

**STATE OF MISSISSIPPI  
PROCEDURES  
FOR THE  
CERTIFIED LOCAL GOVERNMENT PROGRAM**

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**INTRODUCTION**

Since 1966, when Congress established an historic preservation program for the United States, the National Historic Preservation Program has operated as a decentralized partnership between the federal government and the states. The federal government established a program of identification, evaluation, and protection of historic properties which the states, for the most part, implement. The success of the working relationship between the states and the Department of the Interior prompted Congress in 1980 to expand the partnership to provide for participation by local governments. The National Historic Preservation Act, as amended (16 U.S.C. 470 *et seq.*) contains the statutory basis for the federal-state-local preservation partnership. The federal law directs the State Historic Preservation Officer and the Secretary of the Interior to certify local governments to participate in this partnership and specifies several requirements which the local government must meet. The purpose of this document is to outline how this partnership will be implemented in Mississippi.

**I. DEFINITIONS**

**36 CFR 61** The "Procedures for State, Tribal and Local Government Historic Preservation Programs." 36 CFR 61 incorporates the requirements for state and local historic preservation programs as specified in the National Historic Preservation Act as amended and establishes Federal Regulatory guidance for the process by which eligible and interested local governments will be certified to participate formally in the National Historic Preservation Program.

**Certified Local Government** As defined by the National Historic Preservation Act, a certified local government is a local government that has been certified to carry out the purposes stated in Section 103 (c) of the National Historic Preservation Act, as amended. Hereinafter referenced "CLG."(alternatively quote Sec 301, 15?)

**Historic Preservation Planning** a rational, systematic process designed to develop, produce, implement, and revise a historic preservation plan. The planning process typically includes such activities as public participation, gathering and analyzing historic resource information, analyzing preservation needs, identifying goals and objectives, determining strategies for and monitoring goal achievement and identifying the need for and carry out plan revision. The primary purpose of historic preservation planning is to ensure the protection and preservation of valued historic and cultural resources for future generations. The major product of the planning process is the historic preservation plan. Preservation planning is carried out by local, state, tribal, and federal government agencies, as well as by private organizations. The Secretary of the Interior's Standards and Guidelines for Preservation Planning provide technical guidance on analyzing historic and cultural resource information for planning purposes.

**Historic Preservation Plan** a document that reports the findings and conclusions of the planning process, articulates the vision for the future of historic preservation in the planning area, and identifies goals and objectives for achieving that future. The plan is a tool for guiding decision making and action related to the identification, evaluation, registration, treatment, protection, interpretation, research, and management of historic and cultural resources. In local communities, a preservation plan may be incorporated as an element in the comprehensive or master plan, or it may be a stand-alone document. Occasionally, historic district preservation plans may be prepared to outline detailed preservation and management information tailored specifically for the historic resources in each district. The SHPO is required by 101(b)(3)(C) the National Historic Preservation Act to prepare and implement a comprehensive statewide historic preservation plan, and requirements are outlined in Chapter 6, Section G of the *Historic Preservation Fund*

*Grants Manual.*

Historic Preservation Fund A fund created by Congress in Section 108 of the Historic Preservation Act to carry out the purpose of the Historic Preservation Act. The historic preservation fund supports a program of matching grants-in-aid to the states for historic preservation programs, as authorized by Section 101 (e) (1) of the National Historic Preservation Act. Hereinafter referenced "HPF."

Historic Preservation Fund Manual The manual that sets forth National Park Service administrative procedures and guidelines for activities concerning the federally related historic preservation programs of the states and local governments. The manual includes guidelines and procedures for the administration of the historic preservation grants-in-aid.

Local Government A city, county, township, municipality, or any other general purpose political subdivision of Mississippi.

Mississippi Department of Archives and History The Mississippi agency charged with the responsibility of protecting and preserving of the state's historic resources. The Director of the Department is also Mississippi's appointed State Historic Preservation Officer (SHPO). The Department's Historic Preservation Division is the State Historic Preservation Office (also known as the SHPO). For the purposes of these regulations, the role and duties of the MDAH and the SHPO are concurrent, and they shall be identified as one unit and shall be abbreviated as MDAH/SHPO.

