

SOUTH DAKOTA: CERTIFIED LOCAL GOVERNMENT PROCEDURES

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Section 1: Introduction

Since 1966, when Congress established a preservation program for the United States, the National Park Service 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, primarily, carry out. The success of that working relationship prompted Congress 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.) contain the legal basis for the federal-state-local preservation partnership. The role of the "certified local governments" (CLGs) in the partnership includes responsibility for review and approval of nominations to the National Register of Historic Places and eligibility to apply to the state historic preservation office for funds earmarked for CLGs. The CLG Program is designed to promote the identification, documentation, and preservation of prehistoric and historic sites, structures, objects, buildings, and historic districts by expanded local involvement in historic preservation. The National Historic Preservation Act includes provisions for the State Historic Preservation Officer and the Secretary of the Interior to certify local governments to participate in the partnership. The purpose of this document is to outline how the CLG Program will be implemented in South Dakota.

Section 2: Requirements for Certification of Local Government Programs

Section Overview

Section 2 outlines in detail the five broad requirements, which must be met by the local government to become certified. These five requirements are that the local government must (1) enforce state or local legislation for the designation and protection of historic properties; (2) have established an adequate and qualified historic preservation commission by state or local legislation; (3) maintain a system for the survey and inventory of historic properties; (4) provide for adequate public participation in the local historic preservation programs, including the process for recommending properties for nomination to the National Register and (5) satisfactorily perform other responsibilities delegated to it by the State Historic Preservation Officer by a mutual written agreement. Section 2 also reviews state historic preservation law and the CLG role in its enforcement. It. also outlines the requirements for the local review commission-five to ten members appointed for terms of not less than one year and, when available in the community, two of the five to ten are to be professionals from the disciplines of history, architectural history, architecture, archeology, planning, urban planning, American studies, American civilization, cultural geography, or cultural anthropology. It describes the options for obtaining professional help when a necessary discipline is not represented on the committee and provides methods for securing public input to the committee.

The five federal standards are further defined and amplified below (A-E) to indicate the specific requirements a local government must fulfill to be certified.

A. "Local governments must enforce state or local legislation for the designation and protection of historic properties."
    a. Minimum requirements for enforcement of state legislation for the designation and protection of historic properties include incorporation of the following law in the local historic preservation ordinance:

       SDCL 1-19B (see Appendix 3).
    b. In addition to enforcement of these state laws, the minimum requirements for local legislation for the designation and protection of historic properties are:
        i. Statement of purpose;

ii. Establishment of a Historic Preservation Commission including membership, duties, and terms of appointments, the city is required to maintain memberships with the South Dakota State Historical Society and the Historic South Dakota Foundation;
iii. Procedures for commenting on nominations to the National Register of Historic Places;
iv. Provide for public hearings and public notification; and
v. If the local government elects to include provisions for the review of and/or decisions regarding alterations, change of use, demolition of buildings, or new construction they must: (1) be binding on buildings and properties only because they are listed on a locally designated register and (2) be compatible with the current Secretary of the Interior's Standards for Rehabilitation and guidelines for rehabilitating Historic Buildings.

B. "Local governments shall have established an adequate and qualified historic preservation review commission by State of local legislation."
   a. Each certified local jurisdiction (incorporated town or county) is required to have a historic preservation commission with at least two (2) professional members, from the disciplines of history, architectural history, architecture, archeology, planning, urban planning, American studies, American civilization, cultural geography, or cultural anthropology (See Appendix 2) to the extent that such professionals are available in the community and have a demonstrated interest, experience or knowledge in historic preservation. The State recognizes that it will be difficult for some communities to meet this requirement. Therefore, each certified jurisdiction making a good-faith effort to locate and appoint such professionals, and providing documentation to the State Historic Preservation Office as to how this effort was accomplished will be assisted by the State in receiving a waiver for this stipulation from the National Park Service.
   b. Each commission's total membership must also include at least three (3) but not more than eight (8) other non-professional members, who represent a demonstrated interest, experience, or knowledge in historic preservation.
   c. Terms of office of commission shall not be less than one year of duration.
   d. The appointing authority shall act within 75 working days to fill any vacancy which may occur.
   e. An annual report of the activities of the commission shall be submitted to the State Historic Preservation Office. **Annual reports are due at the end of February and report on the previous calendar year**. New CLGs certified for

less than six months are exempt from submitting an annual report in the end of February after their certification. Such reports shall include, but are not limited to, such items as number of nominations/cases reviewed, new designations made, revised resumes of commission members, appointments to the commission, attendance records and all minutes.

