for inclusion in the National Register (districts, sites, buildings, structures, and objects, including their settings) when any condition of the undertaking causes or may cause any change, beneficial or adverse, in the quality of the historical, architectural, archeological, or cultural character that qualifies the property under the National Register Criteria.

§ 800.9 Criteria of adverse effect.

Generally, adverse effects occur under conditions which include but are not limited to:

- (a) Destruction or alteration of all or part of a property;
- (b) Isolation from or alteration of its surrounding environment;
- (c) Introduction of visual, audible, or atmospheric elements that are out of character with the property or alter its setting;
- (d) Transfer or sale of a federally owned property without adequate conditions or restrictions regarding preservation, maintenance, or use; and
- (e) Neglect of a property resulting in its deterioration or destruction.

§ 800.10 National Register criteria.

(a) "National Register Criteria" means the following criteria established by the Secretary of the Interior for use in evaluating and determining the eligibility of properties for listing in the National Register: The quality of significance in American history, architecture, archeology, and culture is present in districts, sites, buildings, structures, and objects of State and local importance that possess integrity of location, design, setting, materials, workmanship, feeling and association and:

- (1) That are associated with events that have made a significant contribution to the broad patterns of our history; or
- (2) That are associated with the lives of persons significant in our past; or
- (3) That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- (4) That have yielded, or may be likely to yield, information important in prehistory or history.

(b) *Criteria considerations.* 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 locations, reconstructed historic buildings, properties primarily commemorative in nature, and 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 or if they fall within the following categories:

(1) A religious property deriving primary significance from architectural or artistic distinction or historical importance;

(2) A building or structure removed from its original location but which is the surviving structure most importantly associated with a historic person or event;

(3) 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;

(4) 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;

(5) 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;

(6) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance; or

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

[FR Doc.74-1936 Filed 1-24-74;8:45 am]

PART 63—DETERMINATIONS OF ELIGIBILITY FOR INCLUSION IN THE NATIONAL REGISTER OF HISTORIC PLACES

AGENCY: National Park Service, Interior.

ACTION: Interim regulations.

SUMMARY: This rule codifies the process through which Federal agencies request and obtain a determination of a property's eligibility for inclusion in the National Register of Historic Places, to implement Executive Order 11593 and the National Historic Preservation Act of 1966, as amended.

DATES: Effective date: September 21, 1977. Comments by October 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. William J. Murtagh, Keeper of the National Register, Office of Archeology and Historic Preservation, National Park Service, Department of the Interior, Washington, D.C. 20240 (202-523-5065).

Sec.

63.1 Purpose and authorities.

63.2 Determination of eligibility process.

63.3 Procedures to be applied when the agency and the State Historic Preservation Officer agree a property is eligible.

63.4 Other properties on which determinations of eligibility may be made by the Secretary of the Interior.

63.5 FEDERAL REGISTER publication of properties determined eligible.

63.6 Review and nomination of properties determined eligible.

AUTHORITY: Sec. 2(k), Historic Sites Act of 1935, 16 U.S.C. 462(K) (1970ed), Sec. 101(a)(1), National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470(a)(1) (1970 ed), Secs. 3(b) and 4(f), E.O. 11593.

§ 63.1 Purpose and authorities.

(a) These regulations have been developed to assist Federal agencies in identifying and evaluating the eligibility of properties for inclusion in the National Register. The regulations explain how to request determinations of eligibility under section 2(b) of Executive Order 11593 and the regulations of the Advisory Council on Historic Preservation (36 CFR Part 800) for implementation of sections 1(3) and 2(b) of Executive Order 11593 and the National Historic Preservation Act of 1966, as amended. Federal agencies request determinations of eligibility in considering historic properties on lands under their jurisdiction or control or on lands to be affected by proposed actions.

§ 63.2 Determination of eligibility process.

The Department of the Interior will respond within 45 days of receipt of a documented request for a determination of eligibility from a Federal agency when it is submitted in accordance with the following regulations and is accompanied by documentation that clearly portrays the nature and significance of the property.

(a) The agency shall consult the State Historic Preservation Officer as the first step in identifying historic properties for information concerning:

(1) Properties listed in the National Register.

(2) Properties in the process of nomination to the National Register.

(3) Properties determined eligible by the Secretary of the Interior for listing in the National Register.

(4) Any other available information that would assist in identifying properties in the area affected by the proposed action.

(b) If the State Historic Preservation Officer has inadequate information to document the presence or absence of historic properties in the project area, the Federal agency should refer to the Department of the Interior's criteria for the identification of historic properties and the guidelines for level of documentation to accompany requests for determinations of eligibility for inclusion in the National Register published as a notice in the FEDERAL REGISTER.

(c) The agency shall, in consultation with the State Historic Preservation Officer, apply the National Register Criteria for Evaluation contained in 36 CFR 60.6 to all potentially eligible properties that may be affected by the proposed action. If a property appears to meet the Criteria and the State Historic Preservation Officer agrees, the agency should follow the procedures in § 63.3. If there is a question whether the Criteria are met, the agency shall complete the procedures in § 63.3(d). A question on whether a property meets the Criteria exists when the agency and the State Historic Preservation Officer disagree or when the agency determines that a question exists. The Department of the Interior will provide general and specific advice concerning the identification of historic properties and will bring to the attention of a Federal agency any information received

from the public regarding potential historic properties in the area affected by its plans or projects.

(d) The agency shall submit a letter of request for a determination of eligibility with a description, statement of significance, photographs, and a map, or a statement in accord with § 63.3 below, if applicable, directly to the Keeper of the National Register, National Park Service, Department of the Interior, Washington, D.C. 20240. If available, the opinion of the State Historic Preservation Officer on the eligibility of the property should also be forwarded with the request.

(e) The Keeper, National Register, will respond in writing to the agency's request within 45 days of receipt of a documented request submitted in accord with § 63.2(d) of these procedures. If the opinion of the State Historic Preservation Officer is not included with the request, the Keeper of the National Register will provide to the State Historic Preservation Officer a copy of the request and will ask for his opinion on the property. If the Keeper does not receive the State Historic Preservation Officer's response within three weeks of the State Historic Preservation Officer's receipt of a letter from the Keeper requesting an opinion, the Keeper will proceed with the determination and will inform the agency that the State Historic Preservation Officer did not give an opinion. If the Keeper of the National Register determines that documentation submitted with the request is not sufficient to make a professional evaluation of the significance of the property, he will advise the agency in writing of the additional information needed. The Keeper of the National Register will respond to the agency's request within 45 days of receipt of documentation on the property requested by the Keeper.

§ 63.3 Procedures to be applied when the Agency and the State Historic Preservation Officer agree a property is eligible.

If during the consultation described in § 63.2(c), both the agency and the State Historic Preservation Officer agree that a property meets the Criteria, the Federal agency or the State Historic Preservation Officer shall forward to the Keeper of the National Register (a) a letter signed by the agency stating that the agency and the State Historic Preservation Officer agree that the property is eligible for inclusion in the National Register, and (b) a statement signed by the State Historic Preservation Officer that in his opinion the property is eligible for the National Register. Either the letter or the statement must contain substantive information on the property, including a description, specific boundaries, its significance under National Register Criteria, and an explanation of why the property is eligible for listing in the National Register. The Keeper of the National Register shall give written notice of his determination to both the agency and the State Historic Preservation Officer within 10 working days of receipt. If the property has not been accurately identified and evaluated, the Keeper will inform the agency and the

State Historic Preservation Officer within 10 working days and will recommend that the agency follow the process set forth at § 63.2. Notwithstanding such recommendation, the Federal agency or the Keeper of the National Register may consider the property eligible for the purpose of obtaining the Advisory Council on Historic Preservation's comments. Documentation concerning properties determined eligible for the National Register shall be kept on file by the agency and the State Historic Preservation Officer.