National Historic Preservation Act of 1966 ( as amended (16 U.S.C. 470 et seq.)) This Act authorizes the promulgation of regulations for approving state historic preservation programs, certifying local governments and the processes for administering and allocating grants, conducting performance evaluations and establishing guidelines for use and distribution to local governments. Hereinafter referenced the "National Historic Preservation Act."

National Register of Historic Places The national list of districts, buildings, sites, structures, and objects significant in American history, architecture, archaeology, engineering, and culture, promulgated through the states, and maintained by the Secretary of the Interior under authorization of Section 101 (a) (1) (A) of the National Historic Preservation Act, as amended. Hereinafter referenced the "National Register."

Secretary The Secretary of the Interior. Unless otherwise stated in law or regulation, the Secretary of the Interior has delegated the authority and responsibility for administering the National Historic Preservation Program to the National Park Service.

Secretary of the Interior's "Standards and Guidelines for Archaeology and Historic Preservation" The Secretary of the Interior's "Standards and Guidelines for Archaeology and Historic Preservation" are intended to be applied to a wide variety of resource types, including buildings, sites, structures, objects, and districts. The Secretary of the Interior's "Standards and Guidelines for Archaeology and Historic Preservation" are not codified as program regulations but may be used as a guide by anyone planning work on historic properties. They establish professional standards and provide advice on the preservation and protection of all cultural resources listed on or eligible for the National Register of Historic Places. Hereinafter referenced the "Secretary's Standards."

Subgrantee The agency, institution, organization, or individual to which a subgrant is made by the MDAH/SHPO and which is accountable to MDAH/SHPO for use of the funds provided.

## **II. DESCRIPTION AND STATEMENT OF PURPOSE**

The Certified Local Government Program is designed to promote the preservation of prehistoric and historic sites, structures, objects, buildings, and historic districts by establishing a partnership between the local government and the Mississippi Department of Archives and the Mississippi State Historic Preservation Office (MDAH/SHPO), which seeks to encourage and expand local involvement in preservation issues. Such partnership will help to assure that:

- \*historic preservation issues are understood and addressed at the local level and are integrated into the local planning and decision making process at the earliest possible opportunity.
- \*local interest and concerns are integrated into the identification, evaluation, nomination, and protection processes of the MDAH/SHPO;
- \*information concerning local historic preservation issues is provided to the MDAH/SHPO and to the public;
- \*local landmark legislation, including but not limited to a historic preservation ordinance and historic preservation commissions are established in cities where they do not yet exist and are updated, if necessary, in cities where they already exist; and
- \*existing Mississippi State Survey File information is made available to the local community to use in identifying and defining community and neighborhood development and conservation areas.

By participating in the identification, evaluation, and protection of historic resources within their communities, Certified Local Governments (CLGs):

- \*assume a leadership role in the preservation of the community's prehistoric and historic resources;
- \*have a formal role in the National Register nomination review process;
- \*participate in the establishment of regional and state historic preservation objectives; and
- \*are eligible to apply for subgrants from a designated CLG fund established annually by the MDAH/SHPO whenever such funds are available.

### **III. REQUIREMENTS FOR CERTIFICATION OF LOCAL GOVERNMENT PROGRAMS IN MISSISSIPPI**

The National Historic Preservation Act, as amended (16 U.S.C. 470 et seq.), which established the Certified Local Government program, contains five broad standards, all of which must be met by a local government before the local government may be certified and maintained to retain certification.- The federal standards, where appropriate, are further defined and amplified below.

- A. The local government shall enforce appropriate state or local legislation for the designation and protection of historic properties as defined in the State of Mississippi Local Government Historic Preservation Law, Sections 39-13-3, 39-13-5, 39-13-7 and 39-13-9, Mississippi Code of 1972, as amended.
- B. The local government shall establish by state or local legislation an adequate and qualified historic preservation review commission (Commission) composed of professional and lay members.
  1. The Commission shall exist as authorized under the Mississippi Local Government Historic Preservation Act of 1978 (State of Mississippi Local Government Historic Preservation Law, Sections 39-13-3, 39-13-5, 39-13-7 and 39-13-9, Mississippi Code of 1972, as amended). ;
  2. The State of Mississippi Local Government Historic Preservation Law, Sections 39-13-3, 39-13-5, 39-13-7 and 39-13-9, Mississippi Code of 1972, as amended, requires that the Commission consist of not fewer than five nor more than nine members, who shall be appointed by the governing authority of the county or municipality, or a combination thereof, establishing the commission;
  3. All Commission members shall have a demonstrated interest, competence, knowledge, or expertise in historic preservation. To the extent available in the community, the local government shall appoint professional members from the historic preservation related disciplines of architecture, history, architectural history, or archaeology or from such historic preservation related disciplines as urban planning, American studies, American Civilization, cultural geography, cultural anthropology, interior design, law, and related fields.

