

Colorado Statutes - **CRS 24-80.1**:

Title 24 Government - State:

State History, Archives, and Emblems:

Article 80.1 --

## REGISTER OF HISTORIC PLACES

Section

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### **24-80.1-101. Legislative declaration.**

The general assembly hereby declares that sites and structures possessing historical significance are cultural resources of this state; that the preservation of such resources is in the interest of the citizens of the state; and that the planning and activities of state agencies should include the preservation of such resources. It is the intent of the general assembly to provide that such resources be preserved to the extent possible for the education and enjoyment of the residents of this state, present and future.

**Source: L. 75:** Entire article added, p. 860, § 1, effective July 1.

### **24-80.1-102. Definitions.**

As used in this article, unless the context otherwise requires:

- (1) "*Action*" means any state activity, program, project, or undertaking or the approval, sanction, assistance, or support of any activity, policy, program, project, or undertaking, including but not limited to:
  - (a) Recommendations or reports relating to legislation, including requests for appropriations;
  - (b) New and continuing activities, programs, projects, or undertakings directly engaged in by agencies or supported in whole or in part through state contracts, grants, subsidies, loans, or other forms of funding assistance or involving a state lease, permit, license, certificate, or other entitlement of use;
  - (c) The sale or transfer of state properties;
  - (d) Comprehensive or areawide planning in which provisions may be made for any actions or which may result in a proposed action.
- (2) "*Agency*" means any principal department of this state as provided in section 24-1-110.

- (3) "*Comment*" means any notation, observation, remark, or recommendation made in response to a proposed agency action.
- (4) "*Decision*" means the exercise of agency authority at any stage of an action where alterations might be made in the action to modify its impact upon cultural properties.
- (5) "*Effect*" means any change in the quality of the historical, archaeological, or architectural character that qualified property for entry in the state register.
- (6) "*Historical significance*" means having importance in the history, architecture, archaeology, or culture of this state or any political subdivision thereof or of the United States, as determined by the society.
- (7) "*Local government*" means a municipality or a county.
- (8) "*National register*" means the national register of historic places maintained pursuant to 16 U.S.C. 470a.
- (9) "*Preservation*" means the protection, enhancement, and maintenance of historic properties.
- (10) "*Properties*" means the resources, including buildings, structures, objects, sites, districts, or areas, that are of historical significance.
- (11) "*Review*" means the examination of information related to agency actions in order to assess the effect of such actions on properties listed in the state register.
- (12) "*Society*" means the state historical society.
- (13) "*State register*" means the state register of historic properties.

**Source: L. 75:** Entire article added, p. 860, § 1, effective July 1.

#### **24-80.1-103. State register - creation.**

There is hereby created a state register of historic properties in the state historical society which shall be administered by and under the control of the society.

**Source: L. 75:** Entire article added, p. 861, § 1, effective July 1.

#### **24-80.1-104. Effect of state register.**

- (1) Properties nominated for inclusion in or accepted by the state register shall be protected from any action initiated by a state agency until a final determination concerning the effect of such action on such properties is made pursuant to subsection (2) of this section.
- (2) (a) At the earliest stage of planning or consideration of a proposed action or when it is anticipated that properties of historical significance may be adversely affected in the course of an agency action and in all cases prior to an agency decision concerning an action that may have an effect on properties listed in the state register, the agency initiating the action shall identify such properties located within the area of the proposed action, notify the society of the proposed action, request a determination of effect on such properties, and afford the society a period of thirty days in which to review the proposed action. Notification shall include sufficient and relevant information needed to make a determination of effect. Comments made by the society which include specific recommendations to

prohibit or alter all or some aspects of the proposed action shall be implemented by the agency subject to paragraphs (b) and (c) of this subsection (2).

(b) If the agency rejects some or all of the comments of the society relative to the proposed action, the agency shall be afforded a period of thirty days during which to negotiate a satisfactory agreement with the society.

(c) If no agreement is reached or if any party to any such agreement is dissatisfied therewith, an appeal may be made to the governor for a final determination. The governor shall make such determination within thirty days after such appeal.

**Source: L. 75:** Entire article added, p. 861, § 1, effective July 1.

**24-80.1-105. Procedure for inclusion in state register.**

- (1) Properties may be nominated to the state register by the owner thereof, a local government, an agency, or the society.
- (2) Upon nomination, the society shall determine whether the property is to be included in the state register. Such determination shall be based on information made available to the society, including but not limited to information submitted with the nomination, information obtained through independent research efforts, information obtained through hearings and private conferences, and any other information or data which may come to the attention of the society.
- (3) Property included in the national register shall be included in the state register without determination by the society, by reason of such inclusion.

