

FORM OF ORDER AND TRANSMITTAL BY AGENCY FILING SINGLE HEAD

State of Washington

Office of Archaeology and Historic Preservation

(agency name)

Administrative Order No. 6

(1) I, Jeanne M. Welch, director of the Office of Archaeology and Historic Preservation

do promulgate and adopt at 111 West 21st Avenue, Olympia, WA 98504 (place)

the annexed rules relating to: the review of nominations to the State and National Registers of Historic Places and the public records of the Council.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. 80-04-007 filed with the code reviser on March 7, 1980. Such rules shall take effect:

- [X] pursuant to RCW 34.04.040(2).
[] at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04. (1977 c 19 § 2) that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

- [] (a) This rule is promulgated pursuant to RCW and is intended to administratively implement that statute.
[] (b) This rule is promulgated pursuant to RCW which directs that the

(agency)

has authority to implement the provisions of

(name of act or RCW citation)

- [X] (c) This rule is promulgated under the general rule-making authority of the Office of Archaeology and Historic Preservation

(agency)

as authorized in RCW 43.51A.080

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this agency is herewith transmitted to the Code Reviser for filing pursuant to RCW 34.04 RCW and chapter 1-12 WAC.

STATE OF WASHINGTON

APPROVED AND ADOPTED May 16, 1980

MAY 30 1980

By Jeanne M. Welch

Deputy State Historic Preservation Officer

Title

CODE REVISER'S OFFICE

WSR 80-06-096



STATE OF
WASHINGTON

Dixy Lee Ray
Governor

OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION
111 West Twenty-First Avenue, Olympia, Washington 98504 206/753-4011

January 21, 1980

TO: Code Reviser

FROM: Jeanne M. Welch *Jmw*

SUBJECT: RULE PURPOSE STATEMENT -- ADVISORY COUNCIL ON HISTORIC PRESERVATION

Title. The purpose of the rule is to ensure compliance by the State Advisory Council on Historic Preservation with the provisions of Chapter 1, Laws of 1973 (Chapter 42.17 RCW) in particular that portion dealing with public records. In addition, the rule also describes the procedures for nominating and designating historic properties. The authority is contained in RCW 43.51A.120 (2) and (6).

Summary. The rule describes the steps that are taken to place a nomination before the State Advisory Council on Historic Preservation, and requires the Office of Archaeology and Historic Preservation to prepare and distribute standards of acceptability for nominations. It describes the notification of owners whose properties are being considered by the Council, and the duties of the State Historic Preservation Officer upon receiving a recommendation from the Council. The rule is consistent with the Code of Federal Regulations, Title 36, Chapter 1, Part 1202; federal funds in part support the activities of the State Advisory Council on Historic Preservation.

Agency Personnel. The rule has been drafted by David M. Hansen, Chief, Office of Archaeology and Historic Preservation, 111 West 21st Avenue, Olympia, Washington; (206) 753-4117, SCAN 234-4117. Implementation and enforcement of the rule shall be made under the direction of Jeanne M. Welch, Director, Office of Archaeology and Historic Preservation and Deputy State Historic Preservation Officer, address as above; (206) 753-4011, SCAN 234-4011.

Opponents and Proponents. No opponents and proponents of the rules are known to the Office of Archaeology and Historic Preservation.

Comments and Recommendations. The rule is consistent with the revision of the state preservation program constituted in Chapter 43.51A RCW, which established the Office of Archaeology and Historic Preservation. The State Advisory Council on Historic Preservation has performed its duties since 1967, and its meetings and activities are budgeted as part of the operating expenses of the Office of Archaeology and Historic Preservation. A similar rule promulgated under the Park and Recreation Commission will be repealed.

cc: Secretary of the Senate
Chief Clerk of the House

Chapter 25-12

ADVISORY COUNCIL ON HISTORIC PRESERVATION

WAC

- 25-12-010 Purpose.
- 25-12-020 Definitions.
- 25-12-030 Description of Purpose and Staff.
- 25-12-040 Procedures -- Nominations Proposed By Non-Professional Public.
- 25-12-050 Procedures -- Nominations Proposed By The Professional Public.
- 25-12-060 Procedures.
- 25-12-070 Public Records Available.

NEW SECTION

WAC 25-12-010 PURPOSE. The purpose of this chapter shall be to ensure compliance by the Advisory Council on Historic Preservation with the provisions of Chapter 1, Laws of 1973 (Chapter 42.17 RCW) in particular that portion dealing with public records.

NEW SECTION

WAC 25-12-020 DEFINITIONS. (1) Public Records. "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency, regardless of physical form or characteristics.

(2) Writing. Writing means handwriting, typewriting, printing, photostating, and every other means of recording, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) Advisory Council on Historic Preservation. The Advisory Council on Historic Preservation is the council established pursuant to RCW 43.51A.110, and is hereinafter referred to as the "Council."

(4) Office of Archaeology and Historic Preservation. The Office of Archaeology and Historic Preservation is that agency established pursuant to RCW 43.51A.030, and is hereinafter referred to as the "Office." The Office provides staff for the Council.

