

TITLE 4 CULTURAL RESOURCES
CHAPTER 10 CULTURAL PROPERTIES AND HISTORIC PRESERVATION
PART 18 STATE REGISTER OF CULTURAL PROPERTIES

4.10.18.1 ISSUING AGENCY: Cultural Properties Review Committee (CPRC). Contact the State Historic Preservation Division, Department of Cultural Affairs.
[4.10.18.1 NMAC - N, 10/1/12]

4.10.18.2 SCOPE: This rule applies to all public and private entities including but not limited to individuals, corporations, partnerships, trusts, associations, educational institutions, foundations, museums, state agencies, political subdivisions of the state and any agency of the federal government proposing to nominate properties of historical, archaeological, scientific, architectural or other cultural significance for listing in the New Mexico (state) register of cultural properties.
[4.10.18.2 NMAC - N, 10/1/12]

4.10.18.3 STATUTORY AUTHORITY: NMSA 1978, Section 18-6-5 of the Cultural Properties Act.
[4.10.18.3 NMAC - N, 10/1/12]

4.10.18.4 DURATION: Permanent.
[4.10.18.4 NMAC - N, 10/1/12]

4.10.18.5 EFFECTIVE DATE: October 1, 2012, unless a later date is cited at the end of a section.
[4.10.18.5 NMAC - N, 10/1/12]

4.10.18.6 OBJECTIVE: This rule describes procedures and requirements for listing properties of historical, archaeological, scientific, architectural or other cultural significance in the state register of cultural properties.
[4.10.18.6 NMAC - N, 10/1/12]

4.10.18.7 DEFINITIONS:

A. **“Building”** means a structure created principally to shelter any form of human activity. Buildings include, but are not limited to, houses, barns, stables, sheds, garages, warehouses, courthouses, city halls, social halls, commercial buildings, libraries, factories, mills, train depots, motels, theaters, schools, stores and churches. Buildings may refer to a historically related complex such as a court house and jail or a house and barn.

B. **“Chief elected local official”** means the mayor, county judge, county executive or otherwise titled chief elected administrative official who is the elected head of the local political jurisdiction in which the property is located.

C. **“CPRC”** means the cultural properties review committee, created pursuant to NMSA 1978, Section 18-6-4 and serves as the New Mexico state review board pursuant to 36 CFR 60.3(o).

D. **“Cultural property”** or **“cultural resource”** means a structure, place, site or object having historic, archaeological, scientific, architectural or other cultural significance.

E. **“District”** means 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 separated geographically but linked by association or history.

F. **“Historic preservation division”** or **“HPD”** means the division within the department of cultural affairs created pursuant to NMSA 1978, Section 18-6-8A and NMSA 1978, Section 9-4A-4 with offices located at 407 Galisteo Street, Suite 236, Santa Fe, New Mexico 87501.

G. **“HPD website”** means <http://nmhistoricpreservation.org>.

H. **“Keeper of the national register of historic places”** or **“keeper”** means the individual who has been delegated the authority by the national park service to list properties and determine their eligibility for listing in the national register pursuant to 36 CFR 60.3(f).

I. **“National register”** means the national register of historic places established by the National Historic Preservation Act, 16 U.S.C. 470a(a) and the official national list of historic districts, sites, buildings, structures and objects significant in American history, architecture, archaeology, engineering or culture.

J. **“New Mexico register nomination form”** means the form prescribed by the CPRC with maps and photographs that is presented to the CPRC for decision on registration.

K. **“Object”** means 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.

L. **“Owner”** means those individuals, partnerships, corporations or public agencies holding fee simple title to property as recorded by the county clerk’s office. Owner, as used in this rule, does not include individuals, partnerships, corporations or public agencies holding easements or less than fee interests (including leaseholds) of any nature.

M. **“Place”** means an identifiable geographic location that possesses cultural or historic significance including districts and sites, as appropriate.

N. **“Registered cultural property”** means a cultural property placed in the state register. A registered cultural property may be listed individually or as significant or contributing within a district.

O. **“Registration order”** means the form prescribed by the CPRC, and completed by the HPD at the direction of the CPRC documenting its decision on registration.