f. The primary activity of a certified local commission is to educate the citizens within the CLG's jurisdiction regarding historic preservation. Each CLG must sponsor a minimum of one historic preservation workshop for the general public and undertake an annual public education program, which disseminates information to the broadest possible audience within the county or municipality. Such a program shall be outlined in the CLG's annual application for funding.
g. At least one representative of each commission shall attend at least one informational or educational meeting each year sponsored by the state historic preservation office and/or its subgrantees pertaining to the work and functions of the commission or to historic preservation, In addition, the state historic preservation office will make provision for technical assistance and information through staff visits, training and procedural manuals, newspaper articles and other appropriate means to disseminate information of use to CLGs both directly and through other subgrantees.
h. Conduct, or cause to be conducted, a survey of cultural resources in the community which in form and content will be compatible to the historic and prehistoric inventory conducted by the State. This survey will be updated periodically.
i. Act in an advisory role to other officials and departments of local government regarding the protection of local cultural resources.
j. Act as a liaison on behalf of the local government to individuals and organizations within its jurisdiction concerned with historic preservation.
k. Should a CLG be qualified to do so (see below) it will review all proposed National Register nominations for properties within the boundaries of the county of municipality. When a historic preservation commission considers a National Register nomination (e.g., archeological site) which is normally evaluated by a professional in a specific discipline (e.g.. archeologist), and that discipline is not represented on the commission, the commission must seek expertise in this area before rendering its decision. Local governments are required to adopt professional standards for each discipline as general guidelines for National Register review. These standards are set by the National Park Service, U.S. Department of the Interior, and are found in

Appendix 2. This requirement holds for National Register nomination evaluations and other actions that will impact properties, which are normally evaluated by a professional in a discipline.

This can be accomplished through: (1) hiring an adequately qualified consultant; (2) using commission staff which meet requirements in Appendix 2; or (3) using a representative of the State Historic Preservation Office (SHPO). It shall be noted that representatives of the State Historic Preservation Office will not participate in the State Historic Preservation Office comment on the nomination or action after assisting the Commission with its decision.

C. "The local governments shall maintain a system for the survey and inventory of historic properties."
    a. The CLG shall initiate or continue an approved process to identify historic properties within the CLG boundaries.
    b. A detailed inventory of the designated districts, sites and/or structures under the specific jurisdiction of the commission will be maintained.
    c. All inventory material shall be:
        i. Compatible with current and published state survey guidelines for historic and prehistoric inventories and the state's comprehensive historic preservation planning process;
        ii. Accessible to the public, except for material that must be kept confidential under the provision of section 304 of the national Preservation Act;
        iii. Updated periodically; and
        iv. Available through duplicates at the State Historic Preservation Office.
    d. Commission members shall be encouraged to participate in the survey process.
D. "Local governments shall provide for adequate public participation in the local historic preservation programs, including the process of recommending properties to the National Register."
    a. All meetings of historic preservation commissions must be publicly announced, be open to the public and have a previously advertised agenda. Commission meetings must occur at regular intervals at least four times a year. Public notice must be provided prior to any special meetings.
    b. Careful minutes of all decisions and actions of the commission including the reasons for making these decisions must be kept on file and available for public inspection. The Commission will submit copies of the minutes to the

State Historic Preservation Office no more than thirty (30) calendar days after a meeting.

c. All decisions by a commission shall be made in a public forum and applicants shall be given written notification of decisions of the commission.
d. The rules of procedure adopted by the commission shall be available for public inspection.
e. All reports submitted by the CLG to the State Historic Preservation Office regarding the eligibility of properties shall include assurances of public input. The CLG shall retain a list of all persons contacted during the evaluation period and note comments, which they received. If a public meeting were held, a list of those attending shall be included in the report.

E. "Satisfactorily perform the responsibilities delegated to it under this Act."

The State Historic Preservation Officer may, at their discretion and by mutual written agreement with the local governing body, delegate further responsibilities to the certified local government historic preservation commission.

Section 3: CLG Participation in the National Register Nomination Process

Section Overview

Section 3 outlines the procedures to be followed by the local historic preservation commission and chief elected official in reviewing and commenting on proposed nominations to the National Register of Historic Places within the boundaries of the CLG.