Since the role of the Commission is vital to the implementation of the CLG program, each local government applying for status as a CLG shall provide the following information indicating good faith effort to locate professionals to serve on the Commission. If a documented good faith effort has been made unsuccessfully by the governing authority to locate residents of the county or municipality to serve on the commission, the governing authority may appoint individuals who own property within the boundary of the county or municipality, or both, or are in the service of an employer located within the boundary of the county or municipality, or both. If

- a. The local government shall run at least one public notice in a newspaper in its jurisdiction to solicit responses from citizens who are professionals in the Historic Preservation related fields of architecture, history, architectural history, or archaeology or from historic preservation related disciplines as urban planning, American studies, American Civilization, cultural geography, cultural anthropology, interior design, law, and related fields and who are interested in serving on the Commission. At the same time, the local government may contact such known professionals to invite them to submit their qualification for candidacy to the Commission. If there are no respondents to the public notice or contact by the local government, or if the chosen professional declines the appointment to the Commission, the local government may compose its Commission of lay persons. To be appointed to the Commission, lay members must have a demonstrated interest, competence, knowledge or expertise in historic preservation, which should be identified by information provided to the local government which shall include, but shall not be limited to: educational and volunteer background, attendance at workshops and seminars, and related activities. The local government shall decide, with

the assistance of the MDAH/SHPO upon request, which lay persons should be considered for appointment to the Commission.

b. The local government shall allow three weeks (15 working days) for responses. Any respondents shall provide their professional qualifications as well as information concerning their demonstrated interest, competence, knowledge, or expertise. Such information may include, but is not limited to: education and professional background, volunteer work, attendance at workshops, seminars, and other experience as applicable.

c. When the local government has accrued adequate information concerning the qualifications and expertise of individuals who have expressed interest in being appointed to the Commission, it shall decide, with the assistance of the MDAH/SHPO upon request, which individuals, if any, shall be considered for appointment to the Commission.

d. Resumes for each member of the Historic Preservation Commission, including, where appropriate, credentials or member expertise in fields related to historic preservation. As noted in Section III (B) (3), the Commission shall consist of members who have demonstrated special interest, experience, knowledge, or expertise in the primary historic preservation related disciplines of architecture, history, architectural history, or archaeology or from secondary historic preservation related disciplines as urban planning, American studies, American civilization, cultural geography, cultural anthropology, interior design, law, and related fields.

4. The commission shall establish its own regular meeting time; however, the first meeting shall be held within thirty (30) days of the adoption of a local historic preservation ordinance and regular meetings shall be scheduled at least once every three (3) months. The chairman or any two (2) members may call a special meeting to consider an urgent matter.
5. At least one member of the Commission shall attend at least one informational or educational meeting per year. In order to meet this requirement, a meeting shall be recognized by MDAH/SHPO as providing appropriate training pertaining to the work and functions of the Commission or to historic preservation in general. If a commission member(s) attends such meeting as delegated representative(s) of the commission, he shall then present material from the informational or educational meeting at the next regularly scheduled commission meeting.
6. The Commission shall transmit an annual report of its activities to the MDAH/SHPO. Such reports shall include, at a minimum, the number of case reviews, new designations made, progress on survey activities, revised resumes for commission members, attendance records, and documentation for the education and informational meeting referred to in Section (B) (5), above. Reports shall be submitted within sixty days after the end of the fiscal year for the local government. If the Commission has been established during the preceding fiscal year, the report shall reflect that portion of the year in which they were established.
7. The Commission shall monitor and report to the MDAH/SHPO any activity in the community affecting any property listed on the National Register of Historic Places; and
8. Records of proceedings shall be transmitted to the MDAH/SHPO at the same time they are transmitted to the members of the Commission.

