

National Register Coordinator NR Email Blast – Summer 2014

Four New National Historic Landmarks Designated

On April 23, 2014, Secretary of the Interior Sally Jewell announced the designation of four new National Historic Landmarks. The newly designated National Historic Landmarks include the *Adlai E. Stevenson II Farm* in Mettawa, Illinois, the *Detroit Industry Murals* at the Detroit Institute of Arts in Detroit, Michigan; the *George Nakashima Woodworker Complex*, in Bucks County, Pennsylvania, and the *1956 Grand Canyon TWA-United Airlines Aviation Accident Site*, in the Grand Canyon National Park, Arizona. To read about these sites please go to <http://www.nps.gov/nhl/news/spring2013mtg.htm>

National Historic Landmarks Committee Meeting May 28-29, 2014

The National Historic Landmarks Program Committee met on May 28-29, 2014 in Washington, DC, and proposed six new nomination sites, five amendments to existing designated National Historic Landmark sites, and one proposal to withdraw designation status from an existing National Historic Landmark. To find the results of the meeting, please go to <http://www.nps.gov/nhl/news/spring2014mtg.htm> On May 28, the Committee met at the Richard L. Hurlbut Memorial Hall, 3rd Floor, Charles Sumner School Museum and Archives, located at 1201 17th Street NW, Washington, DC 20036. On May 29, the Committee met at the National Park Service Washington Office, 2nd Floor Capital Training Center, Rm. 202, located at 1201 "Eye" Street NW, Washington, DC 20005.

The National Historic Landmarks Program, established in 1935, is administered by the National Park Service on behalf of the Secretary of the Interior. The agency works with preservation officials, private property owners, and other partners interested in nominating properties for National Historic Landmark designation. Completed nominations are reviewed by the National Park System Advisory Board, which makes recommendations for designation to the Secretary of the Interior. If selected, property ownership remains intact but each site receives a designation letter and technical preservation advice.

National Park Service Initiative to Identify, Promote Historic LGBT (Lesbian, Gay, Bisexual, and Transgender) Sites

On May 30, 2014, Secretary of the Interior Sally Jewell announced a new theme study, as part of the National Park Service Heritage Initiative that will identify places and events associated with the story of lesbian, gay, bisexual, and transgender (LGBT) Americans for inclusion in the parks and programs of the agency.

The theme study is part of a broader initiative under the Obama Administration to ensure that the National Park Service reflects and tells a more complete story of the people and events responsible for building this nation. The National Park Service has ongoing heritage initiatives to commemorate minorities and women who have made significant contributions to our nation's history and culture, including studies related to the history of Latinos, women, and Asian Americans and Pacific Islanders.

Secretary Jewell made the announcement outside the Stonewall Inn in New York City, the site of a riot in 1969 that is widely recognized as a catalyst for the modern civil rights movement in the LGBT community. It is currently the only LGBT-associated site that has been designated a national historic landmark by the National Park Service as a property having extraordinary significance in American history.

The Secretary was joined by Tim Gill, founder of the Gill Foundation. The Gill Foundation's generous donation through the National Park Foundation provides major funding the LGBT theme study, which will form the cornerstone of the heritage initiative. As with our prior heritage initiatives focused on Asian American Pacific Islanders, American Latinos, and women's history, the LGBT Heritage Initiative will focus on one of the primary story lines that the National Park Service tells – the American struggle for civil rights.

Following on today's announcement, the National Park Service held a meeting on June 10 in Washington, DC to develop a framework and focus for the LGBT theme study with a group of more than a dozen of the nation's most respected researchers and preservationists who have expertise on LGBT history and culture. In 2010, the National Historic Landmark (NHL) Program began actively looking for sites associated with LGBT history that may have the potential to be designated as NHLs or listed in the National Register of Historic Places. The LGBT theme study will expand upon this work, and provide a framework for future site nominations for both the NHL's and National Register of Historic Places. Owner approval for these sites is necessary before nominations can be prepared and the NHL Program has begun working with the LGBT community to encourage both outreach to owners and the completion of nominations for these properties.

The National Park Service is already making great strides in encouraging the nomination of properties that are associated with groups who have been historically underrepresented in parks and programs. Over the past four years approximately 70 percent of nominated national historic landmarks represent stories of diversity. To find out more about the Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) History Initiative and the National Historic Landmarks initiatives, go to <http://www.nps.gov/nhl/learn/initiatives.htm>

In House discussion on Update of National Register Bulletin 38, (Draft) *Guidelines for the Evaluation and Documentation of Traditional Cultural Properties*

A draft of an updated version of Bulletin #38, *Guidelines for the Evaluation and Documentation of Traditional Cultural Properties* should be available on the National register's website in July

2014 (date to be determined) for general comment announced. The National Register's website will provide a link at <http://www.cr.nps.gov/nr/>

The National Park Service (NPS) originally issued National Register Bulletin 38: *Guidelines for the Evaluation and Documentation of Traditional Cultural Properties*, in 1990, as part of its ongoing series of National Register Bulletins (See <http://www.nps.gov/nr/publications/index.htm>). This re-issue of the Bulletin has been comprehensively updated and revised in response to comments collected by the National Park Service from Indian tribes and Native Hawaiian organizations, State and tribal Historic Preservation Officers (SHPOs/THPOs), federal agencies, other users of the Bulletin, and the public. Accompanying the revised Bulletin is a background publication called "*Frequently Asked Questions about Traditional Cultural Places*."

