



The Montana Certified Local Government Manual

A National Park Service program administered by the
Montana State Historic Preservation Office
Montana Historical Society
Helena, Montana

by
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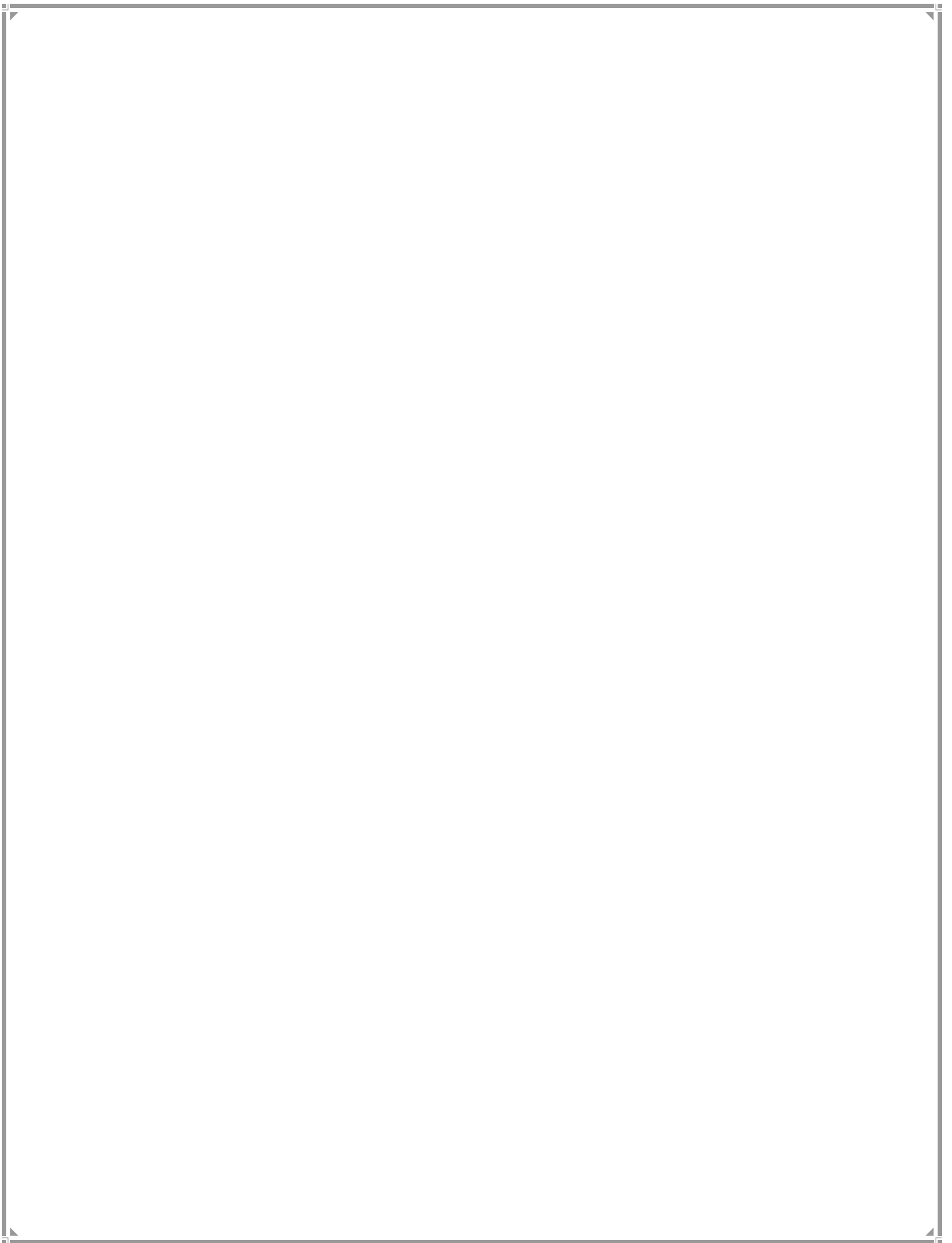




Figure 1. Pine Butte School, Gallatin County.

I. Introduction

Welcome to the *Certified Local Government (CLG)* program!

Hundreds of diverse communities across the United States have taken action to preserve their unique historic character. The *CLG* program, a local, state, and federal partnership, is a major source of support and guidance in preservation. This national initiative provides valuable technical assistance and small grants to local governments seeking to keep for future generations what is important and significant from their past. Over 1,440 local governmental now participate in this program nationally.

The benefits to local governments participating in the *CLG* program are numerous. The *CLG* program brings attention to local preservation issues, provides tools and programs for enhancing historic residential and commercial areas, and assists the public in preserving the character of their community. Preservation is integrated into the community by local legislation and comprehensive preservation planning, zoning, and land-use policy. With the establishment of an historic preservation commission and local historic preservation officer, the public benefits by sharing in preservation education activities, having technical expertise and guidance at the ready, and becoming a stronger partner among the local, state, and national preservation networks. The program provides the public with local, centralized, and organized access because the historic preservation office is a branch of local government.

Financially, eligible *CLGs* may apply for small grants to accomplish local preservation goals and directly participate in the state preservation programs of National Register of Historic Places, architectural and archeological survey, review and compliance, planning, and re-grants for preservation. The products, presentations, and programs generated by *CLG* grants provide credibility to local historic preservation efforts. The grants, while small, are often used to leverage other funding. In addition to funding, the State Historic Preservation Office offers technical assistance, training, program guidance, opportunities, and information that are designed to assist the local government to reach its preservation goals.

To assist the local government in participating in the *CLG* program, the State Historic Preservation Office has developed this Montana Certified Local Government Manual. Included within are the purposes of the program, the certification process and criteria, the program expectations, and many reference documents. If you have programmatic or financial questions, please don't hesitate to call the State Historic Preservation Office.

The Montana
Certified Local Government
Program

Purpose

The *Certified Local Government (CLG)* program promotes the preservation of historic and prehistoric sites, structures, objects, buildings, and historic districts. By forming partnerships between local governments and the Montana State Historic Preservation Office (SHPO), we involve communities in preservation issues and help them to ensure that:

- ❖ Historic preservation issues are understood and addressed at the local level, and integrated into the local planning and decision making processes at the earliest possible opportunity;
- ❖ Local interests and concerns are integrated into the identification, evaluation, nomination, and protection of historic properties;
- ❖ Information concerning local historic preservation issues is made available to the public and provided to the SHPO;
- ❖ Local historic preservation Commissions are established in cities and towns where they do not exist, and are supported where they already exist;
- ❖ Historic, architectural, and prehistoric inventory records are accessible to communities to guide community and neighborhood development and conservation goals;
- ❖ Experienced historic preservationists are identified to assist local governments in developing and implementing local historic preservation plans.

Certified Local Governments that identify, evaluate, and protect historic resources in their communities:

- ❖ Foster leadership in the preservation of the community heritage;
- ❖ Have a formal role in reviewing National Register nominations and in seeking public input regarding the nomination of properties;
- ❖ Are eligible to apply for historic preservation grants whenever such funds are available;
- ❖ Participate in local and state preservation planning;
- ❖ Receive technical and advisory services from the SHPO.

II. Definitions

Certified Local Government (CLG)	A local government whose local historic preservation program has been certified by SHPO and National Park Service. It is the local government, and not the Commission, that is certified. 36 CFR 61.
Certification agreement	The document signed by the chief elected official and the State Historic Preservation Officer that specifies the responsibilities agreed to as a condition of being a Certified Local Government.
CLG Jurisdiction	The legal and geographic boundaries of the local government. Because city and county jurisdictions are separate, city and county certified local governments must be established separately also. However, city and county certified local governments may cooperate and share purposes, subgrant agreements, reporting forms, preservation Commissioners, and local Historic Preservation Officer.
Chief elected official	The elected head of a local government. This official, according to federal statute, is the CLG program's official contact. This official must sign all programmatic subgrant agreements and other documents. If the local government grants signatory authority to another, such as an administrative manager, both should sign subgrant agreements and both should be kept informed.
Commission	A historic preservation commission, board, council, or similar collegial body that is established by local legislation, composed of professionals and persons appointed as specified in the local legislation that perform the duties and responsibilities outlined in the legislation.
Commission members	Duly appointed persons who demonstrated special interest, experience, or knowledge in history, architecture, or preservation-related disciplines. Commissioners are responsible to the SHPO only as representatives of the local government.
Commission professionals	Professionals in the disciplines of architecture, history, architectural history, planning, prehistoric and historic archeology, folklore, cultural anthropology, curation, conservation, and landscape architecture, or related disciplines.
Consulting party	An individual or entity providing professional advise, expertise, demonstrated interest, or legal or economic relationship to a matter. Under the provisions of 36 CFR 800, federal agencies are required to seek and consider the views of state agencies, other federal agencies, Tribal Historic Preservation Offices, local and certified local governments, local preservation groups, other interested parties, and the public in their consultation regarding information needs and possible effects to historic properties.
Designation	The identification and registration of properties for protection that meet criteria established by the National Register, state, or the locality for significant historic and prehistoric resources within the jurisdiction of a local government. Designation must be consistent with the Secretary of the Interior's Standards for Identification and Registration.