P. **“Site”** means the location of a significant event, or a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical, cultural or archaeological value regardless of the value of any existing structure.

Q. **“State agency”** means a department, agency, institution or political subdivision of the state.

R. **“State historic preservation officer”** or **“SHPO”** means the individual designated by the governor pursuant to the National Historic Preservation Act, 16 U.S.C. 470a(b) and the director of the historic preservation division of the department of cultural affairs, as provided for in NMSA 1978, Section 18-6-8.

S. **“State register”** means the official New Mexico register of cultural properties maintained by the CPRC for the purpose of recording cultural properties worthy of preservation pursuant to NMSA 1978, Section 18-6-3.

T. **“Survey”** means a visual inspection to examine, identify, record, evaluate and interpret cultural properties.

U. **“Structure”** means an engineered construction made up of interdependent and interrelated parts in a definite pattern of organization. In addition to buildings, structures include bridges, dams, canals, wells and other engineering works.

[4.10.18.7 NMAC - N, 10/1/12]

4.10.18.8 NOMINATION AND LISTING IN THE STATE REGISTER: In 1969, the Cultural Properties Act, NMSA 1978, Sections 18-6-1 to -17 created an official New Mexico register of cultural properties (official or state register). The state register is made up of structures, buildings, places, sites, districts and objects with historic, archaeological, scientific, architectural or other cultural significance that are examples of the historic and cultural heritage of New Mexico. Registered cultural properties are of national, state or local significance and have an inherent value to the people of New Mexico who have an interest in their preservation, protection and enhancement.

A. The CPRC reviews completed New Mexico register nominations and is the sole entity that determines which properties are worthy of registration and listing in the state register. The CPRC also reviews national register nominations and recommends to the SHPO whether the nomination should be forwarded to the keeper of the national register. When a cultural property is nominated for listing in the state register and also recommended for listing on the national register at the same CPRC meeting, an applicant may submit a single nomination on the national register nomination form for CPRC review.

B. The CPRC’s decision to list a cultural property on the state register is made at an open meeting held pursuant to 4.10.3 NMAC and the CPRC’s current open meetings resolution.

C. The New Mexico register nomination form approved by the CPRC includes the descriptive and analytical information used by the CPRC to determine whether the cultural property meets the registration criteria. Blank copies of the nomination form are available from the HPD offices and downloadable from the HPD website.

D. Any person or organization may submit a New Mexico register nomination to the SHPO for consideration by the CPRC. The applicant identified thereon shall be responsible for completing the nomination.

(1) The SHPO shall not forward any nomination for review and evaluation by the CPRC if the nomination is incomplete, does not meet technical or professional standards, or if the SHPO determines that the property does not meet the criteria specified in this rule. An incomplete nomination will be returned with an explanation of the deficiencies that need to be addressed and corrected.

(2) When a New Mexico register nomination is complete, the SHPO shall:

(a) add the nomination to the agenda for the next appropriate CPRC meeting;

(b) notify the applicant, the owner, and chief elected local official, at least 30 days prior to the CPRC meeting, of the date, time and place where the nomination is to be considered; any person will have the

opportunity to be heard, present evidence and provide written comments prior to or at the meeting as set forth in 4.10.18.9 NMAC; and

(c) post the nomination to the HPD website and make the nomination available at the HPD offices a minimum of 14 days prior to the CPRC meeting; information in the nomination concerning the location of archaeological sites and similar properties will be redacted from the nomination made available to the public pursuant to Section 18-6-11.1.

(3) The CPRC shall accept, reject or defer the nomination based on criteria defined in 4.10.18.11 NMAC. The SHPO shall notify the applicant, the owner and the chief elected local official of the CPRC's action on the nomination within 14 days of the meeting.

(a) After the CPRC issues the order, accepting or rejecting the nomination, SHPO shall post the order and the nomination to the HPD website and make them available at the HPD offices for a 30-day review period from the date of posting.