(5) State Historic Preservation Officer. The State Historic Preservation Officer is that person appointed pursuant to RCW 43.51A.060 to implement the purposes of that chapter, and hereinafter referred to as "SHPO."

(6) Professional Public. The professional public includes individuals, government agencies, or private businesses which, as a means of providing livelihood or fulfilling legal obligations, are available to prepare nominations to the State and National Registers of Historic Places. The professional public is further identified in WAC 25-12-050(2).

(7) Non-Professional Public. The non-professional public includes individuals, organizations, government agencies, or private businesses not identified as provided in WAC 25-12-050(2).

NEW SECTION

WAC 25-12-030 DESCRIPTION OF PURPOSE AND STAFF. The Council is of an advisory nature for the governor and the Office. Financial and administrative services including those related to budgeting, accounting, financial reporting, personnel and procurement shall be provided the Council by the Office. The administrative location of the Council and that of its staff is at the Office of Archaeology and Historic Preservation, 111 West 21st Avenue, Olympia, Washington. The Council meets on the last Friday of every third month unless otherwise agreed by a majority of the members of the Council.

NEW SECTION

WAC 25-12-040 PROCEDURES -- NOMINATIONS PROPOSED BY NON-PROFESSIONAL PUBLIC

(1) Individuals expressing an interest in promoting the nomination of a property shall first receive a survey-inventory form. The form, when returned to the SHPO with a recent photograph, will be the basis for further action.

(2) If the SHPO determines that the property may meet the criteria of the State or National Register of Historic Places, a nomination form and instructions will be forwarded to the proponent. Completed nominations must be submitted to the SHPO for review and evaluation.

(3) The SHPO shall alert the proponent to any assistance that may be available to the proponent to complete the nomination in a manner consistent with the provisions of WAC 25-12-060(3). Such alert may include the direct involvement of the Office in the preparation of the nomination or referrals to professionals.

(4) Any nomination developed under this section shall be treated as outlined in WAC 25-12-060.

NEW SECTION

WAC 25-12-050 PROCEDURES -- NOMINATIONS PROPOSED BY THE PROFESSIONAL PUBLIC.

(1) Members of the professional public may submit completed nominations directly to the SHPO for review and evaluation. The opportunity to review drafts of the nomination is encouraged to promote the rapid handling of the complete document.

(2) The SHPO shall prepare and maintain a list of the professional public to identify those who can submit nominations under this section and for referrals as provided in WAC 25-12-040(3). Inclusion on the list shall be limited to those individuals, governmental agencies, or private businesses that have demonstrated an ability to prepare nominations consistent with WAC 25-12-060(3).

(3) Any nomination developed under this section shall be treated as outlined in WAC 25-12-060.

NEW SECTION

WAC 25-12-060 PROCEDURES. The following is a statement of the general course and method followed in the nomination and designation of historic properties.

(1) The SHPO shall not schedule any nomination for review by the Council if the nomination is poorly prepared, incomplete in any manner, or treats a property that does not appear to be eligible for the State or National Registers of Historic Places. The agenda shall be established by the SHPO in cooperation and consultation with the chairperson of the Council.

(2) The SHPO may return any nomination to the originator for correction, or for additional information of any kind required for completion and accuracy.

(3) The SHPO shall prepare and distribute standards of acceptability for nominations, such standards to be not more restrictive than those promulgated by the Heritage Conservation and Recreation Service for the conduct of the National Register program.

(4) The SHPO will notify the owner of the property and the most appropriate local jurisdiction or government of the date, time, and location of the review of the nomination by the Council, such notification to occur not more than 45 days nor less than 30 days prior to the scheduled meeting date.

(5) In the nomination of an historic district where more than 50 property owners are involved, notification shall occur through a notice in a local newspaper of general circulation.

(6) Federally affected properties which have been determined under Federal regulations to be ineligible for the National Register will be referred to the SHPO to be evaluated for inclusion on the State Register without referring the nomination to the Council for further consideration.

(7) Following Council review, the Council will transmit its recommendations to the SHPO. When the Council has reviewed and approved a procedurally correct nomination and has forwarded it to the SHPO, the SHPO will submit the nomination to the National Register, unless, in his opinion, the SHPO considers the property one which does not meet the National Register criteria. A decision to submit a nomination is within the discretion of the SHPO. All Council determinations regarding nominations are advisory only. In each instance that the SHPO determines a nomination to be ineligible for inclusion in the National Register, he/she shall notify the Council of this action at its next regularly scheduled meeting.

(8) The SHPO shall act upon all nominations reviewed by the Council prior to its next regularly scheduled meeting, and shall report those actions to the Council at that meeting.

NEW SECTION

WAC 25-12-070 PUBLIC RECORDS AVAILABLE. All public records of the Council, as defined in WAC 25-18-020, are available for public inspection any copying at the office location described in WAC 25-12-030, pursuant to WAC 25-18-040 through 130, except as otherwise provided by RCW 42.17.310.