§ 63.4 Other properties on which determinations of eligibility may be made by the Secretary of the Interior.

(a) The Keeper of the National Register will make determinations of eligibility on properties nominated by Federal agencies under section 2(a) of Executive Order 11593 prior to returning the nominations for such properties to the agency for technical or professional revision or because of procedural requirements. Such determinations of eligibility will be made only if sufficient information exists to establish the significance of the property and its eligibility for the National Register.

(b) Any property or district removed from the National Register for procedural deficiencies in the nomination and/or listing process shall automatically be considered eligible for inclusion in the National Register without further action and will be published as such in the FEDERAL REGISTER.

(c) If necessary to assist in the protection of historic resources, the Keeper, upon consultation with the appropriate State Historic Preservation Officer and concerned Federal agency, if any, may determine properties to be eligible for listing in the National Register under the Criteria established by 36 CFR Part 60 and shall publish such determinations in the FEDERAL REGISTER. Such determinations may be made without a specific request from the Federal agency or, in effect, may reverse findings on eligibility made by a Federal agency and State Historic Preservation Officer. Such determinations will be made after an investigation and an onsite inspection of the property in question.

§ 63.5 Federal Register publication of properties determined eligible.

In addition to written notice to the Federal agency and the State Historic Preservation Officer, public notice of properties determined eligible for the National Register will be published in the FEDERAL REGISTER at regular intervals and in a cumulative annual edition usually issued in February. Determinations in accord with § 63.3 will be identified with an asterisk.

§ 63.6 Review and nomination of properties determined eligible.

The Keeper of the National Register will conduct an annual review of the condition of properties determined eligible for the National Register. The Keeper of the National Register will obtain from the Advisory Council on Historic Preservation information on decisions made concerning eligible proper-

ties in accord with memorandum of agreement under the Council's "Procedures for the Protection of Historic and Cultural Properties" (36 CFR Part 800). If there is no memorandum of agreement or if no provision has been made in a memorandum of agreement for nomination of an eligible property and if the property retains the characteristics that made it eligible for the National Register, the Keeper of the National Register will take the following steps:

(a) For a property owned by a Federal agency, or under the jurisdiction or

control of the agency to the extent that the agency substantially exercises the attributes of ownership, the Keeper of the National Register will request the Federal agency to nominate the property to the National Register within six months.

(b) If the property is not under Federal jurisdiction or control, the Keeper of the National Register will request that the State Historic Preservation Office nominate the property to the National Register within six months.

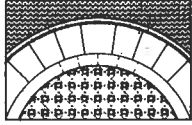
(c) If the Keeper of the National Register determines that a property has lost the characteristics that made it eligible for the National Register, he will inform the State Historic Preservation Officer and the Federal agency and remove the property from the list of eligible properties.

Dated: September 8, 1977.

Approved: **WILLIAM J. WHELAN, Director,**
National Park Service.

[FR Doc.77-27245 Filed 9-20-77;8:45 am]





APPENDIX H

Guidelines for Level of Documentation to Accompany Requests for Determination of Eligibility

These guidelines provide standards to which Federal agencies may refer in the preparation of the basic documentation (description, statement of significance, maps and photographs, and the opinion of the State Historic Preservation Officer) necessary to evaluate the eligibility for the National Register of districts, sites, buildings, structures, and objects. Where possible this documentation should be prepared by professionals in the fields of history, architectural history, architecture, and archeology. Although in some cases a determination of eligibility can be made on less information, the Department of the Interior recommends these guidelines as a general standard for the amount and kinds of documentation necessary to evaluate properties against the National Register criteria. The categories of information here are those required for nomination of properties to the National Register. Documentation submitted with determination of eligibility requests may be recorded on National Register nomination forms, although such forms are not required. If the information on the property has been compiled through a survey, the agency should submit the survey report as part of the documentation. Information included in the survey report or in other material need not be recorded in the format suggested in these guidelines. As long as the basic categories of information are provided, the agency may use any format for submitting this documentation which it finds convenient. Each category should be provided:

- I. Request for determination
- II. Property name
- III. Location
- IV. Classification: district, site, building, structure, or object
- V. Ownership
- VI. Representation in Existing Surveys
- VII. Description
- VIII. Significance
- IX. Bibliography
- X. Geographical Data, Maps, and Acreage
- XI. Photographs
- XII. Individual(s) compiling documentation
- XIII. Opinion of the State Historic Preservation Officer

Many of these categories require only a very brief statement. Special attention should be given to the Description (VII) and Significance (VIII). Much of the guidance under these categories applies to a specific classification of resource. Not all this information is required for each classification (building, site, district, structure, object).

I. Request for Determination of Eligibility

The name and address of the agency and the agency official making the request should appear in the letter of request or as part of the documentation. Communities requesting determinations of eligibility in accord with the "Environmental Review Procedures for Community Development Block Grant Program" (24 CFR 58) should certify that the request is made as part of planning for a community development block grant project.

II. Property Name

A. Historic Name

This may refer to the original owner or builder; significant persons or events associated with the property; innovative or unusual characteristics of the property; or, accepted professional, scientific, technical, or traditional names.

B. Common Name

This is the name by which the property is known locally.

C. Archeological Site Name

Archeological sites are generally named for the project, a nearby geographic feature, an aspect of cultural significance, the owner of the property, and so forth. For an archeological site with no name, use the numbering system in use in the State. The State site number should also be appended to the designation of a named site for cross-reference purposes.

III. Location

Include the number and the name of the street or road on which the property is located. If the road has a number rather than a name, indicate whether it is a Federal, State, or county road. If a property does not have a specific address, give the names of the nearest roads. For rural properties and others without specific street addresses, precise location may be specified by indicating the side of the road (north, south, east, or west) and exact distance from nearest intersection (north, south, east, or west). If a property is rural and in the vicinity of a town or city, this should be indicated. In the case of a historic district or similarly complicated property, inclusive street address numbers for all the properties within the district should be given.

IV. Classification

A. Categories Classify the property in the appropriate category if possible. If it is unclear what category is appropriate, this should be indicated. Agencies may, for example, request assistance in determining whether properties should be considered individually or together as a district.

1. A **district** is a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements which are separated geographically but linked by association or history.
2. A **site** is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure whether standing, ruined, or vanished, where the location itself maintains historical or archeological value regardless of the value of any existing structures.
3. A **building** is a structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. **Buildings** may refer to a historically related complex, such as a courthouse and jail or a house and barn.
4. A **structure** is a work made up of interdependent and inter-related parts in a definite pattern or organization. Constructed by man, it is often an engineering project large in scale.
5. An **object** is a material thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

B. Some properties may be most properly classified within two or more of the categories given above.

V. Ownership

Give the name of the owner of the property. Indicate "multiple ownership" for districts.

