

Determination of Eligibility (DOE) Procedures

Purpose of DOEs

DOEs are a tool used by the staff of the Arkansas Historic Preservation Program (AHPP) to help determine what resources are eligible for inclusion in the National Register of Historic Places (National Register) and the Arkansas Register of Historic Places (Arkansas Register). DOEs are used not only to determine if properties are individually eligible for inclusion in the National Register or Arkansas Register, but also to determine if buildings contribute to historic districts.

Types of DOEs

The staff of the AHPP deals with DOEs under three main circumstances: Section 106 reviews, DOEs prepared by constituents for nominating properties to the National Register, and DOEs to determine if properties contribute to the significance of historic districts in district surveys. Each particular scenario is explained in more detail below.

Section 106 Reviews – During the course of review of federal undertakings under Section 106 of the National Historic Preservation Act, it is the responsibility of the federal agency to identify properties that are eligible for inclusion in or listed in the National Register (see 36 CFR § 800.4[a-b]). It is then the role of the AHPP, as the State Historic Preservation Office, to concur or object to the agency's findings (see 36 CFR § 800.4[c]). As a result, the staff of the AHPP must examine historic properties submitted by federal agencies to see if they meet the National Register criteria so that recommendations can be given to the agency on potential effects to historic properties.

DOEs submitted by constituents (circulated in green folders) – Constituents submit information on individual properties to see if they meet the criteria for inclusion in the National Register. The information that needs to be provided by the constituent is outlined in the materials included in the DOE packet. The information provided by constituents for a DOE is circulated among some of the staff in a green folder for opinions on eligibility.

District Surveys (circulated in binders) – When historic districts or potential historic districts are surveyed, the individual survey forms are circulated among the staff in binders. District surveys are conducted either to update existing survey information or to identify new historic districts. The forms are circulated in order to determine if each property contributes to the significance of the historic district.

Procedure for DOEs

Section 106 Reviews – Properties needing DOEs as a result of a Section 106 review will be given to the National Register & Survey Coordinator for presentation to the DOE team. The DOE team will meet on an as needed basis, but frequently enough so that a response letter for the undertaking can be prepared within 30 days of receiving the project submission.

DOEs submitted by constituents (circulated in green folders) – DOEs submitted by constituents will be given to the National Register Historian. They will be circulated in a green folder to the Director of Community Outreach, Preservation Outreach Coordinator, National Register & Survey Coordinator, National Register Historian, Survey Historian, and the Special Projects Historian for review and comment. Once the DOE has been reviewed by the team members, the National Register Historian will compile the comments and write a response letter to the constituent indicating the property's eligibility. The response letter should be mailed to the constituent within 30 days of receiving the initial DOE.

District Surveys (circulated in binders) – District surveys that are submitted to the AHPP will be given to the Survey Coordinator. The survey forms will be circulated in binders to the Director of Community Outreach, Preservation Outreach Coordinator, National Register & Survey Coordinator, National Register Historian, Survey Historian, and the Special Projects Historian. The Survey Historian will then review staff comments and properly code each form. Upon completion of the survey review, the Survey Historian will provide the surveyor with a list of contributing and noncontributing resources. In addition, a map will be provided showing the locations of contributing and non-contributing properties. Also, a defensible boundary will be drawn that contains a ratio of at least 51% contributing resources. After the staff has completed review and the district boundary has been mapped, the forms will be given to the Registrar to be entered into the AHPP database. Records will be entered by a deadline determined by the National Register/Survey Coordinator, Survey Historian, and Registrar. This will be done in the timeliest manner possible.

Committee Members

For *Section 106 review* DOEs, the staff consulted on eligibility should include the Director of Community Outreach, National Register & Survey Coordinator, National Register Historian, Survey Historian, and the Special Projects Historian. The National Register Historian, Survey Historian, and the Special Projects Historian will play an advisory role in the DOE with the final decision on a property's eligibility being up to the National Register & Survey Coordinator

For *District Surveys* and *DOEs submitted by constituents*, the staff consulted should include the Director of Community Outreach, Preservation Outreach Coordinator, in addition to the National Register & Survey Coordinator, National Register Historian, Survey Historian, and the Special Projects Historian. Unlike DOEs for Section 106, a property's eligibility will be based on the opinion of the majority of the members.

Standards for Evaluation

The standard to be used for evaluating properties in DOEs is National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation so that the significance of all properties can be properly evaluated. (The National Register criteria, found at 36 CFR 63, are specifically referenced in the Section 106 regulations at 36 CFR § 800.4(c)(1) as the standard for evaluation.)