The general procedures for nomination of properties to the National Register of Historic Places are detailed in 36 CFR 60. The CLG Program established a partnership between the State Historic Preservation Officer (SHPO), the State Historic Society Board of Trustees and CLGs as nominating authorities for National Register functions; it does not delegate to CLGs the sole authority to nominate properties directly to the Register. The following procedures make clear the shared role of CLGs and the SHPO in the nomination process.

a. Notification of Nomination. Before a property within the jurisdiction of a CLG may be nominated to the National Register by the State, the SHPO will notify the chief elected local official and the commission in accordance with 36 CFR 61, 36 CFR 60, and State procedures and/or guidelines. The SHPO will notify the chief elected official and the commission at least 60, but no more than 120 calendar days prior to State Review Board consideration (but see Section J.1.d.2), below). These notification procedures must be implemented as soon as a local government is certified, and apply to all nominations within the jurisdiction of the CLG, for which the State has not begun official owner notification procedures as of the date of certification, except as noted below.
b. Exceptions.
    a. The CLG notification procedures do not apply when a nomination is processed by or through a CLG which provides its recommendation and report to the SHPO with the nomination package.
    b. CLG notification procedures do not apply where a Federal agency nominates a property under its ownership or control. Federal agencies should, however, be encouraged by the SHPO to coordinate their nominations with CLGs.
c. The CLG Recommendation and Report. After providing a reasonable opportunity for public comment, the commission shall prepare a report as to whether or not, in its opinion, the property meets the National Register criteria. Within 60 calendar days of notice from the SHPO, the chief elected local official shall transmit the report of the commission, along with their recommendation, to the SHPO. Joint transmittal by the CLG of the nomination and the CLG report and recommendation will facilitate

SHPO review and eliminate the need for separate notification and 60-day review by the CLG.

a. If the SHPO does not receive the report and recommendation within 60 calendar days, they shall continue the nomination process.

   Consistency with the purposes of the Act, ensuring that National Register decisions take into account local concerns, require that CLGs participate in the National Register nomination process to the maximum extent feasible. A commission should report, and the chief elected official should transmit the report with his/her recommendations to the SHPO, as often as possible, or in accordance with State CLG performance standards. If a CLG consistently does not provide nomination reports, the SHPO should seek to determine if appropriate technical assistance would encourage greater participation.

b. The SHPO may define the format of commission reports.

c. When a relevant historic preservation discipline is not represented in the commission membership, the commission shall be encouraged to seek expertise in this area when considering National Register nominations requiring the application of such expertise. Requisite expertise may be provided through consultation with the SHPO or with persons meeting the Secretary of the Interior's Professional Qualifications Standards. For example, if the commission must review the nomination of a prehistoric archaeological site, and no commission member is a prehistoric archaeologist, the commission is required to obtain the advice of an archaeologist meeting the Secretary's Professional Qualifications Standards for purposes of reviewing the nomination. If it cannot, it should notify SHPO.

d. State Action Following CLG Recommendation. If both the commission and the chief elected local official recommend that the property not be nominated, the SHPO may not nominate the property unless an appeal is filed in accordance with Section 101(c)(2) of the Act and 36 CFR 60. If either or both the commission and the local chief elected official recommend that the property is eligible for nomination, the SHPO will present the nomination to the State Review Board in accordance with the procedures in 36 CFR 60, and 36 CFR 61.

   a. Any report and recommendation made by the CLG shall be included with any nomination submitted by the State to the Keeper of the National Register.

   b. The State may expedite the CLG's participation in the nomination process, including shortening the 60-day commenting period, with the concurrence of the CLG as long as owner notification procedures, 36 CFR 60, and 36 CFR 61 have been met.

i. Where the State and the CLG agree to expedite CLG participation with respect to a particular nomination, the State must keep records that contain the following information:

(1) Name of the CLG; (2) Name of the property; (3) A statement from the CLG declaring that the CLG agrees with the State to expedite the process; (4) Date of concurrence; (5) Signatures of the chief elected local official and the chairperson of the commission; and (6) Description of the public participation opportunities that have been provided.

ii. Where the State and the CLG agree programmatically to expedite concurrence on all nominations, or in nominations of particular types or groups of properties, the State must obtain and keep records that contain the following information.

(1) Name of the CLG; (2) A statement of applicability to all nominations or nominations of specified types or groups of properties; (3) A statement from the CLG declaring that the CLG agrees with the SHPO to expedite the process; (4) Date of agreement; (5) Description of the public participation opportunities that will be provided; and (6) Signatures of the chief elected local official, the chairperson of the commission, and the SHPO or designee.

(2) If the State Does Not Have an Approved Program. CLGs will assume the nomination responsibilities of the State for properties under their jurisdiction if the State does not have an Approved State Program. The chief elected local official shall perform the nomination responsibilities of the SHPO as outlined in 36 CFR 60. The commission shall perform the responsibilities of the State Review Board as outlined in 36 CFR 60.

Section 4: Process for Certification of Local Governments

Section Overview

Section 4 outlines the procedures by which the chief elected official of a local government can request certification, provides for the State to respond within thirty (30) working days to all written requests for certification.