VI. Representation in Existing Surveys

Identify local, State, or Federal historic property surveys that include or refer to the property in question. Include name of survey, date, and person or organization that conducted the survey. Federal surveys other than the National Register include, but are not limited to, the Historic American Buildings Survey, the Historic American Engineering Record, and the National Survey of Historic Sites and Buildings (National Historic Landmarks program).

VII. Description

Description of the physical appearance and condition of a property is important in making an accurate assessment of its significance. To be useful, the description of the property should use appropriate professional terminology and should be concise, factual, detailed, and well organized.

A. Buildings, structures, or objects should be described in detail. Marcus Whiffen's *American Architecture Since 1780: A Guide to the Styles* (The M.I.T. Press, Cambridge, 1969) provides a standard guide to American architectural styles and should be consulted when questions of terminology arise. If local terms or styles are used, they should be accompanied by a description or explanation. Unique details or unusual features should be pointed out and should be visible in the accompanying photographs. The description of a building should include the following kinds of information where applicable:

1. Kind of structure (dwelling, church, commercial, etc.)
2. Building placement (detached, row, etc.)
3. General characteristics:
 - a. Overall shape or plan (rectangle, ell, etc.)
 - b. Number of stories
 - c. Number of vertical divisions or bays
 - d. Construction materials (brick, frame, stone, etc.) and wall finish (type of bond, coursing, shingle, etc.)
 - e. Roof shape (gabled, hipped, shed, etc.)
4. Specific Features—location, number, and appearance of:
 - a. porches (verandas, stoops, attached sheds, etc.)
 - b. windows
 - c. doors
 - d. chimneys
 - e. dormers
5. Important decorative elements.
6. Significant interior features.
7. Number, type, and location of outbuildings, as well as dates, if known.
8. Other man-made elements (roadways, contemporary structures, landscaping included within the area).
9. Information on moved properties:
 - a. date of move
 - b. descriptions of original and present locations
 - c. explanation of the effect of the move on the historic integrity of the property
10. Known alterations or changes to the property over time and dates if available. A restoration is considered an alteration even if an attempt has been made to restore the property to its original form. In cases involving numerous alterations it would be helpful to include a floor plan with the submission.
11. Guidance in compiling information on industrial or engineering structures may be obtained by consulting the Historic American Engineering Record, National Park Service, Department of the Interior, Washington, DC 20240.

B. Archeological site descriptions should include the following information:

1. Site type (e.g., midden, rockshelter, flake scatter, historic factory, etc.).
2. A description of the site including its immediate environment, using standard archeological terminology. If local terms are used, they should be defined. The following data should be included.
 - a. Boundaries of the site and methods by which these boundaries have been defined.

b. The immediately surrounding environment, both as it probably was when the site was in use and as it is today.

c. Any disrupting influences (urban development, roads, agriculture) at work on or immediately around the site.

d. Descriptions (or summaries) of known data on internal characteristics: stratigraphy, artifact classes and their distribution, structural remains, etc.

e. Extent and nature of any excavation, testing, surface collecting, etc.

f. Descriptions of any standing or ruined structures or buildings that might be of architectural or historic importance.

3. A list of pertinent previous investigations at the site, if any, indicating dates, institutions, or organizations responsible, and bibliographic references.

4. Quality and intensity of survey that resulted in recording the site; any limitations this may impose on the data available for purposes of evaluation.

C. Historic site descriptions should include discussion of the present condition of the site and its environment. The integrity of the site—the degree to which the setting is a visual reminder of the events and activities that took place there—is very important and should be thoroughly discussed in the submission.

D. District

1. **Architectural and historic district** descriptions should include the following kinds of information, as appropriate:

a. General description of the natural and man-made elements of the district: structures, buildings, sites, objects, prominent geographical features, density of development.

b. General description of types, styles, or periods of architecture represented in the district: scale, proportions, materials, color, decoration, workmanship, design quality.

c. General physical relationships of buildings to each other and to the environment: facade lines, street plans, squares, open spaces, structural density, plantings, important natural features; changes in the relationships over time. Some of this information may be provided on a sketch map.

d. General description of the district during the period(s) when it achieved significance.

e. Building types found in district: commercial, residential, etc.; present and original uses of buildings and land.

f. General condition of buildings: restoration or rehabilitation activities, alterations.

g. Approximate number of buildings in district or a good indication of size of district.

h. Intrusions: include ratio and size of intrusions compared to the number of buildings within the district.

i. Qualities that make the district distinct from its surroundings.

j. A list of significant pivotal buildings within the district, with short descriptions where appropriate.

k. Precise verbal boundary description: streets, property lines, inclusive street addresses, geographical features, etc., which separate the district from its surroundings.

l. If the district also has qualities of an archeological nature, the information indicated under 4 below should be provided.

2. **Industrial district** descriptions, in addition to the information listed above should include:

a. General description of the industrial activities and processes taking place within the district, important natural and geographical features, power sources;

b. General description of original machinery still in use; and/or

c. General description of linear systems within district (canals, railroads, roads) and their terminal points with approximate length and width of area to be encompassed in district.

3. **Rural district** descriptions, in addition to the information listed above, should include:

a. General description of geography and topographical features (valleys, vistas, etc.) that convey a sense of cohesiveness; and/or

b. General description of the outbuildings and other examples of vernacular rural architecture within district boundaries.

4. **Archeological district** descriptions should include:

a. General description of the natural and man-made elements of the district: structures, buildings, sites, objects, prominent geographical features, density of development.

b. A statement of the date, level, and kind of archeological survey that has been done in the district.

c. A list of archeological properties within the district, including their locations. Data on individual sites, as required by section VII. B, should be appended.

d. A statement of the cultural, historic, or other relationships among the sites within the district that make the district a cohesive unit for investigation.

e. A summary of the nature and level of damage the sites within the district have received or are receiving.

f. A statement of the extent to which the intersite relationships that give the district its cohesion remain intact.

VIII. Significance

A. Summary statement of significance

A statement of significance identifies qualities of the property that may make it eligible for listing in the National Register. A concise opening paragraph summarizing the possible importance of the property being considered should be followed by a more detailed account of the events, personalities, prehistoric or historic occupations, or activities associated with the property. This concise history of the property should be directed to a whole property, rather than some functional segment. Thus, it is inappropriate to discuss a mound and not an associated village, burial area, etc., or to submit a house and not the associated outbuildings, etc. A statement of significance should attempt to relate the property to a broad historical, architectural, archeological, or cultural context: local, regional, State, or national. For example, if a community has a number of neighborhoods with the same or similar qualities as the one being evaluated, this information should be included in the documentation. Any quoted

material which appears in this section or the description should be footnoted. Quotations taken out of context must faithfully represent the meaning of the original source. Supplemental information, such as newspaper articles, letters from professional historians, architects, architectural historians, or archeologists, etc., may also be submitted as appropriate. The statement of significance for properties that are less than 50 years old; moved; reconstructed; cemeteries and grave sites; birthplaces; primarily commemorative in nature; or owned or used by religious institutions should address the specific exceptions set forth in the National Register criteria.

B. Period(s) and Area(s) of significance:

Identify the area(s) and period(s) with which the property's significance is associated. This may mean date of construction, major alterations, or association with an individual, event, or culture, etc. For some archeological properties, assignment to a very general time period or periods may be sufficient.