C. The local government shall maintain a system for the survey and inventory of historic properties.

1. The local government shall initiate or continue a process for survey and inventory for properties within the local jurisdiction and shall ensure that the process for survey and inventory can be readily integrated into the statewide comprehensive historic preservation planning and other appropriate planning processes. The local government survey and inventory efforts shall be coordinated with and approved by the MDAH/SHPO;
2. All inventory data shall be in a format that is consistent with the statewide comprehensive historic preservation planning and other appropriate planning processes;
3. All inventory material shall be maintained securely and be accessible to the public, and shall be updated periodically to reflect changes, alterations and, demolitions, and;
4. There shall be a building by building survey and inventory for each historic district and completed

survey materials for each landmark and landmark site designated by ordinance.

- D. The local government shall provide for adequate public participation in the local historic preservation program including the process of recommending properties to the National Register.
1. All meetings of the Commission shall be open to the public;
  2. Careful minutes shall be kept of all the decisions and actions of the Commission, including the reasons for making these decisions. The minutes must be kept on file and available to the public in accordance with the provisions of the Public Records Act of the State of Mississippi, Section 25-1-17 (1972); and Section 304 of the National Historic Preservation Act, as amended (16 U.S.C. 470 et seq.)
  3. The local government shall strive to promote public participation in the nomination of properties to the National Register. Written information outlining the criteria for eligibility for nomination to the National Register and the National Register nomination process shall be available to the public. All reports submitted by the local government to the MDAH/SHPO regarding the eligibility of properties shall include assurances of public input. The local government shall retain a list of all persons contacted during the evaluation period in addition to comments which they receive. If a public meeting was held regarding the nomination of properties to the National Register, a list of persons attending shall be included in the report.
- E. The local government shall satisfactorily perform the responsibilities (in points III A-D above and those specifically) delegated to it by the MDAH/SHPO.
1. The local government may assume additional responsibilities as agreed to by the MDAH/SHPO and the local government. This agreement shall be in written form.
  2. The MDAH/SHPO shall have a reasonable opportunity to review all records and materials pertinent to the implementation of this rule.
- F. All functions performed by local governments to achieve and maintain certification must be in accord with the responsibilities of the State Historic Preservation Program as implemented by the MDAH/SHPO. These responsibilities are to:
1. Direct and conduct a comprehensive survey of historic properties and maintain an inventory of such properties.
  2. Identify and nominate eligible properties to the National Register of Historic Places and otherwise administer applications for the National Register.
  3. Prepare and implement a comprehensive statewide historic preservation planning process.
  4. Administer the state program of Federal assistance for historic preservation within the state.
  5. Advise and assist federal, state, and local government agencies in carrying out their historic preservation responsibilities.
  6. Cooperate with the Secretary of the Interior, the Advisory Council on Historic Preservation, and other federal, state, and local government agencies to ensure that historic properties are taken into consideration at all levels of planning and development.
  7. Provide public information, education, training, and technical assistance relating to the National and State Historic Preservation programs; and otherwise fulfill the state's liaison responsibility with the Federal preservation programs, other states, local governments, Indian tribes, private organizations, and individuals.
  8. Cooperate with local governments in the development of local historic preservation programs and assist local governments in becoming certified.
- G. The local government agrees to comply with all provisions of the State Antiquities Law (39-7-1, et seq. of the MISSISSIPPI CODE OF 1972, as amended). In the event of any proposed public actions that may affect designated "Mississippi Landmarks," or properties potentially eligible for "Mississippi Landmark" designation, the local government shall, in writing, seek a permit for such actions from the Mississippi Department of Archives and History prior to undertaking the proposed actions. Furthermore, the local government agrees to comply with the Mississippi Department of Archives and History's recommendations for "Mississippi Landmark" designations, permits, and/or cultural resource survey

requirements.

- H. The local government agrees to comply with all provisions of Section 106 of the National historic Preservation Act and 36 CFR 800 regulations and shall, in its comprehensive planning, give due consideration for assisting the State Historic Preservation Office (Mississippi Department of Archives and History) in executing its responsibilities to review the impact of projects involving federal funds or licensing on properties listed on the National Register of Historic Places, or that are determined to be eligible for listing in the National Register. The local government agrees, to the extent possible, to work with local applicants, seeking federal funding, licensing, or assistance in the preparation of necessary documentation requested by the State Historic Preservation Office for its Section 106 and 36 CFR 800 reviews.