Direct costs	Any cost that can be specifically identified with a particular preservation project or program. Direct costs include, but are not limited to, salaries, travel, equipment, and supplies directly benefiting a particular preservation project or activity.
Historic preservation	Includes identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, research, interpretation, conservation, and education and training regarding these activities or any combination.
Historic Preservation Fund (HPF)	Monies appropriated to fund matching grants-in-aid program to State and Tribal Historic Preservation Offices for carrying out the purposes of the National Historic Preservation Act, as amended (16 USC 470 et seq.). By law, a minimum ten percent (10%) of each state's allocation must be subgranted to the certified local government program.
Historic property	Any prehistoric or historic district, site, landscape, building, structure, object, or traditional cultural property included in, or eligible for, inclusion in the National Register, including artifacts, records, and material remains related to such a property or resource.
Indirect cost	Any cost incurred for common or joint objectives, and which therefore cannot be identified specifically with a particular project or program without effort disproportionate to the results achieved.
In-kind contributions	The value of non-cash contributions provided by the subgrantee or non-federal third parties. In-kind contributions may consist of charges for nonexpendable personal property, and the value of goods and services directly benefiting and specifically identifiable to the preservation grant program.
Integrity	The authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's significant historic or prehistoric period. Integrity is based on seven aspects of originality: location, design, setting, materials, workmanship, feeling, and association.
Local Historic Preservation Officer	The local Historic Preservation Officer (HPO) coordinates local historic preservation programs, helps in the development of local surveys, projects and historic preservation planning documents, advises and provides assistance to the local historic preservation Commission, government agencies and the public, and ensures to the extent practicable, that the duties and responsibilities delegated by local ordinance are carried out.
Local legislation	An ordinance, resolution, or other legal instrument to meet the requirements of the certified local government program.
Local government	Any general purpose political subdivision of the state, such as an incorporated city, town, county, or planning district.
Matching share	The portion of total project or program costs not borne by the federal government and that is supplied by the subgrantee or other nonfederal third parties in cash, in-kind, or in services contributed. Also called "nonfederal share" or "cost sharing."

Monitoring	A performance process where programmatic and grant management aspects are reviewed via reports, audits, site visits, and other sources. The State Historic Preservation Office monitors the certified local government program.
National Historic Preservation Act	A federal law that established the certified local government program, National Register of Historic Places, and a process requiring federal agencies to consider the effects of their undertakings on National Register properties, and it encourages preservation on state and private lands, National Historic Preservation Act, as amended (16 USC 470 et seq.).
National Register of Historic Places	The national list of districts, sites, buildings, structures, and objects significant in American history, architecture, landscape, archeology, engineering, or culture, maintained by the Keeper of the National Register at the National Park Service in the Department of the Interior. 36 CFR 60.
National Register criteria	The established criteria for evaluating the eligibility of properties for inclusion in the National Register of Historic Places. Criterion A.) the property is associated with events that have made a significant contribution to the broad patterns of our history. Criterion B.) the property is associated with the lives of persons significant in our past. Criterion C.) the property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction. Criterion D.) the property has yielded, or is likely to yield, information important in prehistory or history.
National Trust for Historic Preservation	The nationwide private, nonprofit organization chartered by legislation approved by Congress on October 26, 1949, with the responsibility of encouraging public participation in preservation.
Nomination	A form accompanied by maps and photographs that adequately documents an individual property or district and is technically and professionally correct and sufficient. To nominate is to propose that a district, site, building, structure, or object be listed in the National Register of Historic Places or, where a private owner or majority of owners object to listing, that property be determined eligible by the Keeper of the National Register.
Protection	The application of measures designed to affect the physical condition of a property by defending or guarding it from deterioration, loss, or attack or to cover or shield the property from danger or injury. Also, protection means a local review process under state or local law for proposed any demolition of, changes too, or other action that may affect historic properties listed in the National Register or an established local register.
Public participation	The active involvement of a wide range of public, private, and professional organizations and individuals. In Montana, public participation is mandated under MCA 2-3-101 et seq.
Registered historic district	Any significant historic district that is listed in, and meets the criteria for, the National Register of Historic Places or an established local register.
Review and compliance	The federally mandated state review of an undertaking's affect on historic properties, as specified under Section 106 of the National Historic Preservation Act, as amended (16 USC 470 et seq.). If agreed upon by the SHPO and the certified local

government, this responsibility may be delegated in part or whole to the certified local government.

SHPO

State Historic Preservation Office or the Montana State Historic Preservation Officer. “SHPO” is used interchangeably throughout this manual to refer to the state level organization and designated officer that oversees the state preservation programs.

SOI Standards

Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation which provide technical information and guidance about historic preservation activities and methods. The subjects include: Preservation Planning, Identification, Evaluation, Registration, Historic Research and Documentation, Architectural and Engineering Documentation, Archeological Documentation, Treatment of Historic Properties (Restoration, Rehabilitation, Stabilization, and Reconstruction), Professional Qualifications, and Preservation Terminology.

Subgrant

A pass-through award of financial assistance from the federal government, under the National Historic Preservation Act, as amended (16 USC 470 et seq.) through SHPO to a certified local government to carry out specific objectives for a specified period of time consistent with the terms of a subgrant agreement.

Subgrant agreement

The written contractual agreement and any subsequently approved amendments between SHPO and a certified local government (subgrantee) in which the terms and conditions governing the grant award are stated and agreed to by both parties, and that documents the obligations of the funds.

Undertaking (federal undertaking)

A project, activity, or program funded in whole, or in part, under the direct or indirect jurisdiction of a federal agency, including those carried out by or on behalf of the agency; those carried out with federal financial assistance; and those requiring a federal permit, license, or approval.

Figure 2. Grand Union, Fort Benton.





Figure 3. Christian Church, Joliet.

III. Criteria for *CLG* Certification

The National Historic Preservation Act, as amended (16 USC 470 et seq.), established the *Certified Local Government* program. A local government that meets the following criteria is eligible to apply for certification. The criteria have been set forth by federal regulation, 36 CFR 61.

A. *Certified Local Governments* must enforce the appropriate federal, state, or local heritage resource legislation for the designation and protection of historic properties within its jurisdiction.

1. **The *CLG* will assist the SHPO in implementing the National Historic Preservation Act, as amended, 16 USC 470 et seq., and the Montana State Antiquities Act, MCA 22-3-421 through 22-3-442.**
 - Administering a systematic historic, architectural, and archaeological survey program;
 - Making formal recommendations (written reports) to the Montana State Historic Preservation Office on the eligibility of properties for listing in the National Register of Historic Places;
 - Providing information on historic preservation programs and planning assistance to local government offices and the public.

2. **The *CLG* must establish local historic preservation ordinances or comparable local legislation to ensure a legal basis for the existence of, and authority invested in, the local Historic Preservation Officer and the historic preservation Commission, as provided by MCA 76-2-301, MCA 76-2-321.**

The local legislation **must** include:

- Definitions
- Statement of purpose
- Intent of the local government to consider preservation in all planning processes
- Establishment and appointment of a qualified historic preservation Commission
- Establishment and appointment process of a qualified local Historic Preservation Officer
- Establishment and maintenance of a system of survey and inventory compatible with SHPO
- Participation in the National Register designation process
- Provisions for adequate public participation in the local preservation program
- Delegation of additional duties as agreed upon with SHPO
- Enforcement of the legislation

The local historic preservation ordinances or local zoning laws **may** include the following provisions:

- Specific Commission membership and local Historic Preservation Officer qualification, geographic representation, and duties
- Local register for preservation purposes (i.e. planning, empowerment zones, local grant, loan, and tax incentives). Historic designation criteria and procedures for local districts, structures, buildings, objects, sites, and landscapes
- Design review criteria and procedures
- Demolition and demolition-by-neglect criteria and procedures
- Procedure for public notification and hearing on historic designation
- Specific guidelines to be adopted by the Commission (i.e. Standards for Rehabilitation)
- Specific timeframes and procedures for review and consideration of appeals
- Provisions for decision-making, enforcing decisions, and right of appeal
- Provision for applying for and/or accepting funds, donations, etc.
- Review of federal undertakings as a consulting party.
- Formal review of federal undertakings, if approved by SHPO
- Formal notification of National Register nominations, if approved by SHPO

Design review authority may be granted to the local historic preservation Commission by local ordinance so that historic and prehistoric properties can be adequately considered in local planning. Provision for mandatory review of alterations, relocations, and demolition of historic structures and buildings, new construction within designated historic districts, and other actions that might affect locally designated properties may be included in local ordinance at the discretion of the local government.

The *CLG* is encouraged to adopt and implement the Secretary of the Interior's Standards for Archeology and Historic Preservation relevant to *CLG* needs and activities, preferably through local legislation. No *CLG* grant monies, provided by the SHPO, are to be spent, or matching share contributions accepted, that do not comply with the Standards for Archeology and Historic Preservation.