The following areas of significance are listed on National Register forms. Agencies may find it helpful to consider these areas in identifying and evaluating properties:

Archeology-Prehistoric: the scientific study of life and culture of indigenous peoples before the advent of written records.

Archeology-Historic: the scientific study of life and culture in the New World after the advent of written records.

Agriculture: farming, livestock raising, and horticulture.

Architecture: the style and construction of buildings and structures.

Art: concerning creative works and their principles; fine arts and crafts. Do not include architecture, sculpture, music, or literature here; specific categories are established for these areas.

Commerce: production and exchange of goods and the social contracts thereby encouraged.

Communications: art or science of transmitting information.

Community Planning: the design of communities from predetermined principles.

Conservation: official maintenance or supervision of natural or man-made resources.

Economics: the science that deals with the production, distribution, and consumption of wealth.

Education: formal schooling or the methods and theories of teaching or learning.

Engineering: the applied science concerned with utilizing products and sources of power for supplying human needs in the form of structures, machines, etc.

Exploration/Settlement: the investigation of regions previously unknown; the establishment of a new colony or community.

Industry: enterprises producing goods and services.

Invention: something originated by experiment or in-

genuity. (Properties connected with the inventors themselves would be classified here)

Landscape Architecture: the art or practice of planning or changing land and water elements for the enhancement of the physical environment.

Literature: the production of writings, especially those of an imaginative nature.

Military: concerning the armed forces and individual soldiers.

Music: the art of combining vocal or instrumental sounds or tones.

Philosophy: system of principles for the conduct of life; the theory or analysis of the principles underlying thought or knowledge and the nature of the universe.

Politics/Government: an established system of political administration by which a nation, State, district, etc., is governed and the processes that determine how it is to be conducted.

Religion: systems and expressions of belief in a supernatural power that have made a contribution to the patterns of culture.

Science: a systematic study of nature.

Sculpture: the art of forming material into three-dimensional representation.

Social/Humanitarian: concerning human beings living together in a group or the promotion of the welfare of humanity.

Theater: the dramatic arts and the places where they are enacted.

Transportation: concerning the work or business or means of conveying passengers or materials.

C. Additional facts to be included on specific categories of properties, as appropriate:

1. Buildings, structures, or objects

- a. The architect or builder, if known,
- b. Historically significant events and/or patterns of activity,
- c. Data concerning individuals significantly associated with the property, and
- d. Consideration of any possible archeological significance present.

2. Sites

- a. A statement of the kinds of information known or thought likely to be present in the property; types of data that might be recovered if the property were thoroughly investigated by archeologists, art historians, architectural historians, or other appropriate scholars. Some categories of information will be directly observable; others can be inferred based on knowledge of similar properties that have been extensively investigated. Reasons for believing that given categories of information are present and have been preserved in the property should be given.
- b. A statement of the relationships between the information believed to be present in the property and topics that might be studied there; i.e., what kinds of research could be done using the information known or thought to be present in the property.

3. Architectural and historic districts

- a. Concise statement of why the district may be significant.
- b. Origins and historical development of the district; inclusive dates, architects, builders, designers, planners; relationships of district to historic development of the area.
- c. General analysis of architectural styles or periods. If possible, relate the architecture in the district to the architectural properties of the area.
- d. Significant people or events associated with the district as a whole or with individual elements within the district.
- e. Preservation and/or restoration activities in the district (if considered to contribute to the significance for which the district is submitted).
- f. Effect of intrusions on the integrity of the district.
- g. Explanation of how district boundaries were chosen. Considerations may include the presence of a natural barrier or edge, such as a highway or new development, change in character of the area, or decline in concentration of significant properties to the point where the integrity of the district has been lost. (You may wish to refer to qualities discussed under VII. D. 1. k.). If the area on which the determination request is made appears to be only part of a larger district, this should be noted with an explanation (for example, the project may affect only part of the district). If possible the relationship of this part of the district to the whole should be discussed.
- h. Consideration of any possible archeological significance present in the district.

4. Archeological districts

- a. A summary statement concerning the significance of individual properties within the district. (Data on individual properties meeting the standards set forth in VIII C. 2).
- b. A concise statement of the characteristics that give the district cohesion as a unit for study; what categories of data might be derived from study of the district that would not be derived from the study of individual properties within it?
- c. A concise statement explaining the scientific and/or interpretive yield or potential of the district in terms of the cultural and natural contexts or interrelationships described in VII. D. 4. d.
- d. Consideration of any possible architectural or historic significance present in the district, above and beyond its value for information purposes.
- e. An explanation of how district boundaries were chosen should be included. Considerations may include presence of a natural geographic barrier, such as a river or drainage divide; a project boundary if this delineates a group of properties that conform to the definition of a district given above; man-made features such as a highway or other structure; or decline in settlement density.

D. Federal agencies should attempt to answer the following questions when seeking to determine whether a property meets National Register criteria.

1. Building, structure, object

- a. If a building or structure is submitted for its architectural qualities, does it retain enough of its significant design, aspect, or feeling to be recognizable? If not,

could the important elements of design or appearance be restored? (This does not mean that buildings that have additions or alterations are not eligible, as they may reflect later significant styles and design).

- b. If a building or structure is submitted for historical associations, does the existing building have an identifiable relationship to the history described? Does it retain sufficient integrity to convey the feeling of the historical period when it achieved significance?
- c. If a building or structure is significant because of its association with an individual, how long did that individual live there, or how long was he associated with the building, and during what period of his life? Are there other properties in the vicinity which also have strong associations with the individual? If so, the significance of the property in question should be compared to the significance of these other properties.
- d. If a building, structure, or object is submitted for its archeological associations, does it contain attributes that are amenable to study in order to extract important information about history or prehistory? For example, has it been rebuilt or added to in ways that reveal changing concepts of style or beauty? Does it contain tools, equipment, furniture, trash or other materials whose distributions could be studied to learn about the social organization of its occupants, their relations with other people and groups, their daily lives, etc.?
- e. Does the building, structure, or object have an unusually important association with its location?
- f. If the building or structure is no longer at its original location, are the reasons for the move fully explained? How does the new location affect the historical and architectural integrity of the building or structure?
- g. What was the building or structure used for during the period it achieved historical significance?

2. Site

- a. How does the site relate to the significant event, occupation, or activity that took place there?
- b. How have alterations (destruction of original buildings, change in land use, changes in foliage or topography) affected the integrity of the site? (The site of a treaty signing that took place in a deep woods is probably not eligible if the area is now a suburban development).
- c. If the site has been submitted for its archeological significance, has the site contributed or does it have a potential for contributing important information regarding human ecology, culture history, or culture process? What is the potential information yield of the site, and how does this information potential relate to theories, problems, and research questions that could be or have been addressed in the region or elsewhere? Evidence supporting these evaluations of significance should be provided, including references to specific scholarly investigations.
- d. Does an excavated site retain interpretive value or did the information yielded make a fundamental contribution to knowledge of American cultures, such that the act of investigation constituted a historic event? Sites already completely excavated are eligible only if the answers to these questions are positive.

3. District (in addition to the questions on individual buildings, structures, and objects)

- a. How does the district convey a sense of historic and

architectural cohesiveness (through design, setting, materials, workmanship, association, etc.)? Is this sense expressed in the statement of significance?