For further information, please refer to the National Historic Preservation Act and the Mississippi State Historic Preservation Office.

#### **IV. PROCESS FOR CERTIFYING LOCAL GOVERNMENTS**

- A. To initiate the process of Certifying a local government for participation in the CLG program, the chief elected official of the local government shall request recognition as a Certified Local Government from the MDAH/SHPO. The application for certification shall be in the format established by the MDAH/SHPO and shall include the following;
1. A written assurance by the chief elected official that the local government fulfills the requirements of Section III above;
  2. A copy of the local historic preservation ordinance which creates the Historic Preservation Commission, along with resumes for each commission member and confirmation that they have been appointed to the commission;
  3. A list of locally designated landmarks, landmark sites and districts, together with maps indicating their locations and copies of the local ordinance(s) so designating them, if the local government has made such designations prior to certification.
- B. The MDAH/SHPO shall respond to the chief elected official within sixty days of receipt of an adequately documented written request. Application for certification shall be reviewed by the SHPO, or designee, and the SHPO staff. If the request from the chief elected official is not adequately documented, the MDAH/SHPO shall request the needed documentation within sixty business days of receipt of the request. If the request from the chief elected official is adequately documented, the SHPO, or designee, and the SHPO Staff shall review the application for certification and determine if the local government fulfills the requirements for certification.
- C. When a local government application for certification has been approved in accordance with the MDAH/SHPO's approved certification process, the MDAH/SHPO shall prepare a written agreement that lists the specific responsibilities of the local governments when certified.
- This written certification agreement shall include the responsibilities outlined in Section III (A), (B), (C), and (D), any additional responsibilities delegated to all CLGs in the state, and any other delegated responsibilities.
- The State Historic Preservation Officer and the Chief elected local official shall both sign the written certification agreement.
- D. When the MDAH/SHPO determines that the local government fulfills the requirements for certification, the MDAH/SHPO shall forward a copy to the Secretary of the Interior or designee the following items: (1) a letter from the SHPO requesting certification, and (2) a completed checklist indicating that all requirements have been met, and (3) a signed copy of the certification agreement. If the Secretary of the Interior, or designee, does not take exception to the request for certification within fifteen working days of receipt, the local government shall be regarded as certified, and the MDAH/SHPO shall so notify the local government. The effective date of certification is the date of approval by the Department of the Interior.
- E. When a local government application for certification cannot be approved in accordance with the MDAH/SHPO's approved certification process, the MDAH/SHPO shall advise the local government as to how it can meet the requirements of the certification process.

#### **V. PROCESS FOR MONITORING AND DECERTIFICATION OF CERTIFIED LOCAL GOVERNMENTS IN**

## **MISSISSIPPI**

- A. The MDAH/SHPO shall conduct periodic review and monitoring of CLGs no less often than once every four years. The review shall ensure that each CLG is fulfilling its required responsibilities, and that the CLG's performance of those responsibilities is consistent and coordinated with the criteria as listed in Section III and IV (A) (1-3 ) above. The MDAH/SHPO may perform its review during an on-site visit.
- B. Upon completion of the review, the MDAH/SHPO shall inform the CLG by letter, whether or not the CLG has been evaluated as adequate or inadequate. At this time the MDAH/SHPO may offer opinions and advice on each CLG program. An adequate evaluation by the MDAH/SHPO requires no response from the CLG.
- C. If the MDAH/SHPO evaluation indicated that the performance of the CLG is inadequate because the CLG has not maintained the specific criteria as listed in Section IV (A)(1-5) above, the MDAH/SHPO shall document that assessment and recommend to the CLG steps to bring its performance up to an acceptable level. The MDAH/SHPO shall provide advice and assistance to the CLG when the CLG's performance is inadequate. Generally, the CLG shall have a period of not less than thirty, nor more than one hundred and eighty working days to implement improvements. If after this period, the MDAH/SHPO determines through documentation that the CLG has not regained nor cannot be expected to maintain the specific criteria as listed in Section IV (A) (1-5), the MDAH/SHPO shall place the CLG on suspension. While on suspension the CLG may not apply for or receive CLG grants. If the CLG has not addressed these issues within six months, the MDAH/SHPO shall send the appropriate documents citing specific reasons for the recommendations to decertify to the Secretary of the Interior, or designee. Copies of the correspondence between the MDAH/SHPO and the Secretary of the Interior shall be sent to the CLG. The effective date of decertification will be the date on which the decertification is approved by the Department of the Interior.
- D. CLGs may appeal to the National Park Service, or designee, the MDAH/SHPO's decisions to decertify.
- E. CLGs may petition the MDAH/SHPO to be decertified voluntarily and without prejudice.
  - F. In the event that a CLG is voluntarily or involuntarily decertified, the MDAH/SHPO acknowledges its responsibilities to conduct financial assistance close-out procedures as specified in the HPF grants manual.
  - G. If a CLG wishes to become recertified it must reapply for certification.