B. *Certified Local Governments* must establish a qualified historic preservation Commission.

1. The *CLG* must establish a historic preservation Commission.

The Commission will carry out the responsibilities outlined in this document, the Montana Certified Local Government Manual, and by the local government by local legislation. They include, but are not limited to:

- Participate as an active Commission in the protection of historic resources and implementation of historic preservation values and objectives in the local government.
- Insure historic preservation concerns are considered at all levels of local government planning and are incorporated as goals of other local, state, and federal projects.
- Administer local preservation ordinances.
- Assist the public in understanding preservation issues, standards, criteria, and methods, and provide historic preservation information and assistance to property owners.
- Encourage potential and feasible reuse and rehabilitation of historic buildings.
- Assist the *CLG* and HPO in accomplishing preservation planning goals.
- Monitor preservation covenants, agreements, grants, grant applications, and special projects.
- Provide technical assistance, direction, literature on historic preservation tax credits, National Register, federal regulations and Secretary of Interior Standards;
- Assist the *CLG* in filling vacancies promptly.
- Participate in and carry out the responsibilities for *CLG* program status as outlined in the "Montana Certified Local Government Manual.
- Meet the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation.

2. The *CLG* must appoint a minimum of five (5) members.

The Commission may be composed of professional and lay members, and all Commission members must have a demonstrated interest, competence, or knowledge in historic preservation. The local government shall appoint at least three (3) Commission members with professional expertise in the disciplines of history, planning, archaeology, architecture, architectural history, historic archaeology, or other historic preservation related disciplines such as cultural geography or cultural anthropology to the extent that such professional expertise is available in the community.

Local governments may be certified without the minimum number or types of professional disciplines represented on the Commission if it can be demonstrated that a reasonable effort was made to fill those positions. When National Register nominations are reviewed, appropriate professional expertise must be obtained for the local review process.

The local Historic Preservation Officer may serve as a member of the historic preservation Commission. Persons residing outside of the limits of the jurisdiction may be appointed members of the Commission.

The credentials of the Commission members must be kept on file locally and at SHPO, and be available to the public.



Figure 4. Carnegie Library, Bozeman.

3. The *CLG* must set terms of office for the Commission members.

Commission members terms shall be staggered and two years minimum in duration. There need not be a limit to the number of consecutive terms served by any one member. The local appointing authority shall act within sixty (60) days to fill a vacancy, including expired terms. Vacancies on the Commission must be filled within sixty (60) days, unless extenuating circumstances require a longer period.

4. The *CLG* must delegate local historic preservation Commission review duties.

The local preservation Commission shall review proposed National Register nominations for properties located within the *CLG*'s jurisdiction and, if so authorized by local ordinance, shall review alterations, relocation, and demolition of designated properties under the *CLG*'s jurisdiction. When a Commission considers a National Register nomination or other action that will impact a property that is normally evaluated by a professional in a specific discipline, and that discipline is not represented on the Commission, the Commission is required to seek expertise in this area before formulating its comments. This can be accomplished through consulting with universities, private preservation organizations, regional planning Commissions or consulting firms. The SHPO suggests that local governments consider sharing expertise in historic preservation disciplines with other local preservation Commissions.

C. *Certified Local Governments* must appoint a local Historic Preservation Officer.

1. The *CLG* must appoint and retain a local Historic Preservation Officer.

The local HPO must have a demonstrated interest, competence or knowledge in historic preservation. The HPO will:

- Coordinate the local historic preservation program;
- Help develop local surveys, projects, and historic preservation planning documents;
- Advise and assist the local historic preservation Commission, government agencies and the public;
- Effectively communicate with the Commission, local government, chief elected official, SHPO, and the public.
- Ensure that duties and responsibilities delegated to the *CLG* by the SHPO are satisfactorily carried out.

The SHPO urges the *CLG* to hire a local Historic Preservation Officer on a salaried basis and that the local Historic Preservation Officer possess a masters degree in historic preservation, architectural history, architecture, landscape architecture, history, historic architecture, archaeology, or closely related historic preservation field; or a bachelors degree in one of the above areas and at least two years experience in professional research, writing, field work, teaching; or work on historic preservation projects. Additional staff requirements for the *CLG* preservation program may vary according to the duties and responsibilities that are delegated to the *CLG* by the SHPO.



Figure 5. *Club Moderne, Anaconda.*

D. *Certified Local Governments* must maintain survey and inventory information on historic and prehistoric properties.

- 1. The *CLG* must begin or continue to identify historic and prehistoric properties within its jurisdiction.**

The survey program must be approved and coordinated with the SHPO. This survey process undertaken by the *CLG* must be approved by the SHPO and consistent and compatible with SHPO's statewide survey methods and processes.

- 2. The *CLG* must maintain a detailed inventory of the identified historic districts, sites, landscapes, structures, and objects under its jurisdiction.**

Local survey data must be in a format that is consistent with the statewide comprehensive site inventory. Inventory information must be made accessible to the public (except when access to historic or prehistoric sites locations shall be restricted), and available at the SHPO.

The survey data should be housed in a safe, secure, and publicly accessible location.

E. *Certified Local Governments* must institute and update a local historic preservation plan and include the Commission and local Historic Preservation Officer in local planning.

- 1. The *CLG* will prepare and adopt a comprehensive historic preservation plan within two (2) years of certification.**

This preservation plan will establish historic contexts, use them to identify, evaluate, register, and treat historic properties, and be integrated into the broader community planning process. The plan will set prioritized goals, objectives, methods, and deadlines. It will include methods for organizing existing survey data, coordinating survey data with the statewide comprehensive inventory, and setting priorities for new surveys, nominations, and other preservation efforts. The plan will also include a method for assuring its use by all relevant agencies within the jurisdiction of the *CLG* for planning purposes, especially those projects approved, permitted, licensed, or funded by the state or federal government. See the Appendix: Preservation Planning.

A copy of the preservation plan must be provided to the SHPO.

- 2. The *CLG* will update the local historic preservation plan at least every five (5) years.**

The *CLG* will revise the plan to reflect the changing conditions, needs, and priorities within the community. The *CLG* will incorporate new survey information including changes, alterations, or demolition of properties. A copy of the revised plan will be provided to SHPO.

- 3. The *CLG* must invite the participation of the local Historic Preservation Officer and Commission in the development of the planning document and participate in the local survey program.**

The local Historic Preservation Officer, Commission, and the general public are important in the development of the planning document. SHPO recommends historic property owners, relevant professionals, and other government agencies in the community be actively sought for input.



Figure 6. Mark's In & Out Drive-In, Livingston.

F. **Certified Local Governments** must provide for adequate public participation in the historic preservation program, including the process of recommending properties to the National Register.

1. **The Commission must meet at regular intervals, at least four (4) times each year.**

Meetings of the local historic preservation Commission must adhere to state open meeting laws. Meetings must be conducted according to MCA 2-3-101 et. seq. and MCA 11-3-2. The meetings will be open to the public, advertised in advance, and held in a public place.

2. **The CLG must provide for public participation in their program and meetings.**

The Commission must include public comment as a meeting agenda item. Public participation must conform to MCA 2-3-101 et. seq.

3. **The CLG must make public all policies, criteria, standards, and procedures adopted or amended by the Commission.**

The Commission must follow local legislation and including public hearings.

4. **The CLG must make public all decisions made by the Commission.**

All decisions by the Commission shall be made in a public forum, and applicants shall be given written notification of those decisions. In addition, written or taped minutes of the actions of the Commission will be kept on file and made available for public inspection.

5. **The CLG must solicit public comment in the National Register nomination process.**

The CLG's role in the National Register review process is outlined in Section VII. All recommendation reports submitted to the SHPO must detail how the CLG provided for adequate public participation.

The CLG must have the legal authority to fulfill the National Register requirements specified by the SHPO in the Certification Agreement, Annual CLG Agreement, Montana Certified Local Government Manual, and Historic Preservation Fund Grants Manual.

G. *Certified Local Governments* must meet the Standards for Performance.

The *CLG* Standards for Performance are located in Section VII. C.

H. *Certified Local Governments* must report on preservation activities.

1. The *CLG* must report to SHPO on the activities of the Commission and local Historic Preservation Officer on or before each deadline.

The local Historic Preservation Officer will prepare and submit quarterly reports and requests for reimbursement, annual grant applications, agreements, match, attachments, and required documents on or before each deadline.

Quarterly reports will include, but are not limited to:

- Quarterly Progress form with an overview of current program activities and attachments.
- Request for Reimbursement form with financial documentation including record of expenditures, and cash and in-kind match. The *CLG* may obtain the full reimbursement amount at anytime during the grant cycle provided that match requirements are met. If the *CLG* receives full reimbursement prior to the end of the cycle, *CLGs* are encouraged to continue to generate match to further demonstrate the *CLG* program's value, and to submit over-match to SHPO.
- Resumes of new Commission members.
- Commission member attendance records.
- Copies of the written minutes of all local review Commission meetings.
- Five copies of any publications produced.
- New local legislation related to the *CLG* program.
- New or updated, indexed copies of any inventory forms, survey reports, maps, photographs, and/or other survey materials.
- Newly listed National Register and National Historic Landmark properties.
- New tax incentive projects.
- Any new or updated planning documents.
- If the *CLG* has design and/or demolition review authority, include:
 - Number and types of cases reviewed.
 - Number of cases approved, tabled, or denied.
 - Review period (the number of days between the receipt of an application and action by the *CLG*).
- Any additional documentation required or requested by SHPO.