The original Bulletin 38 was developed as one aspect of the Secretary's response to this direction. It was intended to help in determining whether places that might have traditional cultural significance were eligible for inclusion in the National Register. It was meant to help Federal agencies, State Historic Preservation Officers (SHPOs), Certified Local Governments, Indian Tribes, Native Hawaiian organizations, and others who might nominate such places to the National Register or who might need to consider eligibility for the Register as part of the review process prescribed by the Advisory Council on Historic Preservation (ACHP) under 106 of the National Historic Preservation Act (See 36 CFR Part 800).

It was designed to be used in conjunction with other National Register guidance, particularly Bulletins 15 and 16 -- *How to Apply the National Register Criteria for Evaluation and Guidelines for Completing National Register Criteria* (36 CFR § 60.4) and preparing nominations to the Register or documentation that a given place is or is not eligible for the Register. The bulletin was also responsive to the American Indian Religious Freedom Act (AIRFA) of 1978, which requires the National Park Service, like other Federal agencies, to evaluate its policies and procedures with the aim of protecting the religious freedoms of Native Americans (Pub. L. 95341 2). Examination of the policies and procedures of the National Register suggested that while they were in no way intended to be so interpreted, they could be interpreted by Federal agencies and others in a manner that excluded historic places of religious significance to Native Americans from eligibility for the National Register.

In the years since its first issuance, a number of things have happened both to underscore the importance of this bulletin and to justify its amendment. Notably, the National Historic Preservation Act itself was amended in 1992, in part to give special direction regarding "properties of traditional religious and cultural importance to Indian tribes and Native Hawaiian organizations" (NHPA Section 101(d) (6)). Congress has also enacted the Religious Freedom Restoration Act, which affects the federal government's treatment of traditional religious places, and the president has issued Executive Order 13007 regarding Indian sacred sites. The United States has supported the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which has much to say about indigenous interests in special places. Bulletin 38 has figured often in litigation, resulting in an increasingly robust body of relevant case law. The late twentieth and early twenty-first centuries have also growing participation by Indian tribes,

Native Hawaiian organizations, and a range of other groups of citizens in historic preservation, each with its own traditional cultural properties and concerns.

For questions please contact Alexis Abernathy 202-354-2236 or alexis_abernathy@nps.gov

News on Grants

The National Park Service is pleased to announce the availability of a new grant program to fund the survey, inventory, and designation of historic properties associated with communities currently underrepresented in the National Register of Historic Places. Associate Director Stephanie Toothman announced these grants in a letter dated April 22, 2014 which outlined the grant program and the accompanying Request for Proposals. Please feel free to contact Hampton Tucker, Chief of the Historic Preservation Grants Division, at hampton_tucker@nps.gov if you have any questions about submitting proposals for funding. Proposals are due no later than June 30, 2014.

Information on grant requirements, the Historic Preservation Fund Manual, and links to reporting and financial forms, are found on our website: <http://www.nps.gov/history/hpg/>

Home Insurance and the National Register of Historic Places

The topic of insurance agencies being reluctant or unwilling to underwrite policies for historic properties is one of growing concern within the preservation field. Largely this is due to the misconceptions that continue with regard to historic properties and federal landmark designation programs.

Under federal law listing in the National Register of Historic Places results in no restrictions on the use, management, maintenance, or disposal of a historic property. Owners of private property are free to manage their property as they see fit. Damaged or destroyed properties are under no requirement to rebuild or repair as originally designed. National Register designation is largely honorary in nature and provides certain economic benefits to owners, but places no requirements on the use of the property. Insurance claims should follow the normal course as with any other property, unless the owner specifically purchases a replacement policy for exact replication (e.g. historic house museums).

Even if listed in the National Register, a historic property could still be demolished by the owners as long as no Federal funds, permits, or licenses were involved in the process, and no state or local ordinances were in effect that might restrict the property. Local ordinances may place certain restrictions on the owner that are separate from the National Register program.

An owner does not have to rebuild their National Register listed property according to any specific federal standards or guidelines, so insurance coverage should be similar to that for a non-historic building. We have found, however, that some insurance companies and their underwriters are hesitant to insure designated buildings, usually because they fail to understand the facts about listing. In most cases there are usually other firms available more than willing to provide insurance.