(b) The CPRC shall not take any action on the registration order during the 30-day review period, unless the CPRC votes to waive the review period if requested by the nominating property owner, as described in Subparagraph (c) of Paragraph (3) of Subsection D of 4.10.18.8 NMAC or if a petition is filed pursuant to Paragraph (4) of Subsection D of 4.10.18.8 NMAC. Signing of the New Mexico register nomination form by the chair of the CPRC or his designee constitutes formal registration and listing in the state register.

(c) Before the CPRC may vote to waive the 30-day review period, the owner must either file a waiver request and submit an application to the CPRC to participate in the state income tax credit program for the restoration, rehabilitation or preservation of registered cultural properties simultaneously with the nomination and the CPRC approves the tax credit at the same meeting, or submit an application to the SHPO to participate in the historic preservation loan fund at the same time the nomination form is submitted to the CPRC.

(d) Deferred nominations will be forwarded to the applicant with an explanation of the reasons for deferral and the actions which must be taken before the nomination can be reconsidered.

(e) Rejected nominations will be forwarded to the applicant with an explanation of the reasons for the rejection.

(4) The applicant, owner, chief elected local official or members of the public may petition the CPRC to reconsider the registration order to accept or reject a nomination for registration and listing in the state register. The petitioner shall explain the reason or reasons for the petition and the relief sought from the CPRC.

(a) The petition shall be filed with the SHPO during the registration order 30-day review period.

(b) The SHPO shall provide written acknowledgment to petitioner within five business days of receiving the petition.

(c) The SHPO shall place the petition on the agenda for the next appropriate CPRC meeting and notify the petitioner, the owner and chief elected local official, at least 30 days prior to the CPRC meeting, of the date, time and place of the CPRC meeting where the petition will be heard.

(d) The petitioner, the owner, chief elected local official or the public shall have the right to be heard and present evidence at the CPRC meeting and provide written comments prior to the meeting as set forth in 4.10.18.9 NMAC.

(e) The CPRC shall issue a final registration order to accept or reject the nomination. This registration order constitutes a final decision for purposes of initiating any judicial review. The registration order will be posted to the HPD website and mailed to parties as required. Pursuant to rule 1-075 NMRA, an aggrieved party may file a petition for writ of certiorari in the district court within 30 days following the issuance of the final registration order.

(5) A property in New Mexico listed in the national register that has not undergone CPRC review shall automatically be listed in the state register by the SHPO. No further CPRC review is required.

[4.10.18.8 NMAC - N, 10/1/12]

4.10.18.9 PUBLIC NOTICE FOR CULTURAL PROPERTIES WITH MULTIPLE OWNERS:

A. The SHPO shall provide written notice to the applicant, the chief elected local official, and the owners of the cultural property, including private property owners within the district or site, setting forth the date, time and place of the CPRC meeting at which a nomination will be considered. The written notice will be mailed at least 30 days before the CPRC meeting. The notice will be sent by first class mail to the last known address as recorded by the county clerk's office. Everyone present at the meeting will have the opportunity to be heard and present evidence. The owners will be invited to provide written comments prior to the meeting and may concur or object in writing to the nomination of the cultural property.

B. The SHPO may provide general notice for a nomination where 50 or more owners' names appear on the county clerk's records. The general notice shall be published twice in one or more newspapers of general circulation in the state and in the area of the nomination. The first publication will occur at least 30 days before the CPRC meeting. The notice will be posted on the HPD website at least 30 days before the CPRC meeting to allow for the submission of written comments. The notice will advise the owners of the date, time and place of the CPRC meeting, the right to submit written comments and concur or object in writing to the nomination, and the right to attend the meeting and present evidence. In addition, the SHPO may hold a public information meeting in the area of the nomination prior to the CPRC meeting. The notice for the information meeting will be published twice, in one or more newspapers of general circulation in the state and in the area of the nomination. The first publication and the posting of the notice on the HPD website will occur at least 14 days before the public information meeting.

C. For multiple resource and thematic submissions, each structure, building, site, place, district or object included in the submission, is treated as a separate nomination to notify and provide owners the opportunity to concur or object in writing to the nomination in accordance with this section.