Figure 7. Charter Oak Mine, Powell County.

Progress on special projects or activities may be reported separately, as directed by SHPO.

The quarterly report deadline is the last business day of the month following the end of the quarter, unless otherwise specified by SHPO. Typically, the quarterly report deadline is the last business day of July, October, January, and April. Deadlines for the annual grant applications, agreements, and other required documents will be announced by SHPO well in advance.

Required quarterly reporting and accompanying documentation may be submitted via email, mail, or fax. Signed agreements are only accepted via mail, unless otherwise specified by the SHPO.

2. The local Historic Preservation Officer or Commission must report annually to the local government.

An annual report must be submitted in writing to the local chief elected official or presented at a regular city and/or county government meeting. The report must be made available to the public and the SHPO. This report must include: a description of the program, and the activities and products listed in Section IV. G. 1.

3. The CLG must provide access to the local Historic Preservation Officer.

The CLG must ensure the local Historic Preservation Officer is accessible to the public. The CLG may establish a local historic preservation office, regular office hours, support staff, and/or provide a messaging service or voice mail for the local Historic Preservation Officer. The SHPO may require the local Historic Preservation Officer to be accessible to the public and the SHPO for a certain number of hours in order to qualify for specific grant funding.

The CLG must provide email access to the local Historic Preservation Officer. The local Historic Preservation Officer must participate in the Montana CLG List-Serve, if available. All Commission members are welcome and encouraged to participate in the Montana CLG List-Serve.

I. *Certified Local Governments* must attend at least one training session annually and train new local Historic Preservation Officers.

1. The local Historic Preservation Officer and/or at least one Commission member must attend at least one training session/meeting each year.

The SHPO will make available such training and orientation materials to provide a working knowledge of the roles and operations of Federal, State, and local preservation programs. Following the session/meeting, the local Historic Preservation Officer and Commission will review any orientation materials provided by the SHPO. All Commission members are welcome and encouraged to attend the annual CLG training/meeting.

2. New local Historic Preservation Officers will attend orientation training.

To assist CLGs and new local Historic Preservation Officers, SHPO will provide training in procedures, program, and grant areas. When funding is available, SHPO will reimburse travel expenses for the local Historic Preservation Officer to train in Helena.

J. *Certified Local Governments* must avoid conflict of interest.

1. Historic preservation Commissioners must avoid conflicts of interest (real and apparent) in their decision-making and are expected to be objective in their advice and decisions.

Commission members cannot benefit directly or indirectly (either through financial or personal gain) from a decision in which they participate. Commission members cannot review their own work, nor can they gain any advantage because of their position as Commission members. For example, a Commission member may not participate in the development of a Request for Proposals (RFP) if the member expects to submit a proposal. Similarly, a Commission member may not participate in a subgrant award if the member could benefit directly or indirectly; or if a member belongs to a local group (non-profit, etc.) that might benefit from the subgrant. These prohibitions apply to financial or personal gain for Commission members, their families, employees, agents, partners, associates, etc. For example, a Commission member may not vote on the selection of subgrants if his or her firm submitted one of the subgrant proposals. These prohibitions also apply when the situation may appear to affect a member's objectivity. For example, a Commission member may not vote on the National Register eligibility of his or her family homestead. (The

prohibition does not extend as far as the member being excluded from voting on a property just because it is located in the community where he/she resides.) An apparent conflict of interest also exists when a person may appear to have an unfair competitive advantage because of his/her relationship with the SHPO organization.



Figure 8. Lewis and Clark Bridge, Roosevelt and McCone Counties.

2. Commissioners must declare and disclose conflicts of interest and absent or recuse themselves from discussion and votes in cases of conflict of interest.

Whenever a real or apparent conflict of interest situation exists, it must be declared by the Commission member and documented in writing as soon as the conflict becomes apparent, but, at a minimum, before the issue or actions for which the conflict exists is acted upon or brought to resolution.

When a real or apparent conflict of interest arises, the person with the conflict situation must disclose the possible conflict and physically absent and recuse himself/herself from the decision-making process and neither vote directly, in absentia, nor by proxy in that matter. Those in a position to make a decision must be fully informed as to the possible conflict of the person(s) abstaining and recusing themselves.

Commission meeting minutes must indicate which member recused himself/herself and the reason(s) for the recusal.

3. The *CLG* must submit signed conflict of interest statements from historic preservation Commissioner to SHPO.

Commission members must sign and have on file with the SHPO a statement attesting to their familiarity with the conflict of interest requirements. Commission members are expected to be familiar with state and local code of conduct and rules of procedure.

K. *Certified Local Governments* must satisfactorily perform other responsibilities delegated to the CLG by the SHPO.

1. The SHPO may delegate additional duties to the CLG.

At SHPO discretion and by mutual written agreement with the local government, or by federal mandate from the National Park Service, further responsibilities may be delegated to the CLG. For example, local governments may petition SHPO to assume greater responsibility for providing formal notification for the National Register process, or review responsibilities as part of the mandated federal or state review process, or monitor federal agency agreements, provided that the CLG staff includes a person(s) who meet the Professional Qualifications Standards. Additional responsibility agreements may require approval of the National Park Service and/or the Advisory Council on Historic Preservation.

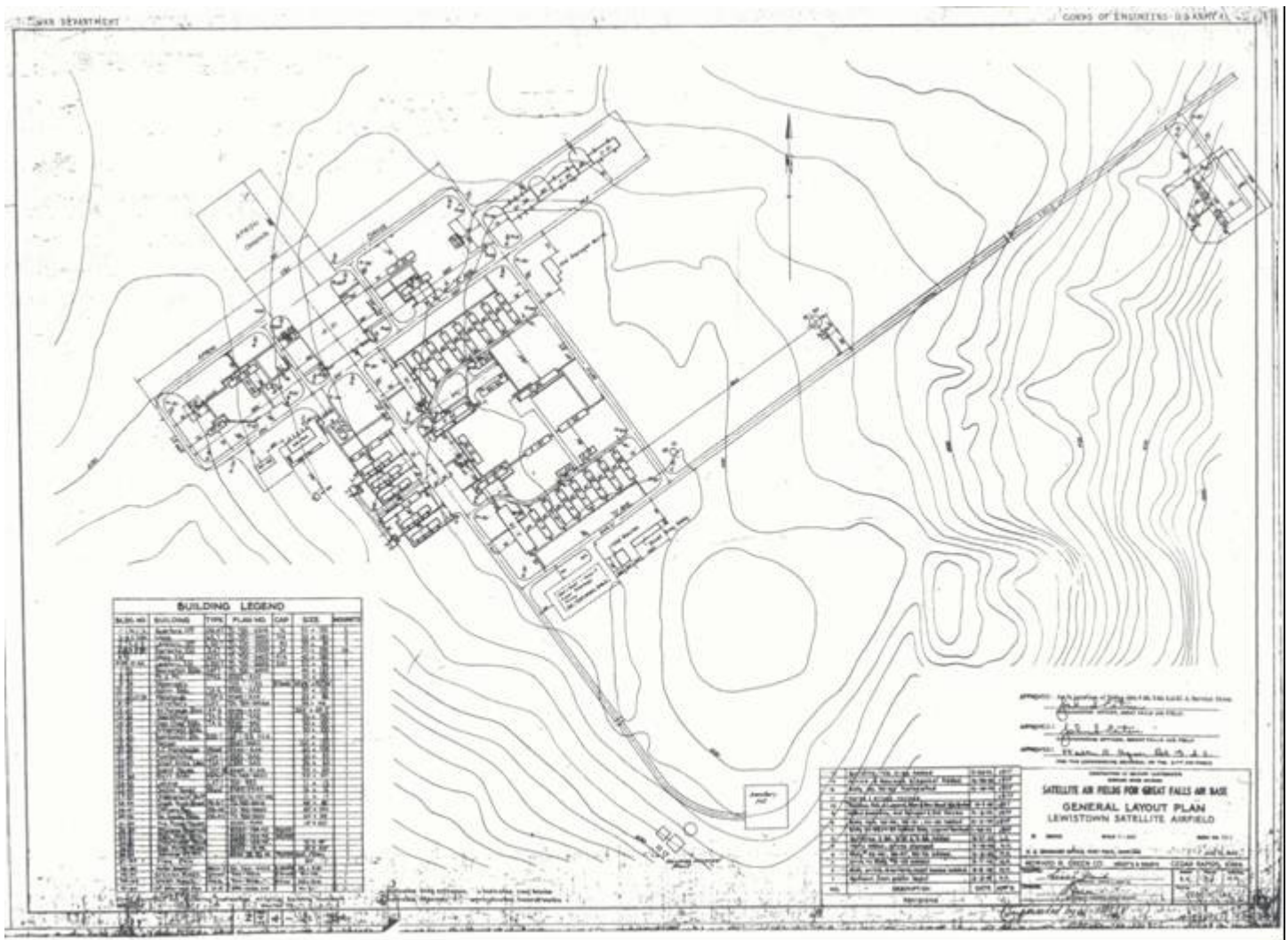


Figure 9. Lewistown Satellite Airfield.