One approach to take with the reluctant insurance companies is to request where in the company's policy it specifically says "we do not insure National Register listed properties." We have yet to see anything actually in print that says this. You might also call your state's insurance commissioner's office and speak with the homeowner's analyst about whether insurance companies can refuse to underwrite houses that are listed in the National Register. Referring insurance companies to a regulatory agency sometimes works. It is helpful to ask if there is a policy or position paper regarding insuring listed properties in your state.

To be clear:

The National Register does not require that exact replicas of listed properties be constructed if the original is destroyed.

The National Register does not require that the same or very similar materials be used for repairs or replacement of all or part of a damaged building and,

The National Register does not require that any specific guidelines be followed in the rehabilitation of properties whose owners do not participate in federal programs.

The National Conference of State Historic Preservation Officers addresses this issue on their website at <http://www.ncshpo.org/current/bestpractices/insurance.htm>

Maps: Electronic and Paper Scale Submissions

Recently, questions have arisen on the requirements for scaled maps sent to the National Register. These requirements depend upon the format of the nomination.

1) If the State Historic Preservation Office (SHPO), Tribal Historic Preservation Office (THPO) or Federal Preservation Office (FPO) is submitting a paper nomination and a paper map, then our requirement for a scaled map (in lieu of a verbal boundary description) is still 1 inch = 200 feet (any map drawn at a smaller scale, such as 1 inch = 600 feet, is not acceptable). We allow a slight leeway in the 1 inch = 200 feet, but not much. This requirement has been in force since 1997 (see page 58 of "How to Complete the National Register Registration Form" bulletin). These guidelines apply to maps used in lieu of boundary descriptions.

2) If the SHPO, THPO or FPO is submitting an all-electronic nomination, then the issue of scaled maps is different. If you are submitting GIS maps in shapefiles, and one of the maps accurately defines the nominated boundary, then the scale does not matter.

3) If the SHPO, THPO or FPO is using mapping programs like Google Maps, Bing Maps, or ArcGIS Explorer to create a static electronic map suitable for printing (something akin to a screenshot) then the map must conform to the 1-200 scale conversion.

National Register Website Updates

Great Outdoors Month (June): During June 2014, the National Register celebrated Great Outdoors Month by highlighting online the *Leavenworth Ski Hill District* in Leavenworth, Washington and *Fuller Brook Park* in Wellesley, Massachusetts. *Leavenworth Ski Hill Historic District* exhibits a high degree of integrity and represents an important period of development shaping public lands, particularly in the area of outdoor recreation, when the combined efforts of the Leavenworth Winter Sports Club (LWSC), the Forest Service, and the Civilian Conservation Corps (CCC) created intact examples of Rustic style architecture as well as the Pacific Northwest's most intact example of a historic ski jump. *Fuller Brook Park* is a well-preserved linear park, established in 1899 for the dual purpose of improving drainage in flood-prone areas and providing parkland through the center of Wellesley, Massachusetts. Read about both at <http://www.cr.nps.gov/nr/feature/greatoutdoors/index.htm>

Lesbian, Gay, Bisexual and Transgender (LGBT) Pride Month: June is Lesbian, Gay, Bisexual and Transgender Pride Month. LGBT Pride Month is celebrated each year in the month of June to honor the 1969 Stonewall riots in Manhattan. This year, the National Register of Historic Places focuses on three historic sites associated with the historical accomplishments of the LGBT community. The *Cherry Grove Community House & Theater*, in Cherry Grove, New York, the *Merrill James House* in Stonington, Connecticut, and the *Carrington House*, Fire Island Pines, in the Hamlet of Cherry Grove, New York are all featured. The *Community House and Theatre* in Cherry Grove, New York, is exceptionally significant in social history for the enormous role it played in shaping what gradually evolved into "America's First Gay and Lesbian Town". The poet James Ingram Merrill (1926-95) is honored by the inclusion of the *James Merrill House* in Stonington, nationally significant for its close, forty-one-year association with one of his generation's most acclaimed poets. The *Carrington House*, Fire Island Pines, in the Hamlet of Cherry Grove, New York, tells the history of how a community grew that was friendly to both gay culture and the arts because of its association with Frank Carrington, a prominent theater director and patron of the arts with a large circle of acquaintances whom he introduced to Fire Island. Read about these historic sites at <http://www.cr.nps.gov/nr/feature/LGBT/index.htm>

Q&A About Sanborn Insurance Maps

A question came to the National Register regarding the use of Sanborn Fire Insurance Maps. A disclaimer on their site, stressing that the maps were to be used for non-commercial use only, and stressing that these maps "are not suitable for legal or regulatory purposes," led to the inquiry, which asked how the National Register and the Tax Act programs handled this.

The National Register allows for the use of Sanborn Maps as supplementary material, but adheres to the non-commercial use as stated by Environmental Data Resources, Inc. They are often used as supplementary to the USGS maps or, more recently, Google maps that come in from the various SHPOs, FPOs, and THPOs.