A. The chief elected official of the appropriate local governing body shall request certification from the State Historic Preservation Office. The request shall include:
    a. A written assurance by the chief elected official that the local government will fulfill all the standards for certification outlined above;
    b. A copy of the local historic preservation ordinance; and
    c. The legal instrument(s) creating the commission; and
    d. Resumes for each member of the historic preservation commission including, where appropriate, credentials of the member expertise in fields related to historic preservation; and
    e. The written certification agreement, signed by the chief elected official. It lists the four specific responsibilities of the local government under the CLG Program and any other responsibilities delegated to the local government by the State Historic Preservation Officer. The four specific responsibilities included in the written certification agreement are:
        i. Enforce appropriate state or local legislation for the designation and protection of historic properties;
        ii. Establish by local law an adequate and qualified historic preservation commission;
        iii. Maintain a system for the survey and inventory of historic properties; and
        iv. Provide for adequate public participation in the historic preservation program, including the process of recommending properties to the National Register of Historic Places.
    f. Any laws that provide for the designation and/or protection of historic properties within jurisdiction of the applicant;
B. The State Historic Preservation Office will Respond to the chief elected official within sixty (60) working days of the receipt of an adequately documented written request indicating if the local government is approved for certification.

C. After having determined that a CLG application meets all the requirements in State Procedures, the SHPO will forward a request for approval to the National Park Service along with a signed certification agreement and a signed review checklist. The effective date of certification is the date of NPS concurrence.
D. When a local government is certified it shall have jurisdiction in regards to these procedures. Should a city be a CLG in a county that is also a CLG, the city shall have jurisdiction in its boundaries.

Section 5: Process for Monitoring and Decertification

Section Overview

Section 5 notes that the State Historic Preservation Office will conduct an annual review and monitoring of CLGs to assure compliance with required standards. It outlines the process for dealing with CLGs not performing adequately, and when necessary, methods for decertifying local governments. Once certified, a local government remains so unless it is necessary to go through the process outlined in this section.

Each CLG must perform the responsibilities delegated to it under the National Historic Preservation Act, as amended, in conformance with these procedures as minimum. The CLG procedures shall be in conformance with federal and/or state standards including the comprehensive historic preservation planning process. These standards will be provided by the State Historic Preservation Office. The State Historic Preservation Office will conduct an annual review and monitoring of CLGs to assure that each government is fulfilling the required standards. The State Historic Preservation Office shall also review the annual reports, records of the administration of funds allocated from the State Historic Preservation Office to the CLG and other documents as necessary.

If the State Historic Preservation Office evaluation indicates that the performance of a CLG is inadequate, the State Historic Preservation Office shall document that assessment and provide written results to the CLG. It will delineate for the local government ways to improve its performance. Inadequate performance may relate to such things as failure to enforce local and state legislation. Failure to keep the commission adequately staffed, improper use of funds, failure to follow through on projects, failure of projects to result in a measurable product or failure to submit reports on nominations.

The CLG shall have a period of not less than thirty (30) or more than one hundred and eighty (180) calendar days, depending on the corrective measures required to implement improvements. If the State Historic Preservation Office determines that sufficient improvements have not occurred, the State Historic Preservation Office will recommend decertification of the local government to the Secretary of the Interior, citing specific reasons for the recommendation. The SHPO will notify the CLG of the NPS concurrence with the decertification.

Decertified Local Governments with Subgrants Awarded Prior to Decertification

a. Decertification, by itself, may not constitute grounds for termination of a CLG subgrant unless the terms of the subgrant cannot continue to be met after decertification.
b. The SHPO may conclude normal subgrant closeout procedures (not termination), unless the terms of the subgrant agreement can no longer be met, in which case the SHPO shall terminate the subgrant.
c. The SHPO may continue to administer the subgrant awarded to the local government if the local government can otherwise meet the work terms and conditions of the subgrant agreement.
d. As a consequence of decertification, the local government is no longer eligible for CLG subgrants unless recertified. The local government may, however, be eligible for HPF assistance other than the 10 percent minimum pass-through, if available.

The SHPO may also recommend decertification if a CLG requests to be decertified in writing. The SHPO must forward a copy of the CLG's letter as an enclosure to the SHPO's request to decertify the CLG. Compliance with the conditions stipulated above are not required, if the CLG has requested its own decertification.

The NPS will notify the SHPO in writing prior to 30 working days after the receipt of the recommendation, if there are problems with the recommendation or if the NPS needs more time to review the recommendation.

Section 6: Transfer of Historic Preservation Funds to CLGs

Section Overview

Section 6 notes that at least ten percent of the State's share of the Historic Preservation Fund be transferred annually to CLGs until the annual appropriation is more than $65 million, at which time one half of the amount over $65 million will be transferred to CLGs. This section outlines fiscal management requirements and responsibilities of local governments receiving CLG funds stating that they are considered subgrantees of the State. Finally, Section 6 declares that the intent of the South Dakota State Historic Preservation Office is to distribute monies among the maximum number of eligible CLGs and sets up an allocation procedure to accomplish this objective.