IV. Process for Certification of Local Governments in Montana

A. The chief elected official of the local government must request certification from the SHPO.

The request for certification must include:

1. A written assurance by the chief elected official that the local government will fulfill all the Criteria for Certification outlined in Section IV. of this document and 36 CFR 61;
2. An official copy of the local historic preservation legislation that establishes the basis for and outlines the duties and responsibilities of the local historic preservation Commission, and if applicable, local design review;
3. A list and accompanying maps of locally designated and eligible historic districts and individual properties, historic and prehistoric, within the jurisdiction of the local government (unless already on file with SHPO);
4. Resume of the local Historic Preservation Officer designated by the local government;
5. Resumes of each of the members of the historic preservation Commission including, where appropriate, credentials or member expertise in fields related to historic preservation;
6. Signed conflict of interest statements of the historic preservation Commission.
7. Resumes for additional local historic preservation program staff if the local government is petitioning for additional responsibilities under Section IV. J. of these guidelines.

To assist the local government in the request for certification, SHPO recommends reviewing two documents that will be used in the certification process: the Certification Agreement and the Certification Application Checklist. Samples of these documents are printed in the Appendices.

B. The SHPO must respond to an adequately documented, written request for certification.

Within forty-five (45) days of receiving a request for certification, SHPO will respond to the local chief elected official. If the request for certification is complete, the SHPO will prepare the Certification Agreement listing the local government's responsibilities outlined in Section IV. and any additional responsibilities delegated by SHPO and mutually agreed upon with the local government. If the request is incomplete, the SHPO will send a letter with the outstanding items and encourage resubmission. A sample of a Certification Agreement is printed in the Appendices.

C. Certification approval.

Upon SHPO's receipt of the signed Certification Agreement, SHPO will complete the Certification Application Checklist. If all items on the checklist are complete, the Certification Agreement and Certification Application Checklist are forwarded to the National Park Service. Within fifteen (15) days of receipt, the National Park Service must send written confirmation or denial of certification to the local government and SHPO. A Certification Agreement may be amended with approval of the National Park Service.

The effective date of certification, and thus the date that the community becomes an official *CLG*, is the date on which the National Park Service approves the certification.

D. Certification denial.

If a certification request is denied by SHPO, it will send the local government a letter outlining the reasons for denial and allow the community to reapply. If the National Park Service denies certification, it will send a letter to the local government and SHPO outlining the reasons for denial and allow the community to reapply. Certification depends on complying with all the requirements of the *CLG* program.

E. Right of appeal.

A local government may appeal to the Secretary of the Interior any SHPO decisions to deny certification or to decertify an existing *CLG*.

F. Probationary status and de-certification.

Once a local government is certified, it remains certified without further action unless, after review, the SHPO finds the *CLG* deficient, unresponsive, or counter to the purposes and activities of the *CLG* program. See Section X.



Figure 10. Benton Avenue Cemetery, Helena.

V. Transfer Of Historic Preservation Funds To CLGs

A. A share of the Historic Preservation Fund allocation to Montana must be available to CLGs on a matching basis for historic preservation activities and projects.

In establishing a partnership between federal, state, and local governments, the National Historic Preservation Act, as amended (16 USC 470 et seq.) requires that Historic Preservation Fund grants be matching grants. Underlying this requirement is the need for each of the partners to share the costs of historic preservation. Matching grants ensure that there is strong state and local commitment to projects and result in more historic preservation work being performed than if federal funds alone were involved.

The state will notify the CLG annually with the match requirement. Currently, SHPO provides sixty percent (60%) funding to the forty percent (40%) match generated by the CLG and expects that the match requirement will remain stable unless federal or state allocations change substantially.

At present, federal law provides that at least ten percent (10%) of the HPF allocation to the state be set aside for transfer to CLGs. At such time as the Congress may appropriate more than sixty-five (\$65) million dollars to the HPF, a different distribution formula will be in effect, resulting in a proportionately larger share of the state allocation to CLGs.

B. Eligible CLGs, with an adequate financial management system, may receive a portion of the local share of the Historic Preservation Fund allocation to Montana.

The National Park Service requires that CLGs:

1. Meet federal standards of the Office of Management and Budget Circular A- 102, Attachment G, “Standards for Grantee Financial Management Systems.”
2. Are auditable in accordance with General Accounting Office’s “Standards for Audit of Governmental Organization Programs, Activities, and Function.”
3. Are periodically evaluated by the SHPO. The SHPO acknowledges responsibility for the proper accounting of the CLG of the Historic Preservation Fund monies in accordance with OMB Circular A-102, Attachment P, “Audit Requirements.”
4. Adhere to all requirements of the Historic Preservation Fund Grants Manual and the Montana Certified Local Government Manual.
5. Adhere to any requirements mandated by Congress pertaining to the Historic Preservation Fund.
6. SHPO may deny funding to a CLG on probationary status, and must deny funding to a decertified CLG.

C. The CLG must adhere to the timetables prescribed by SHPO for CLG funding.

1. Each year, the National Park Service notifies the state of projected or actual annual allocation. The SHPO will notify the CLG, in writing, of the amount of funds pending or available for transfer and solicit applications for that funding. While the CLG cycle is subject to change, generally the SHPO notifies the CLG of the projected or actual allocation in December.

2. Within sixty (60) days after the date of written notice of funding availability, the *CLG* must submit completed applications for funding assistance to the SHPO.
3. Within thirty (30) days after the SHPO receives the *CLG*'s completed application for funding assistance, the SHPO will notify *CLG*s of grant awards.



Figure 11. Wurtz Homestead, Flathead County.

4. Submissions received by SHPO after the deadline may be returned un-reviewed and unfounded, depending on the circumstances.
5. *CLG*s that receive an Historic Preservation Fund grant will be considered subgrantees of the state.
6. Expenditure of *CLG* funds must wait until the grant agreement between the SHPO and the *CLG*'s chief elected official, or legal representative, is signed before starting work on any project. Unless specifically authorized in writing by SHPO, costs incurred prior to execution of the written agreement will not be paid.
7. *CLG* grants are reimburseable grants. *CLG*s must first pay the project costs and then submit a request to SHPO for the reimbursement. Consequently, the *CLG* must have enough money “up front” to be able to carry the project (including paying contractors) until it gets reimbursed.

D. The SHPO must award grant funding to an eligible *CLG* on a competitive basis.

Grant awards will be based on sound application and/or the proven effective administration of an established and local preservation program that emphasize:

- Completion of local survey;
- Completion of National Register evaluations and nominations;
- Protection (physical or legal) of significant historic or prehistoric properties;
- Integration of historic preservation goals with the community's planning process;
- Increasing the effectiveness of the local government in addressing historic preservation issues and need;
- Increasing the community's awareness and understanding of historic preservation values.

E. Every CLG in good standing is eligible to receive funding, but no CLG will automatically receive funding.

Federal allocations to Montana fluctuates each fiscal year; thus the total amount for CLGs also may change each year.

Currently, SHPO grants each CLG a portion of the CLG funding. The amount of funding per CLGs may drop as a result of adding new CLGs to the program. As federal and state allocations to SHPO rise and fall and state CLG program needs change, SHPO reserves the right to alter the CLG subgrant distribution formula.

Where two or more local governments share the historic preservation commission and local Historic Preservation Officer, SHPO may grant to only one of the participating local government.

If a CLG falls seriously out of compliance, the funds that were earmarked for that CLG may be reallocated to CLGs that are in compliance.

F. SHPO will evaluate, select, and fund applications based on criteria.

1. An application must clearly state a specific goal or goals that are measurable and attainable within the funding period. The requirement for tangible results may not be waived.
2. A CLG must demonstrate an understanding of state and local preservation priorities.
3. A CLG must assure an acceptable matching share, typically 40%. Transferred monies shall not be applied as matching share for any other federal grant.
4. The amount awarded to an applicant must be sufficient to produce a specific impact.
5. Reasonable efforts must be made to distribute funds among the maximum number of eligible CLGs.
6. The SHPO must insure that no CLG will receive a disproportionate share of the state's Historic Preservation Fund allocation.
7. The SHPO must make available, upon request, the rationale for the applicants selected and the amounts awarded.
8. All responsibilities outlined in the CLG's certification agreement must be included in any grant agreement between the CLG and the SHPO.
9. All funds awarded by the SHPO to the CLG must be used only for activities that are eligible for Historic Preservation Fund assistance and are consistent with the state comprehensive historic preservation planning process.



Figure 12. Fort Assiniboine, Hill County.

G. Grant Extensions.

If circumstances outside the control of the *CLG* make the terms of the grant agreement unachievable, the agreement may be modified or cancelled by mutual agreement between the SHPO and the *CLG*. The *CLG* must notify SHPO as soon as possible of circumstances needing a grant extension. At the SHPO's discretion, SHPO may grant limited time extensions or amendments to the scope of work and budget.

