

PART 61—PROCEDURES FOR STATE, TRIBAL, AND LOCAL GOVERNMENT HISTORIC PRESERVATION PROGRAMS

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AUTHORITY: 16 U.S.C. 470 *et seq.*

SOURCE: 64 FR 11742, Mar. 9, 1999, unless otherwise noted.

§ 61.1 Authorization.

The National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 *et seq.*):

(a) Requires the Secretary of the Interior (Secretary) to promulgate regulations for:

- (1) Approving and overseeing State historic preservation programs;
- (2) Certifying local governments to carry out the purposes of the Act;
- (3) Ensuring that applicable State Historic Preservation Officers (SHPOs) allocate to certified local governments (CLGs) a share of grants that the SHPOs receive under the Act; and
- (4) Assisting Indian tribes in preserving their particular “historic properties” (as defined by the Act);

(b) Directs the Secretary to administer a program of grants-in-aid to States and Indian tribes for historic preservation projects and programs that the Secretary has approved; and

(c) Requires the Secretary to make available information concerning professional standards, methods, and techniques for the preservation of “historic properties” (as defined by the Act) and the administration of historic preservation programs.

§ 61.2 Definitions.

As used in this part:

(a) All terms that the National Historic Preservation Act of 1966, as amended, defines have the same mean-

ing in the regulations in this part that the statute provides; see especially sections 101(a)(1)(A), 101(b), 101(c)(4), 108, and 301.

(b) *Act* means the National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470 *et seq.*).

(c) *Chief elected local official* means the elected head of a local government.

(d) *The Secretary’s Standards* means only the “Standards” portions and not the “Guidelines” portions of “the Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation.” The Secretary’s Standards provide broad national principles of archeological and historic preservation practices and methods. “The Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation” also contains “the Secretary’s Guidelines” which provide broad national guidance on how to apply “the Secretary’s Standards.”

(e) *State historic preservation program* or *State program* means a State government organization or program meeting the requirements that section 101(b) of the Act specifies.

§ 61.3 Implementation of this part.

(a) *National Park Service policy of management by exception.* The National Park Service (NPS) will administer the regulations in this part in such a way (and where feasible) as to:

(1) Limit the use of direct Federal management review procedures to high risk situations, to new programs, or to activities that are appropriate for the Federal Government to oversee;

(2) Presume that State, tribal, and local government historic preservation officials manage their programs in an accountable way unless situations indicate the contrary; and

(3) Rely to the maximum extent feasible on State, tribal, and local government systems of financial and program management that meet Federal standards. At the discretion of the Secretary, each State, tribal, and local government may substitute its own fiscal audit and management systems for the Secretary’s comparable fiscal audit and management requirements, so long as the State, tribal, or local government system establishes and maintains accounting standards substantially