

TITLE 4 CULTURAL RESOURCES
CHAPTER 10 CULTURAL PROPERTIES AND HISTORIC PRESERVATION
PART 13 AWARDING OF GRANTS FROM THE CULTURAL PROPERTIES RESTORATION FUND

4.10.13.1 ISSUING AGENCY: Office of Cultural Affairs, State Historic Preservation Division.
[11/15/97; 4.10.13.1 NMAC - Rn, 4 NMAC 10.13.1, 1/1/08]

4.10.13.2 SCOPE: State agencies that own or administer cultural properties may receive grants from the cultural properties restoration fund according to the procedures and criteria established in this regulation.
[11/15/97; 4.10.13.2 NMAC - Rn, 4 NMAC 10.13.2, 1/1/08]

4.10.13.3 STATUTORY AUTHORITY: This regulation is created pursuant to the Cultural Properties Protection Act, NMSA 1978 Sections 18-6A-1 through 18-6A-6, which requires the state historic preservation officer to issue regulations and criteria for reviewing and awarding grants as necessary for carrying out the provisions of the act.
[11/23/94; 4.10.13.3 NMAC - Rn, 4 NMAC 10.13.3, 1/1/08]

4.10.13.4 DURATION: Permanent.
[11/15/97; 4.10.13.4 NMAC - Rn, 4 NMAC 10.13.4, 1/1/08]

4.10.13.5 EFFECTIVE DATE: 11/23/94, unless a later date is cited at the end of a section or paragraph. Reformatted in NMAC format effective 11/15/97.
[11/15/97; 4.10.13.5 NMAC - Rn, 4 NMAC 10.13.5, 1/1/08]
[Note: The words *or paragraph*, above, are no longer applicable. Later dates are now cited only at the end of sections, in the history notes appearing in brackets.]

4.10.13.6 OBJECTIVE: The purpose of this regulation is to establish a procedure to provide grants from the cultural properties restoration fund, when funds are available, for interpretation, restoration, preservation, stabilization, and protection of cultural properties that are state properties.
[11/23/94; 4.10.13.6 NMAC - Rn, 4 NMAC 10.13.6, 1/1/08]

4.10.13.7 DEFINITIONS:

- A. "Committee" means the cultural properties review committee as created in Section 18-6-5 NMSA 1978.
- B. "Cultural property" means a structure, place, site or object having historic, archaeological, scientific, architectural or other cultural significance.
- C. "Division" means the historic preservation division of the office of cultural affairs.
- D. "Fund" means the cultural properties restoration fund.
- E. "Interpretation" means the inventory, registration, mapping and/or analysis of cultural properties and public educational programs designed to prevent the loss of cultural properties.
- F. "Officer" means the state historic preservation officer.
- G. "Preservation" means sustaining the existing form, integrity, and material of a cultural property or the existing form and vegetative cover of a cultural property, and may include protective maintenance or stabilization where necessary in the case of archaeological sites.
- H. "Professional survey" means an archaeological or architectural survey.
- I. "Protection" means safeguarding the physical condition or environment of cultural property from deterioration or damage caused by weather or other natural, animal or human intrusions.
- J. "Reconstruction" means depicting by means of new construction the form, features, and details of a non-surviving site, landscape, building, structure or object for the purposes of replicating its historic appearance.
- K. "Restoration" means recovering the general historic appearance of a cultural property or the form and details of an object or structure by removing incompatible natural or human-caused accretions and replacing missing elements as appropriate.
- L. "Stabilization" means reestablishing the structural stability or weather-resistant failure.
- M. "State agency" means a department, agency, institution or political subdivision of the state.

N. "State land" means property owned, controlled or operated by a state agency.
[11/23/94; 4.10.13.7 NMAC - Rn, 4 NMAC 10.13.7, 1/1/08]

4.10.13.8 METHOD TO DETERMINE ELIGIBILITY TO RECEIVE GRANT FUNDS: In order to receive a grant from the fund, an applicant must be a state agency, own or administer a cultural property that is state property, and have a demonstrated ability to administer grants.
[11/23/94; 4.10.13.8 NMAC - Rn, 4 NMAC 10.13.8, 1/1/08]

4.10.13.9 PROCEDURE FOR APPLICATION, APPROVAL, AND REJECTION OF GRANT PROPOSALS: At least once during each state fiscal year, if funds are available, the officer shall notify state agencies of the opportunity to submit proposals for grants from the fund. This notification shall contain information about the date that proposals must be submitted, the format, and the required content. The officer may also solicit proposals on an emergency basis for threatened cultural properties. Proposals will be evaluated by the staff of the division and the committee following the criteria for reviewing and awarding grants as described below.
[11/23/94; 4.10.13.9 NMAC - Rn, 4 NMAC 10.13.9, 1/1/08]

4.10.13.10 CRITERIA FOR REVIEWING AND AWARDING GRANTS: The staff of the division and the committee shall review and award grants based on the following criteria:

- A. the demonstrated degree of physical damage or deterioration of the cultural property and demonstrable threats to the stability of the property;
 - B. special status of the cultural property, including whether the property is listed on the national, state, or a local register of historic places and the rarity or uniqueness for the property ;
 - C. suitability of the property for interpretation;
 - D. compliance of the proposed grant project with applicable professional standards for interpretation, preservation, or stabilization;
 - E. comprehensiveness of the interpretation, restoration, preservation, stabilization or protection plan;
 - F. availability of matching funds;
 - G. availability of appropriate professional expertise for overseeing a restoration, interpretation, preservation, stabilization, or protection program for a cultural property;
 - H. viable provisions for long-term preservation, protection and management of the grant-assisted cultural property, including provisions that the property shall be preserved and protected for no less than 10 years
- [11/23/94; 4.10.13.10 NMAC - Rn, 4 NMAC 10.13.10, 1/1/08]

4.10.13.11 ADMINISTRATION OF GRANTS: When the division and the committee award a grant for restoration, interpretation, preservation, stabilization or protection of a cultural property, the grant shall be administered under the terms of a joint powers agreement (JPA) between the division and the state agency having jurisdiction over the cultural property. The JPA will specify the nature of the work to be done, payment schedule, reporting requirements, long-term preservation and protection measures, and other requirements of the grant.
[11/23/94; 4.10.13.11 NMAC - Rn, 4 NMAC 10.13.11, 1/1/08]

4.10.13.12 PROHIBITIONS: The division and the committee shall not award grants from the fund for the purpose of reconstruction of cultural properties.
[11/23/94; 4.10.13.12 NMAC - Rn, 4 NMAC 10.13.12, 1/1/08]

HISTORY OF 4.10.13 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the commission of public records, state records center and archives under:
HPD Rule 94-1, Regulations for the Awarding of Grants from the Cultural Properties Restoration Fund, filed 11/23/94.

History of Repealed Material: [RESERVED]

Other History: HPD Rule 94-1, Regulations for the Awarding of Grants from the Cultural Properties Restoration Fund (filed 11/23/94) was renumbered, reformatted and replaced by 4 NMAC 10.13, Awarding of Grants from the Cultural Properties Restoration Fund, effective 11/15/97.

4 NMAC 10.13, Awarding of Grants from the Cultural Properties Restoration Fund (filed 11/03/97) renumbered, reformatted and replaced by 4.10.13 NMAC, Awarding of Grants from the Cultural Properties Restoration Fund, effective 1/1/08.