H. Hiring consultants and contractors.

Competitive procurement procedures must be compatible with federal and state requirements.

A certain number of qualified firms or individuals must be contacted to ensure a fair, open, and competitive selection process. Generally, at least three (3) price quotes or bids must be obtained and the process must be documented. Architectural historians, architects, historians, archeologists, and other professionals must meet the Professional Qualification Standards set by the National Park Service. Selection may be based on experience, qualifications, and cost rather than cost alone. The SHPO may require a *CLG* to consult with SHPO before hiring a consultant or contractor. The Subgrant Agreement will outline SHPO contracting stipulations, if any.

I. Indirect costs.

Indirect costs of local preservation program management may be charged as part of the *CLG* grant only if the *CLG* sub-grantee meets the requirements of Chapter 12: Cost Principles and Indirect Costs of the Historic Preservation Fund Grants Manual. Unless the *CLG* has current indirect cost rate approved by the advising federal agency, only direct costs may be charged.

J. Historic Preservation Fund grant.

An important mechanism to protect historic resources is the Historic Preservation Fund (HPF) grant program. Money is appropriated from the HPF by the US Congress for matching grants to the states for preservation programs that will identify, evaluate, register, preserve, and protect historic properties. Major operational authority has been delegated by the National Park Service to the states, including the selection of projects to fund. Out of each state's allocation, at least ten percent (10%) must be subgranted to *CLGs* in that state.

All activities financed with HPF assistance must conform to the administrative policies, procedures, and guidelines in the Historic Preservation Fund Grants Manual, the Secretary of the Interior's Standards for Archeology and Historic Preservation, and supplemental instructions.

A state's annual apportionment from the HPF must be matched by the state at a ratio of 60% federal share to 40% non-federal. Because only an overall statewide program matching share is required by National Park Service, the amount of matching share for individual activities, projects, and subgrants is dependent on state policy, as long as the state's cumulative matching share requirement is met. The state's matching share may be composed of state, regional, or local government funds, or private dollars, or donated goods, services, or property. Certain non-HPF federal funds, e.g., Community Development Block Grant (CDBG) funds, may also be used in the matching share if the federal program's legislation permits such use.

HPF funds appropriated by Congress are available for spending for two (2) years. At the end of two years, any unspent HPF money is recaptured and returned to the US Treasury. To reduce the amount of money being returned to Treasury, National Park Service established the "Use or Lose" policy. At the end of the fiscal year, states must close

out their books for that year. Uncommitted funds in excess of twenty-five percent (25%) of the state's Historic Preservation Fund appropriation are recaptured and redistributed to other states for their use.

K. The Subgrant Agreement supercedes the Montana CLG Manual where the documents differ.

Ordinarily Subgrant Agreement and Montana CLG Manual are compatible. But to meet changing needs in the CLG program the program, the SHPO reserves the right to change programmatic, financial, and deadline requirements. Under those circumstances, the Subgrants Agreement supercedes this document.

The SHPO also reserves the right to review and revise this Montana CLG Manual as needed, provided that the CLGs are notified well in advance, and that major changes are approved by the National Park Service.



Figure 13. St. Francis Xavier Church, Missoula.

VI. *CLG* Role in the National Register Nomination Process

A. The *CLG* and SHPO together will assure the public ample opportunity to evaluate and comment on National Register nominations.

The *CLG* will notify the public via procedures outlined in local legislation, or public participation and public meeting requirements of MCA 2-3-101 et. seq. As per federal regulations, the SHPO will officially notify the property owner(s) local chief elected official, and the Commission with information on the National Register of Historic Places, the implications of listing, how to obtain copies of the nomination, the procedures to support or object to the nomination, and invitation to attend the State Historic Preservation Review Board meeting at which the nomination will be considered.

B. The *CLG* must participate in the process of nominating properties to the National Register.

1. When a single historic resource or historic district within the *CLG*'s jurisdiction is nominated to the National Register, the SHPO will forward a copy of draft nominations to the local chief elected official and the historic preservation Commission at least sixty (60) days prior to consideration of the nomination by the State Historic Preservation Review Board.
2. Upon receipt of the nomination from SHPO, the *CLG* will provide the opportunity for public comment, and review the nomination. When a nomination requires the review of a certain professional discipline not represented in the Commission membership, the *CLG* must seek that professional expertise for the review.
3. Within sixty (60) days of the receipt of the nomination, preferably within fifty-five (55) days, the chief elected official and the Commission must report their recommendations and any public comments regarding the completeness of the nomination and eligibility of the property, in writing, to the SHPO. If both recommendations support the nomination, the reports may be combined and signed by both the local chief elected official and, the head of the Commission or local Historic Preservation Officer. If one or both object, separate recommendation reports must be forwarded to the SHPO outlining the deficiencies of the nomination and/or justifying why the property fails to meet the National Register criteria. The reports may also indicate that no recommendation is given.
4. If either or both the local chief elected official and the Commission recommend that the property is eligible for nomination, the SHPO will present the nomination to the State Review Board in accordance with the regulatory procedures. If both the chief elected official and the Commission recommend that the property or district not be nominated, the SHPO may not nominate the property unless an appeal is filed in accordance with Section 101(c)(2)(B) of the National Historic Preservation Act as amended (16 USC 470 et seq.).



Figure 14. General Mills Elevator, Harlowton.

5. The *CLG* must maintain records of all persons notified or contacted during the local nomination review process. If a public information meeting is held, a list of those attending and minutes of the meeting must be retained. Copies of all written responses from property owners, public officials, and the general public must be submitted to the SHPO prior to the State Preservation Review Board meeting at which the nomination will be considered.
6. The *CLG* must forward to SHPO all original, official concurrence/objections received from property owners.



Figure 15. Madison County Courthouse, Virginia City.

7. The SHPO may request a waiver for a nomination review period of less than sixty (60) days. It is at the discretion of the *CLG* to grant the waiver.
8. The SHPO must summarize and present the comments of the chief elected official and the local preservation Commission for the State Preservation Review Board's consideration. For this reason, SHPO would appreciate receiving recommendation reports five (5) days in advance of the State Review Board meeting.
9. Nominations reviewed and approved by the State Preservation Review Board and the State Historic Preservation Officer must be forwarded to the Keeper of the National Register in Washington, DC. If the nomination is forwarded, all objections must accompany the nomination. If the Board or State Historic Preservation Officer deem the nomination deficient or the property not eligible, SHPO will notify the local chief elected official and the Commission within a reasonable time following the Board's consideration. If the nomination was denied for deficiencies, the *CLG*, property owner, SHPO, or an interested party may address the deficiencies and resubmit the nomination.
10. If the chief elected official and/or the Commission disagree with the findings of the SHPO and/or the State Historic Preservation Review Board on the eligibility of a property or historic district for listing in the National Register, the chief elected official or the *CLG* historic preservation Commission may appeal the decision to the Keeper in accordance with the appeals procedure outlined in 36 CFR 60.
11. Upon receipt of a nomination, the Keeper announces the nomination in the Federal Register where again the public has an opportunity to comment. The Federal Register is available on-line. The Keeper reviews the nomination technically and substantively.

12. If the nomination is approved by the Keeper, the property will be listed in the National Register in about forty-five (45) days. If the nomination is found to be deficient, the property is deemed not eligible, or a procedural error has occurred, SHPO is notified and the nomination is returned. The *CLG*, the property owner, SHPO, or an interested party may address deficiencies and resubmit the nomination through SHPO to the Keeper. Under these circumstances, the State Historic Preservation Review Board is not required to review a revised nomination.
13. If the property is listed by the Keeper, SHPO will notify the local chief elected official and the Commission in writing, issue a press release announcing the property listing, and mail a final copy of the nomination to the Commission. If a copy of the nomination with the Keeper's signature is desired, the *CLG* must request a copy directly from the Keeper. The official National Register listings are also posted on the National Park Service website.
14. The *CLG* is encouraged to promote public awareness of proposed nominations and National Register listings with their own news releases, public presentations, and activities.
15. Upon written agreement between the *CLG* and the SHPO, the *CLG* may assume responsibility for official notification of property owners and the public throughout the nomination process. In this case, the *CLG* must meet the federal public notice requirements specified by the National Register nomination procedures outlined in 36 CFR 60. If a *CLG* assumes the notification responsibilities, the SHPO will provide guidance regarding persons to be contacted and the content and timing of the notification letters. All notification procedures regarding nominations to the National Register completed by the *CLG* and SHPO must conform to the time frames and other requirements of federal regulations.
16. The SHPO may delegate to a *CLG* any of the responsibilities of the SHPO and the State Review Board in processing National Register nominations except for the authority to nominate properties directly to the National Register.

C. The *CLG* and nominations by federal agencies.

The *CLG* notification procedures do not apply when a federal agency nominates a property under its ownership or control. The *CLG* and the SHPO are encouraged to coordinate with federal agencies to the extent practical, however, in considering such nominations.



Figure 16. Sperry Chalet, Glacier National Park, Glacier County.



Figure 17. Becker Hotel, Hardin.

