

Title 13. Libraries, Archives, and Cultural Resources

Chapter III. Arkansas Historic Preservation Program, Division of Arkansas Heritage, Department of Parks, Heritage, and Tourism

Subchapter A. Generally

Part 14. Rules Governing the Addition of "Criterion E" and the Addition of the "Arkansas Heritage Site" Designation

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"II. LEGISLATION

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

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

Subpart 1. Generally

13 CAR § 14-101. Purpose.

(a)(1) Arkansas's historic sites need to be officially recognized for their heritage and cultural resources so that current and future generations can learn about their stories and enjoy them.

(2) Such includes geographic areas of historic importance.

(b) Accordingly, a new criterion will be added to the State Register of Historic Places program that will allow more opportunities for outward recognition, research, and heritage tourism opportunities for geographic areas of historic importance in our state.

(c) The new criterion to be added to the State Register of Historic Places program is "Criterion E: Geographic importance of a property", the additional property type to be added is "Area", and the additional area of significance to be added is "Geography/Community Identity".

(d)(1) Arkansas Code § 1-4-134 created a new designation for historic sites known as an "Arkansas Heritage Site".

(2) Historic places listed in the State Register of Historic Places through any of Criteria A – E may also qualify for designation as an "Arkansas Heritage Site".

Authority. Arkansas Code § 13-7-109.

13 CAR § 14-102. Definitions.

As used in this part:

(1)(A) "Area" means an area of land containing historic or archeological resources that can be identified on a map and delineated by boundaries.

(B) In many respects an area may be thought of as a large district.

(C) However, where a district most often contains a group of resources of similar functional types, an area may encompass a wide variety of resources united by broad interrelated themes and geographic proximity.

(D) An example would be a town that includes residential neighborhoods and commercial and industrial areas along with transportation systems and parks and green spaces;

(2)(A) "Community identity of a property" means a place's community identity can be a blend of its:

- (i) Geography;
- (ii) Natural assets;
- (iii) Architecture;
- (iv) History;
- (v) Culture; and
- (vi) Economic activity.

(B) Community identity is what makes a place unique and distinctive in its own way.

(C)(i) A location's unique architecture may be significant for its community identity.

(ii) For example, the Charleston single houses in Charleston, South Carolina, are unique to the area and give Charleston part of its unique character.

(iii) Also, the Old Man of the Mountain, prior to its collapse in 2004, was a unique natural asset that was identified with New Hampshire;

(3)(A) "Geographic importance of a property" refers to its location.

(B) A building or structure commonly recognized as a visual landmark due to its prominent location may be significant for its geographic importance.

(C)(i) For example, a lighthouse has geographic importance as does a fire look-out tower.

(ii) A park in the center of town and a cemetery on top of a hill may also have geographic importance.

(D) A property that helps establish a strong sense of place or provides community identity may be eligible for geographic importance; and

(4)(A) "State Register of Historic Places program" means a listing of sites, districts, structures, buildings, areas, or objects above or below the surface of the earth, whether on land or in the waters of the state, together with any designated improvements thereon, significant in the history, architecture, archeology, or culture of the state, its communities, or the nation.

(B) Such listings shall constitute the State Register of Historic Places.

Authority. Arkansas Code § 13-7-109.

13 CAR § 14-103. Delegation of authority.

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

Authority. Arkansas Code § 13-7-109.

13 CAR § 14-104. How to apply.

The nomination process:

(1) **Determination of eligibility.**

(A) The determination of eligibility form outlines the information required by the Arkansas Historic Preservation Program staff to make a determination of eligibility (DOE).

(B) A DOE is the first step in considering a property for designation as an Arkansas Heritage Site.

(C) It is important to note that in order to be designated an Arkansas Heritage Site, the property must at least be significant at the state level;

(2) **Site visit.**

(A) If the property is determined eligible, program staff members will arrange a site visit to the property.

(B) The site visit will entail the program staff documenting the potential Arkansas Heritage Site through:

(i) Photography; and

(ii) Written documentation;

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

(4) Presentation to the State Review Committee for Historic Preservation.

(A) On acceptance of a completed nomination, the staff will schedule the property for presentation to the State Review Committee for Historic Preservation.

(B) The committee is a governor-appointed group of professionals that must approve the program staff's recommendations before a property can be designated an Arkansas Heritage Site; and

(5) Designation.

(A) After approval by the committee, the property will be designated an Arkansas Heritage Site.

(B) Any property identified as an Arkansas Heritage Site by an act of the General Assembly shall also be designated as such in the State Register of Historic Places.

Authority. Arkansas Code § 13-7-109.