The State will ensure that at least ten percent of its share of the Historic Preservation Fund will be transferred annually to CLGs meeting minimum requirements. These minimum requirements appear in Section 2 and below. At such time as the Congress may appropriate more than $65 million for grants to the states from the Historic Preservation Fund, one half of the excess will be transferred to CLGs according to procedures to be provided by the Secretary of the Interior.

Grants will be awarded in South Dakota on a matching basis for funding of specific projects, which meet the National Park Service criteria for use of HPF funds. Match requirements are determined yearly by the State but will typically be 50% (federal)-50%(local).

CLGs receiving Historic Preservation Fund grants from the State Historic Preservation Office from the CLG share shall be considered subgrantees of the State. Such CLGs receiving grants shall ensure that such transferred monies will not be applied as matching share for any other federal grant. The intent is to use Historic Preservation Fund assistance to augment rather than replace existing local commitment to historic preservation activities. CLGs may participate in the review and approval of National Register nominations whether or not they elect to receive a Historic Preservation Fund pass-through grant.

Once a local government is certified, it remains certified without further action, unless officially decertified. All CLGs are eligible to receive funds from the State's ten percent CLG share of the State's total annual Historic Preservation Fund grant award. However, the State Historic Preservation Office is not required to award funds to all governments that are eligible to receive funds. In order to be eligible to receive a portion of the local share of the

Historic Preservation Fund allocation to the State, the Department of the Interior requires that each CLG:

A. Shall have an adequate financial management system which
    a. Meets federal standards of Office of Management and Budget Circular A-102, ***Uniform Administrative Requirements for Grant-in Aid to State and Local Governments,***
    b. Is auditable in accordance with Office of Management and Budget Circular A-133, ***Single Audits of State and Local Governments*** and
    c. Is periodically evaluated by the State Historic Preservation Office.
B. Adheres to all required administrative procedures and policies for HPF subgrants established by the SHPO, including those set forth in the Historic Preservation Fund Grants Manual. All costs claimed or applied as matching share must be reasonable, and necessary for proper and efficient conduct of subgrant-supported activities in keeping with OMB Circular A-87. Records must evidence compliance with the compliance with the competitive procurement requirements of 43 CFR 12.76, including small purchase procedures, or competitive negotiation for professional services.
C. Adheres to requirements mandated by Congress regarding the use of HPF funds, NPS will advise SHPOs of directives contained in annual appropriation laws regarding the use of HPF funds that must be applied to CLGs receiving pass-through funds.
D. Audit of CLG share shall adhere to Office of Management and Budget Circular A-133, "Audit Requirements." Audits will be performed of records by the State Historic Preservation Office. The State is prepared to assist all local governments in developing and implementing financial management systems which address the requirements listed above.
E. Meets the eligibility requirements described in the Historic Preservation Fund Grants Manual, particularly in Chapter 6, Sections D and E, and Chapter 13, Sections B and C. All CLG activities that are assisted with HPF funds, including the matching share, must meet the Secretary of the Interior's "Standards for Archaeology and Historic Preservation."

The State Historic Preservation Office will also ensure that the conditions noted above will be clearly stated and included in the State Historic Preservation Office's written agreement with a local government. This contract will also stipulate that CLG funds will be used for activities eligible for Historic Preservation Fund assistance, and that the uses of such funds are consistent with the state comprehensive historic preservation planning process.

The CLG funds will be assigned for distribution to CLGs which meet requirements for matching funds, which insure that money will be spent for approved historic preservation program expenditures, and which have demonstrated successful completion of prior CLG grants.

Grant Award Process

The CLG portion of the State Historic Preservation Office's annual Historic Preservation Fund grant award will be divided into two groups: the Basic Program Allocation fund and the Supplemental Project fund.

CLG grants will be awarded according to the following procedures and guidelines.

1) As soon as possible before the CLG grant application deadline, the State Historic Preservation Office shall draft a list of priority historic preservation activities. This list is one of three areas that will be considered concerning project eligibility for Supplemental Project funds. See ITEM 5 below.
2) As soon as possible after receiving notice from the Secretary of the Interior indicating the amount of its annual Historic Preservation Fund allocation, the State Historic Preservation Office will notify the CLGs that applications for the Basic Program Allocation fund and the Supplemental Project fund can be submitted.