- b. How do architectural styles or elements within the district contribute to the feeling of time and place?
- c. How have significant individuals or events contributed to the development of the district?
- d. How has the district affected the historical development of the overall community, region, or State?
- e. What effect do intrusions have on the integrity of the district?
- f. How were district boundaries chosen? (Considerations may include boundaries at specific time in history; the presence of a visual barrier or edge, such as a river, highway or new development; change in character of the area; or decline in concentration of significant properties to the point where the integrity of the district has been lost.)
- g. Are the qualities that distinguish the district from its surroundings identified and described?
- h. If the district has been submitted for its research value, do the sites or individual properties have cohesion as a unit for study or do they have an identifiable geographical relationship? Questions on individual sites under VIII. D. 2. above should also be answered for districts.
- i. How does the district compare to other similar areas in the State, region or locality?

4. Industrial districts (in addition to the questions above)

- a. How do the industrial functions or processes relate to the broader industrial or technological developments of the county, region, State, or the Nation?
- b. How important are the entrepreneurs, engineers, designers, and planners who contributed to the development of the district?

5. Rural (in addition to the questions above)

- a. How are the elements of the rural district linked—historically, architecturally, by function, or by common ethnic or social background?

IX. Bibliography

The bibliography should contain a list of sources from which information on the property was compiled. General reference works on architecture, archeology, etc., should not be included unless they provide specific information which is of assistance in evaluating the property. Use standard bibliographical style, listing author, full title, date and location of publication, and publisher. For an article, list the magazine or journal from which it was taken, volume number, and date. For unpublished manuscripts, indicate where copies are available. Interviews should also be listed here with the date of interview.

X. Geographical Data, Maps, and Acreage

A map clearly locating the property within a city or broader context must accompany each request. A 7.5- or 15-minute series United States Geological Survey map, State highway map, or other suitable map will be acceptable. Latitude and longitude coordinates or UTM (Universal Transverse Mercator) reference points are useful in

identifying the geographical location of properties. Photocopies of maps are acceptable provided they are clear and properly referenced. If the property is a district, a detailed sketch map should be included. The sketch map need not be precise in scale, but it should indicate:

- A. All buildings, structures, or sites in the district.
- B. Extent of district boundaries, carefully drawn.
- C. Street and place names, including inclusive street numbers.
- D. Highway numbers.
- E. Architectural styles or periods, if appropriate.
- F. Pivotal structures and important spaces (parks, squares, etc.).
- G. Present type of district (mixed, residential, commercial, public, etc.).
- H. Intrusions or other elements not contributing to the significance of the district.
- I. North arrow (magnetic or true), if not printed on map.
- J. Approximate scale.
- K. Land use in rural district—woods, fields, swamps, etc.
- L. Significant aspects of the natural environment, if appropriate.

Sketch maps should also be provided for large archeological sites, indicating significant cultural features and intrusions. Maps of archeological districts should clearly indicate the areas within the district boundaries that have actually been surveyed. If portions of the districts have been inspected using different techniques or at different levels of intensity, this should be indicated on maps.

Acreage

The acreage of the property in question should also be given.

XI. Photographs

Along with written documentation and maps, photographs form the basis of the Secretary of the Interior's determination of a property's eligibility for inclusion in the National Register. For this reason, photographs submitted should give an honest visual representation of the property and should illustrate those qualities discussed in the description and statement of significance. Photographs should be contemporary with the request for a determination of eligibility and should be identified in detail, giving the name and location of the property, view or detail shown, and direction of photo. Historical photographs may also be useful but are not required. Black and white glossy photographs are preferred since these are required for National Register nominations, but other photo formats are also acceptable. Xeroxed copies of photographs rarely provide sufficient detail to accurately portray a property and should therefore be avoided.

The number of photographs required for a determination varies according to the complexity of the property:

- A. **Individual buildings, structures, or objects.** Include only as many photographs as are necessary to depict the property clearly. One of the photographs

should show the environment or context in which the property is located. Additions, alterations, intrusions, and dependencies should appear in the photographs. If the significance for which the property is submitted includes interiors or particular details, representative views should be included.

B. Archeological Sites

Photographs should document the condition of the property and, if relevant to the evaluation of significance, show artifacts that have been recovered and features present in the site. Drawings may be substituted for photographs of artifacts or other features where relevant and if it is not possible to take photographs. Site submissions must include at least one photograph, however, showing the physical environment and configuration of the site.

C. Districts

Districts should be represented visually in selected street, landscape, or aerial views. Include as many photographs as necessary to visually relate the essence of and the variety included in the district. Views of individual structures may not be necessary since streetscapes often reveal the architectural qualities of a district better than photographs of individual buildings. Pivotal structures, however, and elements that help define the quality of the district should be clearly shown. Streetscape views should include as many building types, styles, and uses as necessary to relate the variety of the district. Photographs of important topographical or spatial elements should be included, as well as representative types of intrusions in their settings. It is useful to indicate on the sketch map the location and direction of view of photographs. Views of archeological districts should show significant natural and/or cultural aspects of the environment and typical sites, structures, buildings, and objects.

XII. Individual(s) Compiling Documentation

Names and qualifications of persons directly involved in compiling information on the property should be submitted, as this information may be of assistance in the evaluation process. Addresses and phone numbers are also useful so that these individuals may be consulted if questions arise concerning the documentation.

XIII. Opinion of the State Historic Preservation Officer

A statement of the opinion of the State Historic Preservation Officer concerning the eligibility of a property for inclusion in the National Register should be included with the request, where possible. The following sample form letter may be a convenient format for submitting this opinion.

Sample form letter for:

Statement of the opinion of the State Historic Preservation Officer concerning the eligibility of a property for inclusion in the National Register.

I understand that the _____ is requesting
agency
the opinion of the State Historic Preservation Officer concerning the eligibility of _____
property(ies)

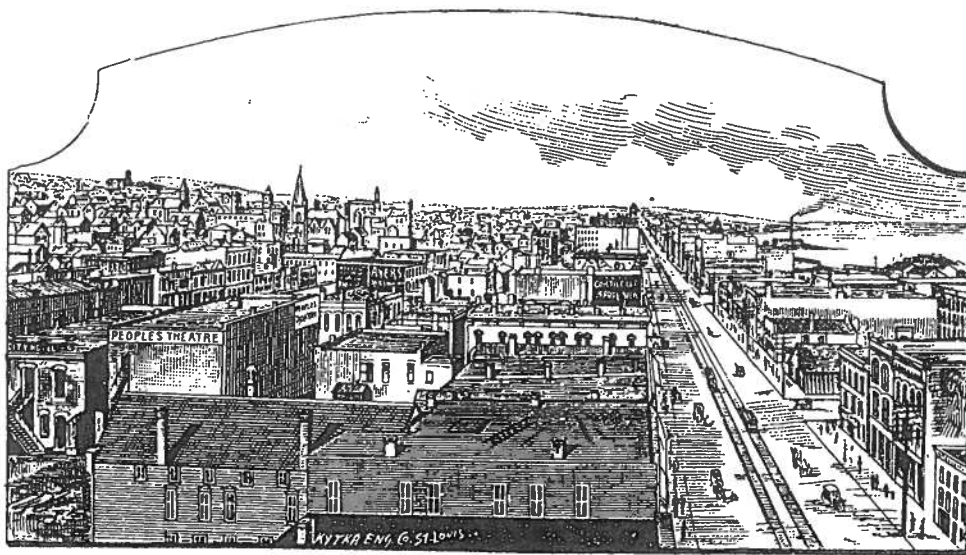
for inclusion in the National Register and that my opinion may be submitted to the Secretary of the Interior with a formal request for a determination of eligibility on this property. This statement confirms that I have been consulted as part of the determination of eligibility process.