## **VI. CLG PARTICIPATION IN THE NATIONAL REGISTER PROCESS**

The CLG will be involved in the National Register process in the following manner:

A. Unless the CLG itself has initiated the nomination, the MDAH/SHPO will forward a copy of completed National Register nominations to the CLG for all properties within that jurisdiction within sixty (60 ) days of receipt of the nomination by MDAH.

The CLG shall submit a statement to the MDAH/SHPO regarding the eligibility of each property or district proposed for nomination to the National Register within its jurisdiction. This statement shall include the recommendation of the Commission and must include the opinion of the chief elected official or governing body. The statement may be as simple as an affirmation that the property is eligible, or it may be a lengthy research report stating why the property should not be nominated. The statement or report should concentrate on the property's eligibility under the National Register of Historic Places criteria. Guidelines on how to apply these criteria in the evaluation of an individual property will be provided by the MDAH/SHPO. Reference could also be made to the CLG's historic preservation plan or other relevant planning documents. A copy of the report prepared by the CLG for the MDAH/SHPO shall be made available within the local jurisdiction for public inspection.

If the CLG does not provide a statement in a timely fashion, the nomination will be processed. However, frequent failure to submit statements on the eligibility of properties nominated within the jurisdiction of the CLG after the MDAH/SHPO has informed the CLG of a pending nomination will be considered during the next scheduled performance evaluation and may have an effect on the community's continued certification.

- B. Within sixty (60 ) days of the date the nomination is forwarded to the CLG, after providing a reasonable opportunity for public comments, the Commission shall prepare, and the chief elected official or local coordinating official shall transmit to the MDAH/SHPO and the property owner(s), a statement reflecting the

CLG's opinion regarding the eligibility of the property. If the Commission and chief elected official or governing body do not agree, both opinions shall be forwarded.

- C. If both the Commission and the chief elected official or governing body recommend that a property not be nominated because the property does not meet National Register of Historic Places criteria, the MDAH/SHPO will so inform the property owner(s) and the Mississippi Historic Preservation Professional Review Board (Review Board), and the property will not be nominated unless an appeal is filed within sixty (60 ) days with the MDAH/SHPO under the regulation established for the appeals process which is outlined in Section 101(c)(2) of the National Historic Preservation Act (and in the State Program Manual).
- D. If either or both the Commission and the chief elected official governing body agree that the property meets National Register of Historic Places eligibility criteria , and when the National Register nomination is professionally and technically sufficient to meet National Register standards as interpreted by the MDAH/SHPO, the nomination will be transmitted for review to the Review Board. The opinion or opinions of the Commission and the chief elected official/governing body will be presented to the Review Board at that time for its consideration.
- E. After considering all opinions, the State Review Board shall make its recommendation to the MDAH/SHPO, who will then make a final determination regarding submission of the nomination to the Keeper of the National Register pursuant to Section 101(a) of the Act and 36 CR 60.6 The Commission, the chief elected official/governing body, the property owner, or any member of the public may appeal the final SHPO decision directly to the Keeper under the provisions outlined in 36 CFR 60.12.