D. Upon notification, any owner of a private property who wishes to object to the registration and listing shall submit to the SHPO a notarized statement certifying that he is the sole or partial owner of the private property and shall provide the reason for the objection on or before the date specified in the published notice. In nominations with multiple owners, the property will not be listed if a majority of the owners object to the listing. The SHPO will ascertain whether a majority of the private property owners have submitted notarized objections. For purposes of this subsection, any private property owner or part owner in a district or site has one vote whether or not the property contributes to the significance of the district or site.

[4.10.18.9 NMAC - N, 10/1/12]

4.10.18.10 EFFECTS OF LISTING UNDER STATE LAW:

A. The state register is an authoritative guide to be used by state agencies, local governments, private groups and citizens to identify the cultural resources important to the state's history and culture and to indicate which cultural properties should be considered for protection from destruction or impairment. Listing of private property on the state register does not abrogate the rights of the property owner. The rights and responsibilities of owners of a registered cultural property are the same as those of owners of a nonregistered property. Listing does not prevent the use, sale or transfer of the property.

B. State agencies, with direct or indirect jurisdiction over any land or structure modification which may affect a registered cultural property, shall provide the SHPO a reasonable and timely opportunity to participate in planning to preserve and protect and to avoid or minimize adverse effects to registered cultural properties pursuant to 4.10.7 NMAC.

C. State public funds may not be expended on any program or project that requires the use of any portion of or any land from a property listed in either the national register of historic places or state register unless there is no feasible and prudent alternative to such use and unless the program or project includes all possible planning to preserve and protect and to minimize harm to the registered cultural property resulting from such use pursuant to 4.10.12 NMAC.

D. Owners of registered cultural properties are eligible to participate in the state income tax credit program for the restoration, rehabilitation or preservation expenses spent on registered properties pursuant to 4.10.9 NMAC and in the historic preservation loan program to preserve or rehabilitate the registered cultural property pursuant to 4.10.2 NMAC.

[4.10.18.10 NMAC - N, 10/1/12]

4.10.18.11 STANDARDS, SIGNIFICANCE AND INTEGRITY CRITERIA FOR REGISTRATION:

A. Registration standards.

(1) **National register bulletins.** The CPRC uses the national register bulletin series prepared by the national park service as guidance in applying the criteria for state registration. Contact the HPD for assistance.

(2) **General standards.** Property descriptions and statements of significance on the nomination form must be accurate and prepared in accordance with standards generally accepted by academic historians, architectural historians, archaeologists, ethnologists and others, as appropriate, to the property being nominated.

(3) **Boundaries.** Boundaries for a district, site, structure, building, place or object shall encompass but shall not exceed the full extent of the significant resources or land area making up the property. The area should be large enough to include all historic features of the property and shall not include buffer zones or acreage not directly contributing to the significance of the property. Districts may include noncontributing resources, such as altered buildings or buildings constructed before or after the period of significance. In situations where historically

associated resources were geographically separated from each other during the period of significance or are separated by intervening development and are now separated by large areas lacking eligible resources, a discontinuous district may be defined. The following features may be used to mark the boundaries as they reflect the resources: legally recorded boundary lines; natural topographic features such as ridges, valleys, rivers and forests; man-made features such as fences and stone walls, streets and roads; or areas of new construction or construction outside the period of significance.

B. **Significance.** The CPRC and SHPO shall use the following criteria when reviewing nominations and making decisions to list a property in the state register or determine the state-register eligibility of a property. To be considered for registration, at least one of the following criteria for evaluation and considerations must be met.

(1) **Criteria for evaluation.** The quality of significance in the history, architecture, archaeology, science, engineering and culture is present in structures, buildings, sites, places, districts or objects that possess integrity of location, design, setting, materials, workmanship, feeling and association; and

(a) that are associated with events that have made a significant contribution to the broad patterns of our history; or

(b) that are associated with the lives of persons significant in our past; or

(c) that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

(d) that have yielded, or may be likely to yield, information important in prehistory or history.

(2) **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 state register. Such properties may qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

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

(b) a building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or

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

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

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

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

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

(3) **Level of significance.** A property listed in the state register may be of national, state or local significance. The CPRC shall use the following criteria in determining the level of significance appropriate to the property:

(a) a property of national significance offers an understanding of the history of the nation by illustrating the nationwide impact of events or persons associated with the property, its type or style or its information; or

(b) a property of statewide significance offers an important aspect of the history of the state as a whole; or

(c) a property of local significance represents an important aspect of the history of a county, city, town, cultural area or region or any portions thereof.