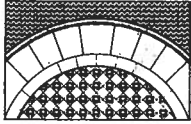
- (1) In my opinion, the property is eligible for inclusion in the National Register. Below is a justification for this opinion.
- (2) In my opinion, the property is not eligible for inclusion in the National Register. Below is a justification for this opinion.
- (3) I have no opinion and prefer to defer to the opinion of the Secretary of the Interior.

Justification and comments:

Signed: _____
State Historic Preservation Officer

Date





APPENDIX I Sample Local Preservation Commission Ordinance

WHITE - CITY CLERK
PINK - FINANCE
CANARY - DEPARTMENT
BLUE - MAYOR

CITY OF SAINT PAUL

Council File NO. 266600

Ordinance

Ordinance NO. _____

Presented By Ruby Hunt

Referred To _____ Committee: _____ Date _____

Out of Committee By _____ Date _____

A legislative ordinance relating to the preservation, protection, perpetuation, and use of areas, places, buildings, structures, and other objects having a special historical, community or aesthetic interest or value; establishing a Saint Paul Heritage Preservation Commission and fixing its powers and duties; establishing penalties for violation of the ordinance.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

Section 1. Declaration of Public Policy and Purpose.

The Council of the City of Saint Paul hereby declares as a matter of public policy that the preservation, protection, perpetuation and use of areas, places, buildings, structures, and other objects having a special historical, community or aesthetic interest or value is a public necessity, and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this chapter is to:

- (A) Safeguard the heritage of the City of Saint Paul by preserving sites and structures which reflect elements of the City's cultural, social, economic, political, or architectural history;
- (B) Protect and enhance the City of Saint Paul's attractions to residents, tourists, and visitors, and serve as a support and stimulus to business and industry;
- (C) Enhance the visual and aesthetic character, diversity and interest of the City of Saint Paul;

COUNCILMEN

Yeas	Christensen	Nays	
	Hozza		In Favor
	Levine		
	Roedler		Against
	Sylvester		
	Tedesco		
	President Hunt		

Adopted by Council: _____ Date _____

Certified Passed by Council Secretary

By _____

Approved by Mayor: _____ Date _____

By _____

Requested by Department of: _____

By _____

Form Approved by City Attorney

By _____

Approved by Mayor for Submission to Council

By _____

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(D) Foster civic pride in the beauty and notable accomplishments of the past; and

(E) Promote the use and preservation of historic sites and structures for the education and general welfare of the people of the City of Saint Paul.

Section 2. Definitions.

As used herein:

"Heritage Preservation Site" shall mean any area, place, building, structures, lands, districts or other objects which have been duly designated Heritage Preservation Sites pursuant to Section 4 of this chapter, and which is not designated as an "Historic District" pursuant to Minnesota Statutes 1974, Section 138.73.

Section 3. Heritage Preservation Commission Established.

(A) Members. There is hereby created and established a Saint Paul Heritage Preservation Commission, hereinafter the "Commission", which shall consist of eleven voting members, ten to be citizens of Saint Paul appointed by the Mayor, by and with the advice and consent of the City Council, and one to be designated by the Saint Paul-Ramsey County Historical Society. At least two of the ten members appointed by the Mayor shall be professionally registered architects. The Chairman of the Saint Paul Planning Commission or his designate shall be an ex-officio non-voting member of the Heritage Preservation Commission.

(B) Term. The Mayor and Council shall initially designate three appointees to serve a term of one year, four appointees to serve a term of two years, and four appointees to serve a term of three years. All subsequent appointments shall be for a term of three years. In the event of a vacancy, the vacancy for the unexpired term shall be filled in the same manner as the appointment is

3.

made. Members shall serve without compensation and shall continue to hold office until their successors have been appointed and qualified.

(C) Organization. The Commission when formed shall elect from its members, such officers as it may deem necessary. The Commission shall have the power to designate and appoint from its members various committees with powers and duties equivalent to and not inconsistent with the powers and duties of the Commission. The Commission shall make such rules and regulations as it may deem advisable and necessary for the conduct of its affairs, for the purpose of carrying out the intent of this ordinance, which are not inconsistent with the laws of the City of Saint Paul and the State of Minnesota. The Commission shall make an annual report, containing a statement of its activities, to the Mayor, City Council, and City Planning Commission. The City of Saint Paul may provide the Commission with adequate staff to perform the duties prescribed under this ordinance.

Section 4. Designation of Landmarks by the Heritage Preservation Commission.

(A) Reports. The Mayor, upon request of the Heritage Preservation Commission, shall direct the Planning Department in cooperation with the Division of Housing and Building Code Enforcement to prepare studies which would catalog buildings, land, areas, districts, or other objects to be considered for designation as a Heritage Preservation Site.

(B) Criteria. The Commission shall recommend to the City Council areas, buildings, objects, or districts, not including areas, places or structures within the Irvine Park and Historic Hill Districts, as set forth in Minnesota Statutes 1974, Section 138.73, to be designated as Heritage Preservation Sites in the City of Saint Paul, except for the Capitol Area as defined in Minnesota Statutes 15.50, Subdivision 2. In considering the designation of any area, place, building, structure or similar object in the City of Saint Paul as a Heritage Preservation Site, the Commission shall apply the following criteria with respect to such designation:

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(1) Its character, interest or value as part of the development, heritage or cultural characteristics of the City of Saint Paul, State of Minnesota, or the United States.

(2) Its location as a site of a significant historic event.

(3) Its identification with a person or persons who significantly contributed to the culture and development of the City of Saint Paul.

(4) Its embodiment of distinguishing characteristics of an architectural type of specimen.

(5) Its identification as the work of an architect or master builder whose individual work has influenced the development of the City of Saint Paul.

(6) Its embodiment of elements of architectural design, detail, materials or craftsmanship which represent a significant architectural innovation.

(7) Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood, community or the City of Saint Paul.

(C) Planning Commission Review. The Heritage Preservation Commission shall advise the City Planning Commission of the proposed designation of a Heritage Preservation Site, including boundaries, and a program for the preservation of a Heritage Preservation Site, and secure from the City Planning Commission its recommendation with respect to the relationship of the proposed Heritage Preservation designation to the Comprehensive Plan of the City of Saint Paul, its opinion as to the effect of the proposed designation upon the surrounding neighborhood, and its opinion and recommendation as to any other planning consideration which may be relevant to the proposed designation, together with its recommendation of approval, rejection or modification of the proposed designation. Said recommendation shall become part of the official record concerning the proposed

5.

designation and shall be submitted by the Heritage Preservation Commission along with its recommendation concerning the proposed designation to the City Council. The Heritage Preservation Commission may make such modifications, changes, and alterations concerning the proposed designation as it deems necessary in consideration of the recommendations of the City Planning Commission.