VII. SHPO Commitments to the CLG

The SHPO must provide information, guidance, training, and evaluation to the CLG. The SHPO must provide orientation materials and training in accordance with local needs to CLGs. The orientation and training must be designed to provide public information, education, and training, and technical assistance in historic preservation.

A. The SHPO must subgrant a minimum of ten percent (10%) of its federal annual allocation to the statewide CLG program.

The Historic Preservation Fund stipulates at least ten percent (10%) of the funding granted by the National Park Service to the Montana State Historic Preservation Office be regranted to the CLG program. The SHPO strives to commit more than the minimum.

B. The SHPO will keep the CLGs informed no less than on a quarterly basis.

Programmatic, grant, and CLG information and opportunities will be distributed at least quarterly by SHPO via email, mail, voice mail, list-serve, telephone, or meetings to the local Historic Preservation Officer, and upon request to other staff in the local government.

C. The SHPO will provide an annual CLG training opportunity, workshop, or conference.

SHPO must provide at least one training opportunity annually for CLGs. SHPO may host a training opportunity, or designate an established meeting or workshop as annual training, or enlist a CLG community to host a training opportunity. If SHPO enlists a host CLG, SHPO will offer technical support and possible funding in addition to any annual grant funds.

D. The SHPO will provide training to new local Historic Preservation Officers.

To assist *CLG*s and new local Historic Preservation Officers, SHPO will provide training in procedures, program, and grant areas. When funding is available, SHPO will reimburse travel expenses for the local Historic Preservation Officer to train in Helena.

E. The SHPO must monitor and evaluate the performance of the *CLG* and responsibilities delegated.

In order to provide the basis for this review, the *CLG* must prepare and submit quarterly reports to SHPO by the last business day of the month following the end of the quarter (unless otherwise specified). SHPO will notify the HPO and/or local chief elected official if performance levels and/or responsibilities are not met. The *CLG* and SHPO will meet and/or correspond in good faith to remedy any deficiencies.

F. The SHPO must perform a substantive program and fiscal review of each *CLG* at least once every four (4) years.

As part of the SHPO Evaluation of the *CLG*, the SHPO will meet with the Commission and the local Historic Preservation Officer, and if necessary, with the local chief elected official. SHPO will contact the local Historic Preservation Officer in advance to set a convenient meeting time. SHPO will provide a draft agenda and a questionnaire prior to the meeting, and an assessment report following the meeting. SHPO will review and report on the fiscal management of HPO monies. Both reports will be available at the *CLG* and at SHPO. If requested by the Commission or the local chief elected official or if SHPO finds it necessary, the SHPO may review a *CLG*'s performance at less than four (4) year intervals.

G. The SHPO may require the local Historic Preservation Officer be accessible to the public and SHPO for a certain number of hours in order to qualify for specific grant funding.

The SHPO must stipulate grant requirements of the annual *CLG* funding on an annual basis. For example, for a *CLG* to qualify for \$1,500 in annual funding, it must meet the minimum program requirements but for \$5,500 the *CLG*'s local Historic Preservation Officer must work 80 hours per month on the *CLG* preservation program.

H. The SHPO will provide access to National Register and other office files.

The SHPO is an official state repository of architectural and archeological sites files and reports, National Register nominations, Review and Compliance (Section 106) consultation correspondence, technical assistance, special grant, covenant, easement, and agreement files, *CLG* program files, state preservation plan, and historic rehabilitation tax incentive files. The *CLG* must be granted full access to these files and may copy them, unless the documents are restricted under Section 304 of the National Historic Preservation Act as amended (16 USC 470 et seq.). A researching and copying fee may apply.

VIII. SHPO Monitoring of *Certified Local Governments*

The SHPO must monitor the *CLG* and its program on an on-going basis based on quantity, quality, and timeliness. The SHPO must conduct periodic evaluations of *CLGs*. In order to provide a basis for evaluations, the *CLG* must prepare and submit quarterly reports to SHPO and be formally evaluated at least once every four years.

A. The *CLG* must submit quarterly reports to SHPO.

Quarterly reports help ensure that *CLG* performance of responsibilities are consistent and coordinated with the state's programmatic *CLG* goals. Refer to Section IV. G. 1. for quarterly report requirements. SHPO will notify the local Historic Preservation Officer and/or local chief elected official by telephone, email, or mail if performance levels and/or responsibilities are not met. If inadequacies of the *CLG* are determined by SHPO, the *CLG* and SHPO must meet and/or correspond in good faith to remedy the problems. Inadequate and consistently late reporting may result in SHPO placing the *CLG* on probation. See Section X.

B. The SHPO will review and evaluate *CLG* performance not less than once every four (4) years.

Periodic SHPO Evaluations ensures that *CLG* performance and responsibilities are consistent and coordinated with the state historic preservation planning process and the goals of the *CLG* program. SHPO Evaluation must include, but is not limited to, the *CLG* performance, programmatic plans, goals, and accomplishments, compliance with local, state, and national preservation legislation, inventory of historic resources, and record of public participation. The evaluation must also include an assessment of the fiscal management of grant monies. By invitation or out of concern for the welfare of the *CLG* program, the local chief elected official, local Historic Preservation Officer, or the Commission may request a review a *CLG's* performance at less than four (4) year intervals. If the SHPO finds it necessary, it may review and evaluate the *CLG's* performance at less than four (4) year intervals.



Figure 18. Slayton Mercantile, Lavina.

SHPO will meet with the Commission and the local Historic Preservation Officer, and if necessary, with the local chief elected official. The SHPO will contact the local Historic Preservation Officer in advance to set a convenient meeting time. SHPO will provide a draft agenda and the Standards of *CLG* Performance prior to the meeting. The *CLG* will prepare, review the *CLG* Performance Standards, and respond to pre-meeting requests or questionnaires by the SHPO. The SHPO will meet separately with the local Historic Preservation Officer to review programmatic files, inventories, subgrant management, and any other office business.

Within sixty (60) days of the Evaluation meeting, SHPO will provide a written SHPO Evaluation to the *CLG* on its programmatic assessment and fiscal management of grant monies.

If the SHPO Evaluation of a *CLG's* performance indicates that, in the SHPO judgment, such performance is inadequate, the SHPO will notify the local Historic Preservation Officer and/or the local chief elected official by telephone, email, and/or mail, and offer ways to improve performance. If gross deficiencies are determined by SHPO, the *CLG* and SHPO must meet and/or correspond in good faith to remedy these deficiencies. Prolonged, gross deficiencies may result in *CLG* probation and decertification. See Section X.

C. The CLG must meet the Standards of CLG Performance.

The CLG Performance Standards are:

1. The CLG complies with all federal, state, and local legislation (ordinance, resolution, other legal instruments).
2. The CLG insures historic preservation concerns are considered at all levels of local government planning and are incorporated as goals of other local, state, and federal projects.
3. The CLG promotes preservation and enforces appropriate local legislation for the designation and protection of historic properties eligible for and listed in a local register if applicable, the National Register of Historic Places, and National Historic Landmarks within its jurisdiction.
4. The CLG administers local preservation legislation, including design and demolition, if so authorized.
5. The CLG engages in preservation activities that are eligible and allowable under Historic Preservation Fund grants.
6. The CLG established and maintains a historic preservation Commission of at least five (5) members who have a demonstrated a special interest, experience, or knowledge of history, architecture, or historic preservation.
7. The CLG appoints at least three (3) Commission members who possess professional expertise in the disciplines of history, planning, archaeology, architecture, architectural history, historic archaeology, folklore, cultural anthropology, curation, conservation, landscape architecture, or other preservation-related disciplines to the extent available within the community.



Figure 19. Pappas & Loucas Block, Roundup.

8. The CLG demonstrates that attempts are made through public notification to invite qualified professionals to serve on the Commission.
9. The CLG fills the vacancies of the historic preservation Commission in a timely manner, preferably within sixty (60) days.

10. The CLG established term lengths for Commission members.
11. The CLG has the resumes of each Commission member on file in the CLG office.
12. The CLG annually forwards a current list of Commission members with their contact information and professional disciplines.
13. The CLG annually forwards the resumes, contact information, and professional disciplines of new Commission members.



Figure 20. Herman Kemna House, Helena.

14. The CLG meets at least quarterly, preferably monthly.
15. The CLG meets in accordance with public meeting laws, including public notification of meeting, place, time, agenda, and public participation.
16. The CLG maintains written minutes of each meeting on file with the CLG.
17. The CLG submits written minutes of each meeting to the SHPO with its quarterly reporting.
18. The CLG ensures public participation in its preservation program.
19. The CLG informs the public of all decisions made by the Commission.
20. The CLG is annually represented by at least one (1) Commission member and/or the local Historic Preservation Officer for at least one (1) SHPO-sponsored CLG meeting or training opportunity.
21. The CLG is kept informed of the preservation activities of the Commission and the local Historic Preservation Officer at least annually.
22. The CLG invites Commission members to serve with its other governmental functions (such as planning, zoning, economic development).
23. The CLG maintains a list of properties listed in the National Register of Historic Places, and National Historic

Landmark if applicable (historic districts and individually listed historic resources).