C. **Integrity.** In addition to significance, a property must possess integrity. A property has integrity if it retains the identity for which it is significant. To determine whether a property retains integrity, the CPRC shall consider the seven aspects set out below and shall evaluate the property against those aspects that are most critical to a property's significance.

(1) Location is the place where the property was constructed or the place where the event or activity occurred. For the site of historic or cultural events, a property has integrity of location when the location itself, complemented by the setting, may be used to visualize or recall the event.

(2) Design is the combination of elements that create the form, plan, space, structure and style of the property. Design results from the conscious decisions in the conception and planning of a property and may apply to areas as diverse as community planning, engineering, architecture and landscape architecture. Principal aspects of design include organization of space, proportion, scale, technology and ornament.

(3) Setting is the physical environment of the property as distinct from the specific place where the property was built or the event occurred. The physical features that constitute setting may be natural or cultural and may include topographic features, vegetation and relationships of a building to other features and open space.

(4) Materials include the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form the cultural property. The integrity of materials determines whether or not an authentic property still exists.

(5) Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory. Workmanship may be expressed in vernacular methods of construction and plain finishes or in highly sophisticated configurations and ornamental detailing. It may be based on common traditions or innovative period techniques. Examples of workmanship include tooling, carving, painting, graining, turning or joinery.

(6) Feeling is the property's expression of the aesthetic or historic sense of a particular period of time. Although intangible, feeling depends upon the presence of physical characteristics to convey the historic qualities that evoke feeling. Because it is dependent upon perception of each individual, integrity of feeling alone will never be sufficient to support designation.

(7) Association is the direct link between an important historic event or person and the cultural property. If a property has integrity of association, then the property is the place where the event or activity occurred and is sufficiently intact that it can convey that relationship.

[4.10.18.11 NMAC - N, 10/1/12]

4.10.18.12 EMERGENCY CLASSIFICATION PENDING INVESTIGATION: A cultural property the CPRC considers worthy of preservation may be included in the state register on a temporary basis not to exceed one year from the date of the emergency classification as provided in Section 18-6-12. If the cultural property is on private land, the temporary classification shall not be considered a taking of private property, but the owner may receive a fair rental value for the part of the land affected if the temporary classification unduly interferes with the owner's normal use of the land. The CPRC makes all emergency classification decisions at an open meeting following procedures in 4.10.3 NMAC. The CPRC shall issue a registration order to the SHPO and the SHPO shall notify the owner immediately of the CPRC's action. During the one year period, the CPRC shall investigate the property to determine whether the property should be listed permanently in the state register. The CPRC's investigation may be conducted with the assistance of the SHPO and others including but not limited to the owner, interested members of the public and preservation professionals. If the CPRC does not make a decision to list the property within one year from the date of the emergency classification, the property may not be reconsidered by the CPRC for five years.

[4.10.18.12 NMAC - N, 10/1/12]

4.10.18.13 REVISIONS AND AMENDMENTS TO REGISTERED CULTURAL PROPERTY NOMINATIONS:

A. Documentation in a state register form may be revised, expanded or updated at any time after registration. Amendments may be made for many reasons including but not limited to the following: update the condition of the property; clarify, increase or decrease the boundary; expand the significance by identifying new areas of significance, additional criteria and new periods of significance; and reclassify contributing and noncontributing resources.

B. Any person or organization may submit an amendment to a New Mexico register nomination to the SHPO. The SHPO then reviews the amendment for completeness. Once complete, the SHPO shall place the amendment on the agenda for the next appropriate CPRC meeting and notify the applicant, the property owners and chief elected local official of the county and municipality at least 30 days prior to the CPRC meeting of the date, time and place of the CPRC meeting where the amendment is to be considered. The owner and the public shall have the right to be heard and present evidence at the CPRC meeting and provide written comments prior to the meeting as set forth in 4.10.18.9 NMAC.