Example

State's Historic Preservation Fund Allocation	$460,000
Total Available for CLG Grants (10% of $460,000)	$ 46,000
Basic Program Allocation for Each CLG	$ 2,000

3) Application packets listing the amount available from each fund will be distributed by the State within 30 working days after it receives notification of its Historic Preservation Fund allocation. CLGs may apply for Basic Program Allocation and Supplemental Project funds using the same application. No CLG submitting an acceptable application will receive a grant of less than $500 as long as federal funds are available. If CLGs request less than their Basic Program Allocation, the remaining money will be added to the Supplemental Fund pool.
4) Any CLG may apply for Supplemental Project funds. Activities eligible to be funded from this grant pool MUST be from the list of priority projects referred to in number 1 above OR be a planning activity related to generating all of parts of a community based comprehensive historic preservation plan OR be listed in such a plan as being necessary to protect local cultural resources. The State realizes that few CLGs have a comprehensive historic preservation plan in place. The State is prepared to assist all CLGs in developing an acceptable plan that meets community needs.
5) Supplemental Project funds will be awarded as follows.

a. Each application will be rated in six categories.
    1) Has the CLG met the minimum requirements listed in Section 2?
        a. Maintained the correct number of commission members that meet at least four times a year and submitted their minutes to the State Historic Preservation Office no more than 30 calendar days after a meeting. Review meeting option for adequate times to conduct project. (5 points)
        b. Submitted an Annual Report by the deadline. (5 points)
        c. Conducted at least one annual public education project and workshop. (5 points)
        d. Sent at least on commission member to a statewide workshop or annual meeting. (5 points)
    2) Did the CLG meet the grant deadlines in the past three years? (5 points)
        a. Projects produced in the past three years met the relevant Secretary of the Interior's Standards. (5 points)
        b. Projects produced in the past three years benefited historic resources throughout the CLG's jurisdiction. (5 points)
        c. Projects produced in the past three years improved access to and increased the use of previously gathered historic preservation information by the general public. (5 points)
        d. CLGs less than three years old will be evaluated on their past projects. New CLGs will be evaluated on their potential to complete a quality product and their application narrative describing how the project will be completed.
    3) Are the proposed project deadlines realistic? (5 points)
        a. The proposed project meets the Secretary of the Interior's Standards. (5 points)
        b. The proposed project benefits historic resources throughout the CLG's jurisdiction. (5 points)
        c. The project improves access to and increases the use of the previously gathered historic preservation information by the general public. (5 points)
    4) The CLG has closed out all previously awarded Historic preservation Fund CLG grants. (20 points)
    5) The CLG is able to provide at least dollar for dollar cash match. Examples include a city employee donating time doing preservation work and being paid by the city for that time, cash directly spent by the local government for preservation and direct appropriations to the preservation

commission by the local government. Cash match exceeding the amount of the grant amount requested by the CLG from the SHPO is encouraged. (20 points)

6) The project can serve as a model for other CLGs or is innovative in some way. (20 points)

Each proposed project will receive a score out of 120 possible points.

b. The total number of points awarded to all projects will then be calculated.
c. It will be determined what percentage of the total points awarded in the current round are represented by each individual score.
d. Each CLG will receive this percentage of the total amount available in the Supplemental Project fund.
e. Any remaining funds will be distributed by following the process through from Step B to Step D until all the money is awarded. The scores awarded to applications in Step A will be used in these subsequent rounds.

An example of the Supplemental Project fund disbursement appears below.

Supplemental Project Fund Total $15,000

Three CLGs Apply for Funding

CLG #1 Application for $5,500 Receives 104 points in Step A

CLG #2 Application for $4,500 Receives 78 points in Step A

CLG #3 Application for $5,000 Receives 78 points in Step A

260 Total Points (104+78+78) Were Awarded to the Projects

CLG #1 received 40% of the total points awarded. Their first round award is 40% of $15,000 or $6,000. They receive the $5,500 they requested and $500 to the pool for round two.

CLG #2 received 30% of the total points awarded. Their first round award is 30% of $15,000 or $4,500. They receive the $4,500 they requested.

CLG #3 received 30% of the total points awarded. Their first round award is 30% of $15,000 or $4,500. This is $500 short of their request. Their application goes to the second round and is awarded $500 since it is the only application left.

6) No CLG will receive more than 30% of the **total** CLG grant pool in any given year.

Section 7: Application for Pass Through Funds

The chief elected official of a CLG shall submit an annual application to the State Historic Preservation Officer which outlines the proposed activity and the budget, including the source of match for the project/activity which will be funded. **See Section 7, item 3 for more information.**

Section 8: Application and Grant Schedule

Section Overview

Section 8 provides the timetable for grant applications. Application will be solicited after the State receives notice of its annual grant allocation. Local governments will have a minimum of thirty (30) calendar days to apply for the Basic Program Allocation and Supplemental Project funds. The applications are due on the designated date. Grants will be awarded within sixty (60) working days after the deadline to allow for possible reviews by the other state agencies.