**Source: L. 75:** Entire article added, p. 862, § 1, effective July 1.

**24-80.1-106. Designation as area of state interest.**

Property nominated to or accepted by the state register may be designated as an area of state interest by a local government in accordance with article 65.1 of this title.

**Source: L. 75:** Entire article added, p. 862, § 1, effective July 1.

**24-80.1-107. Criteria for nomination.**

- (1) Criteria for consideration of property for nomination to or inclusion in the state register shall include, but not be limited to, the following:
  - (a) The association of such property with events that have made a significant contribution to history;
  - (b) The connection of such property with persons significant in history;
  - (c) The apparent distinctive characteristics of a type, period, method of construction, or artisan;
  - (d) The geographic importance of the property;
  - (e) The possibility of important discoveries related to prehistory or history.

(2) Written approval of the owner of the land and the property is required for nomination to or inclusion in the state register.

**Source: L. 75:** Entire article added, p. 862, § 1, effective July 1.

**24-80.1-108. Duties of the society.**

- (1) In order to carry out the provisions of this article, the society shall:
- (a) Prepare, expand, and maintain a state register of historic properties and establish and promulgate criteria and procedures by which properties shall be determined to be eligible for, nominated to, and listed in the state register, no later than December 31, 1975;
  - (b) Regularly notify agencies of additions or deletions to the state register;
  - (c) Prepare, no later than June 30, 1976, a preservation plan which it shall review and revise annually after said date.
- (2) The society has the power to prepare and promulgate rules and procedures to implement this article.
- (3) The society shall assist the agencies in evaluating state-owned properties and in reviewing activities, programs, projects, undertakings, and all other agency actions for adequacy in addressing the preservation of properties in the state register.

**Source: L. 75:** Entire article added, p. 863, § 1, effective July 1.

# DEPARTMENT OF HIGHER EDUCATION

## HISTORICAL SOCIETY

### STATE REGISTER OF HISTORIC PLACES

8 CCR 1504-5

#### EDITOR'S NOTES\*

**Authority Cited:**

See page 1.

**History and Amendments:**

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**A.G. Opinions:**

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**Annotations:**

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## 8 CCR 1504-5

### STATE REGISTER OF HISTORIC PLACES

EFFECTIVE JUNE 1, 1991  
RULES AND PROCEDURES  
STATE REGISTER OF HISTORIC PLACES

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#### **STATEMENT OF BASIS AND PURPOSE:**

A State Register of Historic Places was established in 1975 by CRS 24-80.1-101 to 108. The law authorizes the State Historical Society to prepare and promulgate rules and procedures by which properties shall be determined to be eligible for, nominated to, and included in, or removed from the State Register.

The purpose of the rules is to implement the statutes, so that the public, interested organizations, and state agencies and departments may actively participate in the nomination of properties to the State Register, in reviews of proposed actions by state agencies affecting properties listed in the State Register, and to assure that eligible properties within Colorado are included in the State Register.

#### **1. IMPLEMENTATION**

These rules and procedures implement the Act creating the State Register of Historic Places, CRS 24-80.1-101 to 108, and should be used and read in conjunction with the law. All definitions found in CRS 24-80.1-102 are incorporated by reference herein.

## **2. NOMINATION TO THE STATE REGISTER**

- 2.1 Nominations to the State Register shall be submitted to the Society on official nomination forms provided by the Society.
- 2.2 A complete nomination shall include, but shall not be limited to: the property's address and legal description; the owner(s) name, address and telephone number; a physical description of the property; a statement of historical significance; and current photographs of the property. All nominations shall include the owner's written approval of the property's nomination to and inclusion in the State Register.
- 2.3 Within fourteen (14) calendar days of receipt of a nomination, the Society shall review the nomination on form, content, and sufficiency of information.
- 2.4 A nomination which is incomplete or does not contain sufficient information shall be returned to the applicant for additional information.
- 2.5 A complete nomination shall be accepted and scheduled for review by the State Register Review Board. The Society shall notify the owner and the nominator of the property as to the date, time and location of the State Register Review Board meeting.