C. The CPRC shall accept, reject or defer the amendment at the CPRC meeting consistent with the process in 4.10.18.8 NMAC. The SHPO shall send a copy of the amendment to the owner of record of the registered cultural property.
[4.10.18.13 NMAC - N, 10/1/12]

4.10.18.14 REMOVAL OF A PROPERTY FROM THE STATE REGISTER: The CPRC may remove a registered cultural property from the state register pursuant to Section 18-6-5 when, in the opinion of the CPRC, the property has been altered to such an extent that its integrity has been lost and the values for which it was placed on the register no longer exist.

A. The CPRC shall remove a registered cultural property from the state register if one of the following conditions is met.

- (1) The qualities which caused the property to be listed originally have been lost or destroyed.
- (2) Renovations, repairs or maintenance to a registered property have resulted in a loss of the historic design characteristics or integrity critical to the property's original registration or are inconsistent with recommendations made by the CPRC pursuant to 4.10.4 NMAC.
- (3) Additional information shows that the property does not meet the state register criteria for registration and integrity.
- (4) There is an error in professional judgment as to whether the property meets the criteria for registration and integrity.
- (5) There is a prejudicial procedural error in the designation process.

B. Any person or organization may submit a request to remove a property from the state register. Documentation supporting a proposal for removal shall be provided to the SHPO. The SHPO shall review the proposal for conformance with this section and shall place the removal proposal on the agenda for the next appropriate CPRC meeting and notify the applicant, the property owners and chief elected local official of the county and municipality at least 30 days prior to the CPRC meeting of the date, time and place of the CPRC meeting where the request is to be considered. The owner and the public will have the right to be heard and present evidence at the CPRC meeting and provide written comments prior to the meeting as set forth in 4.10.18.9 NMAC.

C. The CPRC shall accept, reject or defer the proposal to remove the property from the state register at a CPRC meeting consistent with the process in 4.10.18.8 NMAC. The SHPO will notify the owner of record of the registered cultural property of the CPRC's decision.
[4.10.18.14 NMAC - N, 10/1/12]

4.10.18.15 IDENTIFICATION OF CULTURAL PROPERTIES: The CPRC is charged with the responsibility to identify and prepare a list of cultural properties worthy of protection pursuant to Section 18-6-5.

A. **Surveys.** Surveys are the first step to be taken in the registration process to identify cultural properties and gather sufficient information about them to determine whether the property may be eligible for registration and listing. Consult the SHPO prior to conducting any field studies or survey to gather information on the property and the appropriate boundary for area making up the property. Complete historic cultural property inventory (HCPI) forms for historic structures and buildings or laboratory of anthropology (LA) site records for archaeological sites to supplement the nomination for each contributing property. The applicant is encouraged to prepare forms for noncontributing properties. Other standard forms may be substituted for the HCPI forms with prior approval by the SHPO.

B. To assist the CPRC in fulfilling its responsibilities and the SHPO's own responsibilities to survey and inventory historic properties under Section 16 U.S.C. 470a(b) of the National Historic Preservation Act, the SHPO establishes priorities for surveys to identify and document cultural properties in New Mexico, to determine which properties are eligible for listing in the state or national registers, and to prepare nominations for listing in the state or national registers. The SHPO establishes a system of professional surveys on state land in cooperation with the heads of state agencies pursuant to Section 18-6A-5 and may fund surveys under Section 18-6-8. Standards for survey are described in 4.10.15 NMAC.

C. The SHPO reviews the information gathered during these and other surveys and inventories to make a determination of state and national register eligibility and maintains a record of these determinations. A determination of eligibility is a decision by the SHPO or CPRC that a structure, site, place, or object meets the state register significance criteria for registration although the property is not formally listed in the state register. A determination of eligibility does not make the property eligible for such benefits as grants, loans or tax incentives that have listing in the state register as a prerequisite.

D. State agencies, political subdivisions of the state or the public may ask the SHPO to apply the criteria in 4.10.18.11 NMAC and make a determination of state register eligibility.
[4.10.18.15 NMAC - N, 10/1/12]

HISTORY OF 4.10.18 NMAC: [RESERVED]