In order to expedite the nomination process, a CLG may elect to send a supporting letter with the nomination when it is first submitted to the MDAH/SHPO. The letter should be signed by both the chief elected official and the authorized representative of the Commission. The letter may be accompanied by a formal report, but should, at the least, clearly state that in their opinion the property is eligible for the National Register.

Upon written agreement between the CLG and the MDAH/SHPO, the CLG may elect to have all National Register nominations within their jurisdiction acted upon locally before being submitted to MDAH. In this case, copies of any nominations received by MDAH without having first been acted upon by the CLG will be provided to the CLG, and no action will be taken by MDAH until the CLG has acted upon the nomination. If the city has not acted upon the nomination within sixty (60) days, the applicant may resubmit it to MDAH for action.

Upon written agreement between the CLG and the MDAH/SHPO, the CLG may elect to assume responsibility for notification of property owners and the public throughout the nomination process. In this case, it will be the responsibility of the CLG to meet the public notice requirements specified by the National Register nomination procedures of the Department of the Interior. In addition to the requirement for public input into the above reporting requirement and notification to property owners regarding the CLG's opinion concerning the National Register eligibility of their property, the CLG will be responsible for notifying property owners, other local government agencies, and county and/or regional planning agencies as appropriate throughout the nomination process and for providing MDAH/SHPO with copies of all notification notices. Unless otherwise stated in the agreement, the MDAH/SHPO will provide notification of nominations to the National Park Service, certified local program organizations, and appropriate federal and state officials.

Participation in the notification procedures throughout the nomination process will provide the CLG with greater opportunity for public input and for resolving local differences of opinion prior to submission of the nomination to the Review Board.

If a CLG assumes the notification responsibilities, the MDAH/SHPO will provide guidelines regarding persons to be contacted and the content and timing of the notification letters. The CLG will maintain on file records documenting the notification actions that are taken.

- F. CLG notification procedures do not apply when a Federal agency nominates a property under its ownership or control. CLGs are encouraged to coordinate with Federal agencies to the extent practical, however, in the consideration of such nominations.

## **VII. SUBGRANTING OF HISTORIC PRESERVATION FUNDS TO CERTIFIED LOCAL GOVERNMENTS**

In order to be eligible to receive a portion of the local share of the Historic Preservation Fund (HPF) allocation in Mississippi, the Secretary of the Interior requires that each certified local government;

- A. Shall maintain adequate financial management systems which:

1. Shall be in accordance with the standards specified in the Office of Management and Budget (OMB) Circular A-102, attachment G, "Standards for Grantee Financial Management Systems";
  2. Are auditable in accordance with the OMB circular A-133 "Audit Requirements.";
- B. Shall adhere to all requirements of the Historic Preservation Grants Manual:
1. Indirect costs may be charged as part of the CLG grant only if the CLG subgrantee meets the requirements of the Manual.
  2. Unless the CLG has a current indirect cost rate approved by the appropriate Federal agency, only direct costs may be charged.
- C. Shall adhere to any requirements mandated by Congress regarding the use of such historic preservation funds.

The MDAH/SHPO is prepared to provide information about and assistance with the financial management systems which meet the requirements listed above.

All CLGs (except those on suspended status during the Federal Fiscal Year the grants are awarded) shall be eligible to receive funds from the HPF grant award, and at least ten percent of the MDAH/SHPO's annual HPF allocation shall be designated for transfer by the MDAH/SHPO to CLGs. In any year in which the annual HPF State grant appropriation exceeds \$65,000,000, one-half of the excess shall also be transferred to CLGs according to procedures to be provided by the Secretary of the Interior.

The MDAH/SHPO is not required to award funds to all governments that are eligible to receive funds.

All CLGs receiving HPF grants from the MDAH/SHPO CLG share shall be considered subgrantee of the State of Mississippi.

The transferred grants to CLGs generally shall not be matched by any other Federal grants

Each written grant agreement between the MDAH/SHPO and the CLG for the transfer of funds shall specify the requirements to be met by the CLG.

## **VIII. FUNDING PRIORITY**

In order to promote local preservation activities to the greatest extent possible, the Mississippi Department of Archives and History (MDAH) will seek to ensure that the designated funds are distributed to qualified CLGs without prejudice and shall make reasonable efforts to distribute the funds among the maximum number of eligible CLGs to the extent that such distribution is consistent with federal regulation. When possible, MDAH shall distribute these funds to create a geographic balance and to ensure a reasonable distribution between Mississippi's urban and rural areas. No CLG shall receive a disproportionate share of the allocation.