A. Department of the Interior notifies the State Historic Preservation Officer of the annual allocation.
B. The State Historic Preservation Office notifies the CLGs that applications are available for the Basic Program Allocation and the Supplemental Project group.
C. Within thirty (30) working days of the Department of the Interior's notification of its HPF appropriation, the State Historic Preservation Office distributes application packets to the CLGs.
D. CLG returns application by the designated date.
E. Within sixty (60) working days the State Historic Preservation Officer awards annual grants to CLGs and will make funding rationale available to the public on request.

Section 9: Process for Certification of CLG Procedures

Section Overview

Section 9 outlines the process for securing public input and comment in amending CLG procedures, provides for a sixty calendar day public comment period, and states the federal government timetable and policies for review of state certification procedures.

A. Pursuant to 36 CFR 61, the SHPO shall submit its proposed local certification process to the Secretary of the Interior for the review and approval. In developing the submission, the SHPO will consult with local governments, local historic preservation commissions and other parties expressing interest; consider local preservation needs and capabilities; and invite comments on the proposed process from local governments, commissions and interested parties. The SHPO proposal submitted to the Secretary of the Interior will review the result of this consultation process.
B. The SHPO shall establish a method, including circulation of the state's CLG procedures for review by all the certified local governments. A comment is required within a sixty-day period before submission to the Secretary of the Interior. Interested parties will be allowed to comment. Records of all comments received during the sixty day period will be retained by the SHPO and will be available to the Secretary of the Interior upon request.
C. The Secretary of the Interior will review the proposal and within forty-five (45) calendar days issue an approval or disapproval. This review will be based on compliance with the requirements set forth in 36 CFR 61.
D. If the proposal is disapproved, the Secretary of the Interior will recommend changes that would make the proposed process acceptable and, in conjunction with the State Historic Preservation Officer, will designate a date by which the revision will be submitted.
E. If the National Park Service approves the amendment(s), the SHPO must: notify all CLGs in writing; and send amended certification agreements to NPS for each CLG affected by the amendment of the State procedures within 120 calendar days.

Appendix 1 SOUTH DAKOTA STATE HISTORIC PRESERVATION OFFICE CERTIFIED LOCAL GOVERNMENT PROGRAM

Local Government Certification Agreement

Pursuant to the provisions of the National Historic Preservation Act as amended (16 U.S.C. 470 et seq.) to applicable federal regulation (36 CFR 61), and to the State of South Dakota procedures, the City/Council of _____, South Dakota, has agreed to:

(1) Enforce appropriate state of local legislation for the designation and protection of historic properties.

(2) Maintain an adequate and qualified historic preservation review commission composed of professional and lay members, and memberships with SDSHS and HSDF.

(3) Maintain a system for the survey and inventory of historic properties.

(4) Provide for adequate public participation in the historic preservation program, including the process of recommending properties to the National Register of Historic Places.

(5) Maintain adequate financial management systems.

(6) Adhere to all requirements of the HPF Grants Manual.

(7) Adhere to any requirements mandated by Congress regarding use of federal historic preservation funds.

(8) Adhere to any requirements outlined in the State of South Dakota Certified Local Government Procedures issued by the State Historic Preservation Office.

(9) Include a Provision in its ordinance at the next opportunity for revision, stating that the Certified Local Commission members must have “a positive interest, competence, and knowledge of historic preservation.”

Upon its designation as a Certified Local Government, the municipality shall be eligible to apply for available CLG allocation funds in competition only with other certified local governments.

_____ _____

Garry Guan, SHPO City/County Official Signature

_____ _____

Attest: Name and Title Date

Appendix 2 DEFINITION OF TERM

The following terms are taken from 36 CFR 61, "Procedures for Approved State and Local Government Historic Preservation Programs."

Certified local government means a local government that has been certified to carry out the purposes of the National Historic Preservation Act in accordance with Section 101(c) of the Act.

Chief elected local official means the elected head of a local government.

CLG share means the funding authorized for transfer to local governments in accordance with Section 103(c) of the National Historic Preservation Act.

Comprehensive historic preservation planning means an ongoing process for resource management that is consistent with technical standards issued by the Department of the Interior and which produces reliable, understandable, and up-to-date information for decision making related to the identification, evaluation, and protection/treatment of historic resources.

Historic Preservation Fund means the program of matching grants-in-aid to the States for historic preservation programs, as authorized by Section 101(d)(1) of the National Historic Preservation Act.

Historic preservation review commission means a board, council, commission or other similar collegial body which is established in accordance with SDCL 1-19B.

Local government means a city, county, township or municipality or any other general purpose political subdivision of any State.

National Park Service means the bureau of the Department of the Interior to which the Secretary of the Interior has delegated the authority and responsibility for administering the National Historic Preservation Program.