24. The CLG maintains current survey data that is available and easily accessible to the public.
25. The CLG maintains survey data that is compatible with SHPO inventory, standards, and criteria.
26. The CLG maintains survey data that is compatible with the local and state historic preservation plans, and other appropriate local and state planning processes.



Figure 21. Hotel Metlen, Dillon.

27. The CLG produces new survey information on historic properties.
28. The CLG prepares new and revises National Register nominations.
29. The CLG reviews National Register nominations according to procedures outlined in the Montana CLG Manual.
30. The CLG seeks professional expertise when a National Register nomination requires the review of a certain professional discipline not represented in the Commission membership.
31. The CLG prepares recommendation reports, including public comments, on National Register nominations on behalf of the Commission and the local chief elected official, and submits them to SHPO at least sixty (60) days before consideration by the State Historic Preservation Review Board.
32. The CLG may grant a waiver to SHPO for a nomination review period of less than sixty (60) days.
33. The CLG forwards to SHPO all original, official concurrent/objections upon receipt from property owners.
34. The CLG accurately and completely reports preservation activities to SHPO on a quarterly basis.
35. The CLG submits their quarterly reports on or before the deadline.
36. The CLG applies, on or before the announced deadline, for grant funding from SHPO, when available.
37. The CLG completely spends its annual historic preservation grant funding in an allowable and timely fashion.

38. The CLG provides for minimum funding match (cash or in-kind) requirements, preferably providing and reporting overmatch to SHPO on a quarterly basis.
39. The CLG maintains well-organized programmatic and financial records for at least three (3) years.
40. The CLG maintains a list of equipment purchased with historic preservation grant funds and the equipment is in the possession of the CLG.
41. The CLG performs preservation outreach activities, such as technical assistance, publications, Preservation Week, and public programs.
42. The CLG provides preservation education opportunities to the public.
43. The CLG submits five (5) copies of all preservation publications, if produced, to SHPO.
44. The CLG includes sponsor/disclaimer information provided by SHPO, and required by the National Park Service, as part all CLG-sponsored activities, publications, and projects.
45. The CLG appointed and retains a local Historic Preservation Officer according to locally established procedures.
46. The CLG makes the local Historic Preservation Officer accessible to the public and SHPO.



Figure 22. Masonic Temple, Billings.

47. The CLG provides email service to the local Historic Preservation Officer.
48. The CLG participates in the Montana CLG List-Serve, if available.
49. The CLG created and adopted a comprehensive preservation plan within two (2) years of certification.
50. The CLG utilizes their comprehensive preservation plan and updates it at least every five (5) years to meet the needs and goals of the community.
51. The CLG plans goals, activities, and projects that are consistent with the state historic preservation plan.

52. The CLG submits its preservation plans to SHPO.
53. The CLG prepares and participates in the CLG Evaluation.
54. The CLG avoids conflict of interest.
55. The CLG submits signed conflict of interest statements from historic preservation Commissioners to SHPO.
56. The CLG communicates well and often with the local chief elected official, SHPO, and other CLGs.
57. The CLG monitors agreements under the provisions of 36 CFR 800 if designated and authorized by SHPO.
58. The CLG responds as a consulting party under the provisions of 36 CFR 800.2 in a timely manner, if required under local ordinance. Otherwise, the CLG responds as time and staff allow.
59. The CLG cooperates with individuals, organizations, and groups in furthering CLG preservation goals and projects.
60. The CLG works in good faith to resolve difficulties regarding preservation issues.
61. The CLG will conduct CLG business in a professional, appropriate, and timely manner.
62. The CLG explores ideas, funding sources, new technology, etc. for promoting its preservation program.
63. The CLG satisfactorily performs other duties formally delegated by SHPO.

D. The CLG and SHPO must retain all CLG evaluations performed by the SHPO.

All programmatic and financial reports from CLG evaluations will be available at the CLG and the SHPO. All programmatic and financial mismanagement information will be retained by SHPO.



Figure 23. First Bank of Glasgow.

IX. Probation and Decertification of *Certified Local Governments*

A. Probation.

If, in the SHPO's opinion, the *CLG* is not performing to the Standards of the program, the SHPO may place the *CLG* on probation. If SHPO places the *CLG* on probationary status, the SHPO will notify in writing the local Historic Preservation Officer and/or the local chief elected official. SHPO will specify to the *CLG* ways to improve performance and return to good standing. The *CLG* must have a period of not less than thirty (30) nor greater than six (6) months, unless specified otherwise by SHPO, to bring its performance up to a level acceptable by SHPO. The *CLG* must develop a plan, with deadlines, to remove itself from probationary status. The *CLG* and SHPO must work in good faith to return the *CLG* to good standing, unless the *CLG* voluntarily petitions SHPO to be decertified.

If the *CLG* fails the monitoring and evaluation, the *CLG* must be notified and placed on probation. The SHPO may deny funding to a *CLG* on probationary status.

If, after six (6) months, or the period of time stipulated by the SHPO, the SHPO determines that there has not been satisfactory improvement, the SHPO may recommend to the National Park Service the decertification of the local government citing specific reasons for the recommendation.

B. Decertification.

The SHPO may recommend decertification to the National Park Service after all of the following conditions are met:

1. The SHPO determines that a *CLG*'s performance does not meet the performance standards specified in the federal, state, or local legislation, Historic Preservation Fund Grants Manual, Certification Agreement, Montana Local Historic Preservation Manual, and/or the Performance Standards, **and**
2. The SHPO specifies to the *CLG* in writing ways to improve performance within a reasonable, specified period of time by which deficiencies must be corrected or improvements must be achieved, **and**
3. After the period of time stipulated by the SHPO, the SHPO determines that there has not been sufficient improvement.

The SHPO must notify the *CLG* in writing prior to, or at the same time of, its recommendation to the National Park Service for decertification. The notification must state the specific reasons for the proposed decertification, describe the state's technical assistance efforts, and affirm that the SHPO will notify the *CLG* of the National Park Service concurrence with decertification.



Figure 24. Missoula County Courthouse, Missoula.

The SHPO must offer steps to remedy the *CLG*'s performance level. The *CLG* must have a period of not less than thirty (30) nor greater than one (1) year, unless otherwise specified by SHPO, to bring its performance up to an acceptable level. If, after one (1) year or the period of time stipulated by the SHPO, the SHPO determines that there has not been satisfactory improvement, the SHPO may recommend decertification of the local government to the National Park Service for concurrence, citing specific reasons for the recommendation. The SHPO must notify the *CLG* in writing that the decertification process has begun.

The National Park Service must have thirty (30) days in which to respond to the decertification request. The National Park Service may concur or initiate further discussion. Upon receipt of the written National Park Service concurrence with the SHPO recommendation for decertification, the SHPO must inform the *CLG* in writing of the decertification, and if necessary, must take appropriate action if the decertified local government has a current *CLG* subgrant. The effective date of decertification is upon concurrence of the National Park Service.

If the *CLG* has been delegated review and compliance (Section 106) responsibilities in its jurisdiction by the SHPO, and a Programmatic Agreement has been executed with the Advisory Council on Historic Preservation, then the SHPO must notify the Advisory council that the *CLG* has been decertified.

Failure to perform acceptably under the subgrant is not in itself sufficient grounds for decertification. However, if at any time, gross deficiencies, mismanagement, or negligence of the use of grant funds are discovered, the SHPO will immediately halt any *CLG* reimbursements, contact the *CLG*, and initiate an inquiry. Evidence of gross deficiencies, mismanagement, and/or negligence of grant funds will result in decertification and potential legal action.



Figure 25. Dave's Texaco, Chinook.

C. *Certified Local Governments* may appeal SHPO's recommendation to decertify to the National Park Service.

The *CLG* may appeal the SHPO decertification recommendation to the National Park Service. The SHPO must notify the *CLG* that the decertification process has begun. The SHPO recommends the *CLG* telephone or email the National Park Service as soon as possible if it intends to dispute the SHPO decertification recommendation. The *CLG* must notify the National Park Service in writing within fourteen (14) business days with information disputing the SHPO's decertification recommendation.

D. *Certified Local Governments* may petition the SHPO to be decertified voluntarily and without penalty.

The *CLG* may request, in writing, that it no longer be certified and cite its reasons to leave the program. Upon receipt of a voluntary decertification request, the SHPO may recommend decertification to the National Park Service. Compliance with Section X. B. 1-3. is not required, if the *CLG* has requested its own decertification. The Subgrant Agreement outlines the financial responsibilities if the *CLG* has a current subgrant.

E. If a *CLG* is decertified, the SHPO will terminate all financial assistance received by the *CLG* from the Historic Preservation Fund allocation.

When a local government is decertified, the SHPO will terminate financial assistance following financial assistance close-out procedures as specified in the Historic Preservation Fund Grants Manual, including a closeout review of the *CLG* funds received from the SHPO. The local government may petition SHPO to finish work on an outstanding grant and expend the remaining funds, however approval is at the discretion of SHPO.

F. Recertification.

If a local government wishes to become recertified, it must reapply for certification as specified in Sections IV. and V. of this document, the Montana Certified Local Government Manual.



Figure 26. United Bethel AME Church, Great Falls.

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