(D) Communication with State Historical Society. A copy of the Heritage Preservation Commission's proposed designation of a Heritage Preservation Site, including boundaries, and a program for the preservation of a Heritage Preservation Site shall be sent to the State Historical Society in accordance with Minnesota Statutes 1974. Section 471.193, Subdivision 5.

(E) Hearings. Prior to the Heritage Preservation Commission recommending to the City Council any building, district, or object for designation as a Heritage Preservation Site, the Commission shall hold a public hearing and seek the recommendation of all concerned citizens. Prior to such hearing the Heritage Preservation Commission shall cause to be published in a newspaper of general circulation notice of said hearing at least twenty days prior to the date of the hearing, and notice of the hearing shall be sent to all owners of property proposed to be designated a Heritage Preservation Site and to all property owners within 350 feet of the boundary of the area to be designated a Heritage Preservation Site.

(F) Findings and Recommendations. The Heritage Preservation Commission shall determine if the proposed Heritage Preservation Site is eligible for heritage preservation as determined by the criteria specified in subparagraph A of this section, and if the Heritage Preservation Commission recommends to the City Council that the site be designated for heritage preservation, the Commission shall transmit to the City Council with its recommendation its proposed program for the preservation of the Heritage Preservation Site.

(G) Council Designation, Hearings. The City Council, upon the request of the Heritage Preservation Commission,

6.

may by ordinance designate a Heritage Preservation Site. Prior to such designation the City Council or one of its committees shall hold a public hearing, notice of which shall have been published in a newspaper of general circulation at least twenty days prior to the date of the hearing, and notice of the hearing shall be sent to all owners of property which is proposed to be designated a Heritage Preservation Site and to all property owners within 350 feet of the boundary of the area to be designated a Heritage Preservation Site.

(H) Eminent Domain. The Heritage Preservation Commission may recommend to the City Council, after review and comment by the City Planning Commission, that certain property eligible for designation as a Heritage Preservation Site be acquired by gift, by negotiation, or by eminent domain as provided for in Chapter 117 of Minnesota Statutes.

Section 5. Additional Powers and Duties of the Commission.

The Commission shall have the following powers and duties in addition to those otherwise specified in this chapter:

(A) The Commission shall conduct a continuing survey of all areas, places, buildings, structures or similar objects in the City of Saint Paul which the Commission, on the basis of information available or presented to it, has reason to believe are or will be eligible for designation as Heritage Preservation Sites.

(B) The Commission shall work for the continuing education of the citizens of the City of Saint Paul with respect to the historic and architectural heritage of the City. It shall keep current and public a register of designated Heritage Preservation Sites and areas.

(C) The Commission may accept the services on a permanent or part-time basis of technical experts and such other persons as may be required to perform its duties; provided that no general fund monies be used for said services.

(D) The Commission shall have authority to solicit gifts and contributions to be made to the City and to

7.

assist in the preparation of applications for grant funds to be made to the City for the purpose of heritage preservation.

(E) The Commission shall make no application to the National Register or to the State of Minnesota for the designation of a Historic Site or District without the consent of the City Council.

Section 6. Review of Permits.

(A) Type of Building Activity. The Heritage Preservation Commission shall review and approve or disapprove the issuance of City permits to do any of the following in a Heritage Preservation Site in the City of Saint Paul:

(1) Remodel or repair in any manner, not including painting, that will change the exterior appearance;

(2) Construction;

(3) Move a building;

(4) Demolition; however, this does not apply to structures required to be demolished in accordance with Chapter 56, Legislative Code of the City of Saint Paul or Minnesota Statutes 1974, Chapter 463.

(B) City Activity. The Heritage Preservation Commission shall review and make recommendations concerning all other City activity to change the nature or appearance of a Heritage Preservation Site, and no permit shall issue or work commence until the Heritage Preservation Commission renders its recommendation thereon subject to the limitation specified in paragraph F of this section.

(C) Criteria. All decisions of the Heritage Preservation Commission with respect to this section shall be in accordance with the approved program for the preservation of each Heritage Preservation Site.

(D) Permit Application and Plans. Every application for a building permit in relation to property designated as a Heritage Preservation Site in the City of Saint Paul shall be accompanied by detailed plans for the proposed work to be done. A copy of the application and the plans submitted therewith shall be immediately referred by the City building official to the Heritage Preservation Commission, and the Division of Housing and Building Code Enforcement shall not issue permits in regard to that application until receiving approval from the Heritage Preservation Commission, subject, however, to paragraph F of this section.

(E) Commission Review. The Heritage Preservation Commission, upon receipt of the application for permit and plans shall determine if the work to be performed pursuant to the permit adversely affects the program for the preservation and architectural control of the Heritage Preservation Site. If the Heritage Preservation Commission determines that the work to be performed pursuant to the permit application does not adversely affect the applicable program, it shall so notify the Division of Housing and Building Code Enforcement in writing. In the event the Heritage Preservation Commission determines that the work to be performed pursuant to the permit application adversely affects the applicable program, the Commission shall hold a public hearing. Notice of the public hearing shall have been published in a newspaper of general circulation and sent to the permit applicant at least ten (10) days prior to the date of the hearing. The Heritage Preservation Commission shall review the permit and such plans as submitted therewith and after receiving recommendation from concerned citizens shall render its decision thereon as a written order to the Division of Housing and Building Code Enforcement. No permit shall issue in regard to any application for a permit required under this section to be submitted to the Heritage Preservation Commission until the Division of Housing and Building Code Enforcement shall receive the order from the Heritage Preservation Commission, subject, however, to paragraph F of this section. The Commission shall furnish the permit applicant with a copy

of the Commission's written order and decision, together with a copy of any recommendations for changes necessary to be made before the Commission will reconsider the applicant's permit application.

(F) Limitations. If no written order upon the permit application submitted to the Heritage Preservation Commission has been received at the expiration of thirty (30) days from the date of the application for the building permit and submission of plans, such plans and permit application shall have been deemed to be approved by the Heritage Preservation Commission, and if all other requirements of the City have been met, the Division of Housing and Building Code Enforcement shall authorize a permit for the proposed work. No permit shall issue or work commence in the event the Commission disapproves the application in accordance with this section.

(G) Emergency Repair. In emergency situations where immediate repair is needed to protect the safety of the structure and its inhabitants, the Division of Housing and Building Code Enforcement may approve the repair without prior Heritage Preservation Commission action. In the case of a permit issued pursuant to this paragraph, the Division of Housing and Building Code Enforcement shall immediately notify the Heritage Preservation Commission of its action and specify the facts or conditions constituting the emergency situation.

(H) Appeal to City Council. The permit applicant or of any party aggrieved by the decision of the Heritage Preservation Commission shall, within ten (10) days of the date of the Heritage Preservation Commission's order and decision, have a right to appeal such order and decision to the City Council. The Appeal shall be deemed perfected upon receipt by the City Clerk of two copies of a Notice of Appeal and statement of the reasons setting forth the grounds for the Appeal. The City Clerk shall transmit one copy of the Notice of Appeal and statement to the City Council and one copy to the Heritage Preservation Commission. The Heritage Preservation Commission, in any written order denying a permit application, shall advise the applicant of his right to appeal to the City Council and include this paragraph in all such orders.

10.