Historic Preservation Grant Manual means the manual that sets forth NPS administrative policies, procedures, and guidelines for Historic Preservation Fund grant-in-aid and which serves as a basic reference for those who are engaged in the administrative and financial management of Historic Preservation Fund grants.

National Register of Historic Places means the national list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, and engineering 101(a)(1)(A) of the national Historic Preservation Act.

State Historic Preservation Officer is the official within each State who has been designated and appointed by the Governor to administer the state historic preservation program in the State.

Subgrantee means the agency, institution, organization or individual to which a subgrant is made by the State and which is accountable to the State for use of funds provided.

Appendix 3 QULAIFICATIONS FOR CLGHISTORIC PRESERVATION COMMISSION PROFESSIONAL MEMBERS PARTICIPATING IN NATIONAL REGISTER REVIEW PROCESS

In the following definitions, a year of full-time professional experience need not consist of a continuous year of full-time work but may be made up of discontinuous periods of full-time or part-time work adding up to the equivalent of one year of full-time experience.

History: The minimum professional qualifications in history are a graduate degree in history or a closely related field; or a bachelor's degree in history or closely related field plus one of the following:

1. At least two years of full-time experience in research, writing, teaching, interpretation or other demonstrable professional activity with an academic institution, historic organization or agency, museum, or other professional institution; or
2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

Archaeology: The minimum professional qualifications in archaeology are a graduate degree in archaeology, anthropology, or closely related field plus:

1. At least on year of full-time professional experience or equivalent specialized training in archaeological research, or administration or management;
2. At least four months of supervised field analytic experience in general North American archaeology; and
3. Demonstrated ability to carry research to completion.

In addition to these minimum qualifications, a professional in prehistory archaeology shall have at least one year of full-time experience at a supervisory level in the study of archaeological resources of the prehistoric period. A professional in historic archaeology shall have at least one year of full-time professional experience at a supervisory level in the study of archaeological resources of the historic period.

Architectural History: The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or closely related field, with coursework in American architectural history; or a bachelor's degree in architectural history, art history, historic preservation, or closely related field plus one of the following:

1. At least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic

institution, historical organization or agency, museum, or other professional institution; or

2. Substantial contributions through research and publication to the body of scholarly knowledge in the field of American architectural history.

Architecture: The minimum professional qualifications in architecture are a professional degree in architecture plus at least two years of full-time professional experience in architecture; or a state license to practice architecture.

Historic Architecture: The minimum professional qualifications in historic architecture are a professional degree in architecture or state license to practice architecture, plus one of the following:

1. At least one year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field; or
2. At least one year of full-time professional experience on historic preservation projects.

Such graduate study or experience shall include detailed investigations of historic structures, preparation of plans, and specifications for preservation projects.

LOCAL GOVERNMENT CERTIFICATION AGREEMENT

State: _____ Jurisdiction: _____

Date Submitted to State: _____ Date Approved: _____

(1) Applicant meets the Federal definition of local government and has authority to enforce acceptable legislation for the designation and protection of historic properties.

(2) Applicant has established a historic preservation review ____ commission consisting of members. This meets State procedure requirements for number of members.

There are _____ lay members.

There are _____ professional members qualified in the field of:

_____

_____

This meets State procedure requirements for professional membership.

(3) All commission members have demonstrated positive interest, competence, or knowledge in historic preservation._____

(4) Professional members of the commission have been appointed to the extent available in the community, and we have reviewed resumes that document professional qualifications acceptable under the Secretary of the Interior's Historic Preservation Professional Qualifications Standards. If not, the applicant satisfactorily documented an adequate search for the requisite professional members **and** how it will obtain access to expertise when needed.

_____

(5) The role and responsibilities of the local government have been specified in detail in the enclosed agreement, including:

a. The four basic responsibilities:

i. Enforcing state or local legislation for the designation and protection of historic resources. _____

ii. Maintaining a system for survey and inventory of historic properties. _____

iii. Providing for adequate public participation in the historic preservation program. _____

iv. Reviewing National Register nominations through a qualified local commission. _____

b. Additional responsibilities:

i. Required of CLGs that receive grants from SHPO. _____

1. Maintain adequate financial management systems. _____

2. Adhere to all requirements of the Historic Preservation Fund Grants Manual. _____

3. Adhere to any requirements mandated by Congress regarding use of federal Historic Preservation funds. _____

4. Adhere to requirements outlined in the State of South Dakota Local Government Participation Procedures issued by the SHPO. _____

ii. Requirements specific to the CLG (if any stipulated). _____

(6) The CLG contact person, including title/position, mailing address, and telephone number.

(7) The Certification Agreement has been signed by SHPO and Chief Elected Local Official. _____

(8) Any other information relevant to this application:

STATE REVIEWER

Signature	Name and Title
Date	