## **3. CRITERIA FOR EVALUATION OF A PROPERTY NOMINATED TO THE STATE REGISTER**

Criteria for inclusion in the State Register are those provided in CRS 24-80.1-107 (1).

## **4. STATE REGISTER REVIEW BOARD**

- 4.1 The State Register Review Board shall consist of a minimum of five and a maximum of fifteen persons, the majority of whom shall be recognized professionals in the fields of history, prehistory and historic archaeology, architectural history, and architecture. In addition to these members, the two advisors from the State of Colorado to the National Trust for Historic Preservation shall serve as voting ex officio members of the State Register Review Board.
- 4.2 Members of the State Register Review Board shall be appointed by the Board of Directors of the Society and shall serve two-year terms so that no more than one-half of the members' terms expire in any given year. Members may be reappointed. Vacancies shall be filled in the same manner as original appointments for the remainder of the unfilled term, and such appointees may be reappointed to a regular term following such service.
- 4.3 The State Register Review Board shall meet a minimum of three (3) times during each calendar year.
- 4.4 The duties of the State Register Review Board are to review all accepted State Register nominations and issue a recommendation to the Board of Directors of the Society for the nominated property's inclusion in, denial of inclusion in, or removal from the State Register. The recommendation of the State Register Review Board shall be based on its determination of the property's historical significance and whether or not the property meets the criteria for evaluation. CRS 24-80.1-102 (6); CRS 24-80.1-107 (1).

## **5. INCLUSION OF NOMINATED PROPERTY IN THE STATE REGISTER**

- 5.1 Within thirty (30) calendar days of the meeting at which the nominated property is considered by the State Register Review Board, the Board of Directors of the Society shall determine whether the property is to be included in the State Register. Such determination shall be based on the recommendation of the State Register Review Board as well as other pertinent information. (CRS 24-80.1-105(2)).
- 5.2 Upon final determination to include a property in the State Register, by the Board of Directors of the Society, the nominated property shall be officially included in the State Register.

## **6. REMOVAL OF PROPERTIES FROM THE STATE REGISTER**

- 6.1 Properties that cease to meet the criteria for listing in the State Register because the qualities which caused them to be originally listed have been lost or destroyed may be removed from the State Register.
- 6.2 Requests for removal shall be submitted to the Society on official forms provided by the Society.
- 6.3 Within fourteen (14) calendar days of receipt of a request for removal, the Society shall review the request on form, content, and sufficiency of information.
- 6.4 A request which is incomplete or does not contain sufficient information shall be returned to the requesting party for additional information.
- 6.5 A complete request for removal shall be accepted and scheduled for review by the State Register Review Board. The Society shall notify the owner and the requesting party as to the date, time, and location of the State Register Review Board meeting.
- 6.6 Within thirty (30) calendar days of the meeting at which the removal of the subject property is considered by the State Register Review Board, the Board of Directors of the Society shall determine whether the property is to be removed from the State Register. Such determination shall be based on the recommendation of the State Register Review Board as well as other pertinent information.
- 6.7 Upon final determination to remove a property from the State Register, by the Board of Directors of the Society, the nominated property shall be officially removed from the State Register.
- 6.8 Properties removed from the National Register of Historic Places are not removed from the State Register unless the procedures established in this section have been followed.

## **7. STATE REGISTER OF HISTORIC PLACES**

- 7.1 In addition to all properties included in the National Register (CRS 24-80.1-105 (3)), the State Register shall include all nominated properties receiving final determination to be included in the State Register in accordance with these rules and procedures.
- 7.2 An official list of all properties included in the State Register shall be maintained by the Society and shall be accessible to the public.
- 7.3 Agencies and others shall be notified of additions or deletions to the State Register by periodic publication in the Society newsletter.

**8. REVIEW OF PROPOSED ACTIONS BY STATE AGENCIES**

- 8.1 At the earliest stages of planning or consideration of a proposed action, the agency initiating the action should contact the Society to determine whether properties of historical significance may be located within the area of the proposed action.
- 8.2 When a state agency action may adversely affect a property fifty or more years old, the agency should seek the Society's determination as to whether such property is of historical significance. If the property is determined to be of historical significance as defined in CRS 24-80.1-102 (6), the agency shall request the Society's determination of effect on such property. CRS 24-80.1-104 (2)(a).
- 8.3 As provided in CRS 24-80.1-104, state agencies considering actions which may have an effect on a property or properties included in the State Register shall notify the Society in writing of the proposed action and shall request the Society's determination of effect on such properties.