(I) Factors to be Considered. Before approving any permit application required under paragraph E of this section to be approved by the Heritage Preservation Commission, the Commission shall make findings based on the program for the preservation and architectural control for the Heritage Preservation Site in regard to the following:

(1) In the case of a proposed alteration or addition to an existing building, that such alteration or addition will not adversely impair the architectural or historic value of the building, and shall make written findings considering the existing structures and existing exterior appearance, building height, building width, depth, or other dimensions, roof style, type of building materials, ornamentation, paving, and setback.

(2) In the case of the proposed demolition of a building, prior to approval of said demolition, the Commission shall make written findings on the following: Architectural and historical merit of building, the effect on surrounding buildings, the effect of any new proposed construction on the remainder of the building (in case of partial demolition), and on surrounding buildings, the economic value or usefulness of building as it now exists, or if altered or modified in comparison with the value or usefulness of building as it now exists, or if altered or modified in comparison with the value or usefulness of any proposed structures designated to replace the present building or buildings.

(3) In the case of a proposed new building, that such building will not in itself, or by reason of its location on the site, adversely impair the architectural or historic value of buildings on adjacent sites or in the immediate vicinity within the Historic Preservation Site.

Section 7. Penalty for Violation.

An owner or occupant of any area, place, building, structure, or other object within a duly designated Heritage Preservation Site who violates the provisions of this chapter shall be guilty of a misdemeanor. Any architect, builder, contractor, agent, person

11.

or corporation who assists in the commission of a violation of this chapter shall be guilty of a misdemeanor. For each day an owner or occupant of any area, place, building, structure, or other object within a duly designated Heritage Preservation Site allows any work to be performed on any area, place, building, structure or other object in violation of Section 6 herein, it shall constitute a separate violation of this chapter, and it shall be punishable as such. A Heritage Preservation Site on which there exists any remodeling, repairing, construction, or a building moved in violation of this chapter, is hereby declared a nuisance, and the imposition of the penalties herein prescribed shall not prevent the City of Saint Paul from instituting an appropriate action or proceeding to prevent an unlawful remodeling, repair, construction, building, building moving or demolition, or to restrain, correct or abate a violation.

Section 8. Repository for Documents.

(A) City Clerk. The Office of the City Clerk is designated as the repository for at least one copy of all studies, reports, recommendations and programs required under Sections 5 and 6 of this ordinance.

(B) Heritage Preservation Commission. The Heritage Preservation Commission is designated as the repository for the following documents, which shall be available to the public for inspection during normal business hours:

At least one copy of plans required under Section 6 of this ordinance.

Section 9. Recording of Heritage Preservation Sites.

The Office of the City Clerk shall record with the Ramsey County Register of Deeds or the Ramsey County Registrar of Titles the legal description of all buildings, lands or areas designated as a Heritage Preservation Site by the Saint Paul City Council, and shall transmit a copy of said legal descriptions to the Division of Housing and Building Code Enforcement.

WIFE - CITY CLERK
INC - FINANCE
SHARY - DEPARTMENT
LUE - MAYOR

CITY OF SAINT PAUL
Ordinance

Council File NO. 266600
Ordinance NO. _____

Presented By _____
Referred To _____ Committee: _____ Date _____
Out of Committee By _____ Date _____

12.

Section 10. Coding.

This ordinance shall be deemed a part of the Saint Paul Legislative Code and shall be incorporated therein and given an appropriate chapter and/or section number at the time of the next revision of said Legislative Code.

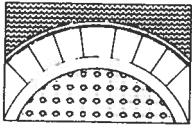
Section 11. Severability.

In case any section of this ordinance is held invalid by a court of competent jurisdiction, the invalidity shall extend only to the section affected, and other sections of this ordinance shall continue in full force and effect.

Section 12.

This ordinance shall take effect and be in force thirty (30) days from and after its passage, approval and publication.

COUNCILMEN		Requested by Department of:	
Yeas	Nays	_____	
Christlensen		By _____	
Hozza	_____ In Favor	Form Approved by City Attorney	
Levine		By <u>Thomas M. Eptina</u>	
Roedler	_____ Against	Approved by Mayor for Submission to Council	
Sylvester		By _____	
Tedesco			
President Hunt			
Adopted by Council:	Date _____		
Certified Passed by Council Secretary			
By _____			
Approved by Mayor:	Date _____		
By _____			



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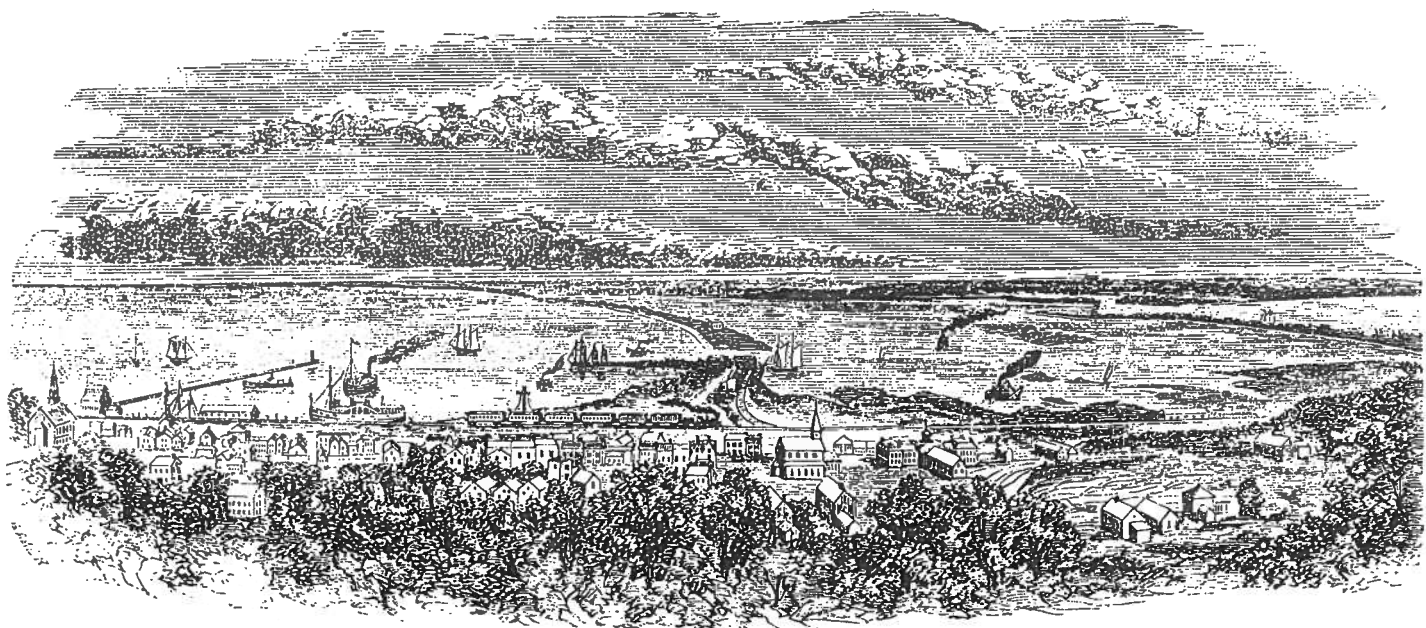
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DULUTH AS TAKEN IN MAY, 1870.