The SHPO, or designee, shall review and evaluate each proposal and shall recommend to the Board of Trustees of the MDAH the award of funds on a competitive basis to CLGs based on the following general priorities.

- A. Projects that revitalize the community's historic downtown commercial core.
- B. Projects that revitalize the community's historic neighborhoods.
- C. Projects that conserve historic rural resources, including the farms and plantation settings, and any other historic resources and the completion of survey activities.
- D. Projects that emphasize the identification of historic resources and the completion of survey activities.
- E. Projects that emphasize the completion of evaluation; i.e. nomination of resources to the National Register.
- F. Projects that emphasize the education of the general public about historic preservation.
- G. Projects that emphasize the education of the Historic Preservation Commission, including the preparation of guidelines for the Commission.
- H. Projects that offer creative, viable ways to implement the preservation of Mississippi's prehistoric and historic resources. MDAH shall ensure that when such proposals are submitted they will be reviewed and evaluated without prejudice.
- I. Other priorities set by MDAH.

These funding priorities are subject to change within the evolution of Mississippi's comprehensive historic preservation

planning process. If these priorities do change, CLGs will be advised of the new priorities.

## **IX. CRITERIA FOR SELECTION**

The MDAH/SHPO shall allocate the CLG share of its annual HPF grant to eligible CLGs in the following manner:

- A. Each CLG shall submit written proposals for the use of Mississippi's HPF CLG grant share to the MDAH/SHPO.
- B. The SHPO, or designee, and the SHPO staff shall review and evaluate these proposals, and recommend grant awards to the Board of Trustees of the MDAH based on the following criteria. The proposal must:
  1. Clearly state specific, tangible goals for the CLG that are realistically attainable within the funding period; i.e., all proposals must show that the amount of funding requested will produce a specific impact, and that the funds awarded will be sufficient to generate a specific, tangible impact, directly as a result of the funds transferred. The requirement for tangible results of these grants may not be waived.
  2. Provide to MDAH assurance of an acceptable non-federal matching share (50%) as required by MDAH.

## **X. THE ROLE OF THE MDAH/SHPO IN THE CLG PROGRAM**

Within the CLG program, the MDAH/SHPO assumes many responsibilities, both to the federal government and to the certified local governments. The responsibilities of the MDAH/SHPO include, but are not limited to, the following:

- A. The MDAH/SHPO shall make available to the public, upon request, the rationale for the CLG applicants selected, and the amounts of grants awarded. This information may be provided in written format.
- B. The MDAH/SHPO acknowledges that it is responsible, through financial audit, for the proper accounting of HPF CLG share monies in accordance with the Office of Management and Budget Circular A-133 "Audit Requirements."
- C. As indicated in Section V (A), during its periodic evaluation of CLGs, the MDAH/SHPO shall perform an assessment of the fiscal management of HPF monies.

## **XI. APPLICATION TIMETABLE**

- A. Each year, as the time approaches for the annual appropriation of federal historic preservation funds, MDAH/SHPO will send out a letter to CLGs to inform them of the upcoming grant cycle and to request that they submit notices-of-intent for proposed CLG grant projects.
  - B. After passage of the annual federal Historic Preservation Fund appropriation by Congress, MDAH/SHPO will be notified by the Department of the Interior of the state's projected allocation (planning figure) for that fiscal year. This usually occurs after October 1 each year but varies depending on when Congress and the President finalize the annual Federal budget.
- C. MDAH/SHPO then notifies the certified local governments of amount of funds available for the CLG grant program and provides a form for CLGs to use in applying for grant funds.
- D. Following a reasonable length of time after notification of the availability of CLG grant funds, MDAH/SHPO receives applications from certified local governments.
  - E. At the next scheduled quarterly meeting of the Board of Trustees of MDAH, the Board selects the Projects to be funded.
- F. After MDAH/SHPO receives formal obligation of federal funds from the Department of the Interior, MDAH/SHPO notifies the local governments of grant awards.

Adopted by the Board of Trustees of the Department of Archives and History February 1985, amended July 1990 and October 2000.