

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

John Thurston

500 Woodlane, Suite 026

Little Rock, Arkansas 72201-1094

(501) 682-5070

www.sos.arkansas.gov



For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas Department of Parks, Heritage, and Tourism

Department Division of Arkansas Heritage

Contact Jim Andrews E-mail jim.andrews@arkansas.gov Phone 501-324-9157

Statutory Authority for Promulgating Rules Ark. Code Ann. § 1-4-134

Rule Title: Rules governing the addition of "Criterion E" to the State Historic Register regulations. Rules governing the designation of an "Arkansas Heritage Site".

Intended Effective Date

(Check One)

Date

<input type="checkbox"/> Emergency (ACA 25-15-204)	Legal Notice Published	<u>December 6 - 8, 2019</u>
<input checked="" type="checkbox"/> 10 Days After Filing (ACA 25-15-204)	Final Date for Public Comment	<u>January 15, 2020</u>
<input type="checkbox"/> Other _____ (Must be more than 10 days after filing date.)	Reviewed by Legislative Council	<u>February 21, 2020</u>
	Adopted by State Agency	<u>February 21, 2020</u>

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Jim Andrews

jim.andrews@arkansas.gov

February 24, 2020

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Jim F. Andrews, Jr.
Signature

501-324-9157

jim.andrews@arkansas.gov

Phone Number

E-mail Address

General Counsel, Arkansas Dept of Parks, Heritage, and Tourism

Title

February 24, 2020

Date

ARKANSAS DEPARTMENT OF PARKS, HERITAGE AND TOURISM
DIVISION OF ARKANSAS HERITAGE
ARKANSAS HISTORIC PRESERVATION PROGRAM

RULES GOVERNING THE ADDITION OF “CRITERION E” AND THE
ADDITION OF THE “ARKANSAS HERITAGE SITE” DESIGNATION
TO THE ARKANSAS STATE REGISTER OF HISTORIC PLACES PROGRAM

I. PURPOSE

Arkansas’s historic sites need to be officially recognized for their heritage and cultural resources so that current and future generations can learn about their stories and enjoy them. Such includes geographic areas of historic importance. Accordingly, a new criterion will be added to the Arkansas Register program that will allow more opportunities for outward recognition, research, and heritage tourism opportunities for geographic areas of historic importance in our state. The new criterion to be added to the Arkansas Register program is: “Criterion E: Geographic importance of a property,” the additional property type to be added is: “Area,” and the additional area of significance to be added is: “Geography/Community Identity.” Ark. Code Ann. § 1-4-134 created a new designation for historic sites known as an “Arkansas Heritage Site”. Historic places listed in the Arkansas State Register of Historic Places through any of Criteria A – E may also qualify for designation as an “Arkansas Heritage Site”.

II. LEGISLATION

The Arkansas State Register of Historic Places was created in 1993 and is codified at Arkansas Code Ann. § 13-7-109. This code section authorizes the State Historic Preservation Officer, in consultation with the State Review Committee for Historic Preservation, to establish this listing of sites, districts, structures, buildings, areas, or objects above or below the surface of the earth, whether on land or in the waters of the state, together with any designated improvements thereon, significant in the history, architecture, archeology, or culture of the state, its communities, or the nation. It also authorizes the State Historic Preservation Officer, with the advice of the State Committee for Historic Preservation, to establish the procedures and the criteria for listing in the State Register of Historic Places.

The Arkansas Heritage Site designation was created in 2019 and is codified at Arkansas Code Ann. § 1-4-134. This code section authorizes the Department of Arkansas Heritage to promulgate rules necessary to implement this section.

III. DEFINITIONS

Area – An area of land containing historic or archeological resources that can be identified on a map and delineated by boundaries. In many respects an area may be thought of as a large district. However, where a district most often contains a group of resources of similar functional types, an area may encompass a wide variety of resources united by broad interrelated themes and geographic proximity. An example would be a town which includes residential neighborhoods and commercial and industrial areas along with transportation systems and parks and greenspaces.

Arkansas Register Program – The Arkansas Register is “a listing of sites, districts, structures, buildings, areas or objects above or below the surface of the earth whether on land or in the waters of the state, together with any designated improvements thereon, significant in the history, architecture, archeology, or culture of the state, its communities or the nation. Such listings shall constitute the State Register of Historic Places.”

Community identity of a property – A place’s community identity can be a blend of its geography, natural assets, architecture, history, culture, and economic activity. Community identity is what makes a place unique and distinctive in its own way. A location’s unique architecture may be significant for its community identity. For example, the Charleston single houses in Charleston, South Carolina, are unique to the area and give Charleston part of its unique character. Also, the Old Man of the Mountain, prior to its collapse in 2004, was a unique natural asset that was identified with New Hampshire.

Geographic Importance of a property - The geographic importance of a property refers to its location. A building or structure commonly recognized as a visual landmark due to its prominent location may be significant for its geographic importance. For example, a lighthouse has geographic importance as does a fire look-out tower. A park in the center of town and a cemetery on top of a hill may also have geographic importance. A property which helps establish a strong sense of place or provides community identity may be eligible for geographic importance.

IV. DELEGATION OF AUTHORITY

The State Historic Preservation Officer is delegated all powers necessary and convenient to carry out the responsibilities contained in these rules.

V. HOW TO APPLY

The Nomination Process

I. Determination of Eligibility

The determination of eligibility form outlines the information required by the Arkansas Historic Preservation Program (AHPP) staff to make a determination of eligibility (DOE). A DOE is the first step in considering a property for designation as an Arkansas Heritage Site. It is important

to note that in order to be designated an Arkansas Heritage Site, the property must at least be significant at the state level.

II. Site Visit

If the property is determined eligible, AHPP staff members will arrange a site visit to the property. The site visit will entail the AHPP documenting the potential Arkansas Heritage Site through photography and written documentation.

III. Nomination Form

After the property has been determined eligible as an Arkansas Heritage Site and the site visit has been completed, the next step will be completing the Arkansas Heritage Site nomination form.

IV. Presentation to the State Review Board

On acceptance of a completed nomination, the staff will schedule the property for presentation to the State Review Board. The State Review Board is a governor-appointed group of professionals that must approve the AHPP staff's recommendations before a property can be designated an Arkansas Heritage Site.

V. Designation

After approval by the State Review Board, the property will be designated an Arkansas Heritage Site. Any property identified as an Arkansas Heritage Site by an act of the Arkansas General Assembly shall also be designated as such in the Arkansas State Register of Historic Places.