

CERTIFIED LOCAL GOVERNMENTS PROGRAM FOR OKLAHOMA

Prepared by:
State Historic Preservation Office
Oklahoma Historical Society
800 Nazih Zuhdi Drive
Oklahoma City, OK 73105-7917
405/521-6249
FAX: 405/522-0816
<http://www.okhistory.org/shpo/shpom.htm>

(Revised December 2000; Non-substantive revision November 2016, pending approval)

TABLE OF CONTENTS

I. Introduction	5
II. Eligibility	6
III. Minimum Requirements for Local Ordinances	7
IV. Historic Preservation Review Commission	8
V. Schedule for Certification of Local Governments	10
VI. Delegation of SHPO Responsibilities	13
VII. National Register Nomination Process	15
VIII. Survey and Inventory Program Requirements	17
IX. Staff Requirements	19
X. Monitoring, Evaluation, and Decertification of CLGs	20
XI. Allocation of the CLG Fund	22
Glossary	25

Appendices:

Appendix A: Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation (https://www.nps.gov/history/local-law/arch_stnds_0.htm)

Appendix B: Title 53, Sec 351-355, Oklahoma Historical Societies and Associations (<http://www.oklegislature.gov/osStatuesTitle.aspx> [Statute 53:353, pp. 35-36 under header “Oklahoma Historic Preservation Review Committee”])

Appendix C: Certification Agreement for the Certified Local Governments Program (<http://www.okhistory.org/shpo/clgguidelines.htm>)

Appendix D: Application Checklist for Certified Local Governments Program (<http://www.okhistory.org/shpo/clgguidelines.htm>)

I. INTRODUCTION

The National Historic Preservation Act, as amended (NHPA) [54 U.S.C. 300101 *et seq.*] provides for partnerships among federal, tribal, state, and local governments to identify, evaluate, and protect the buildings, structures, districts, sites, and objects significant in the nation's history. Since passage of the NHPA in 1966, federal and state governments have worked closely to meet the goals of the NHPA, and one goal of the 1980 amendments was to more completely integrate local governments into the partnership through establishment of the Certified Local Governments Program (CLG). A local government becomes a formal partner in the national preservation program when it achieves CLG status.

The U.S. Department of the Interior, through the National Park Service (NPS), is responsible for the CLG program. The Secretary of the Interior (Secretary) approves State Historic Preservation Office (SHPO) CLG programs (state procedures), co-certifies local governments, hears appeals of local governments denied certification at the state level, and determines program policies and procedures. The SHPO is responsible for devising an annual work program that includes the CLG program. The SHPO co-certifies local governments with the Secretary, evaluates and monitors the performance of CLGs, and determines those programs at the state level that address the requirements of the Secretary. The responsibilities of the SHPO include making available a share of the state's annual allocation from the Historic Preservation Fund (HPF) to the CLGs.

To become a CLG, the local government must enforce a historic preservation ordinance and meet other requirements of the SHPO's state procedures. Participation in the CLG program increases public awareness of a community's archeological and historic resources, improves their management, and integrates preservation concerns into the local planning process. Additionally, CLGs play a formal role in the nomination of properties to the National Register of Historic Places (NRHP), receive matching funds from the SHPO's annual HPF allocation, and may assume other SHPO duties.

Certified Local Governments Program for Oklahoma, the state procedures (<http://www.okhistory.org/shpo/clg.htm>), set forth the process for the certification of local governments in Oklahoma, for distribution of the HPF to CLGs, and for the overall administration of the program.

For further information about Oklahoma's CLG program, including the list of participating municipalities, contact the SHPO at 405/521-6249 or visit <http://www.okhistory.org/shpo/clg.htm> and <http://www.okhistory.org/shpo/stateplan.htm>. General information about NPS and the CLG program is found at <https://www.nps.gov/clg/index.html>. Other helpful information for local governments and their historic preservation commissions is available from the National Alliance of Preservation Commissions at <https://napcommissions.org/>.

II. ELIGIBILITY

To participate in the Oklahoma SHPO's CLG program, a local government must adopt a local ordinance which creates a Historic Preservation Review Commission (local commission) and sets forth its function, responsibilities, and membership. Any city, municipality, or other political subdivision of the State of Oklahoma with the authority to establish zoning districts and meeting all of the six criteria listed below qualifies for CLG status. The local government must:

1. Adopt a local ordinance for the designation and protection of historic properties that meets the minimum requirements of the state procedures.
2. Enforce its local ordinance for the designation and protection of historic properties.
3. Establish an adequate and qualified local commission in accordance with its local ordinance and the state procedures.
4. Maintain a system for the survey and inventory of historic properties consistent with that of the SHPO.
5. Provide for adequate public participation in the local historic preservation program including the process of recommending properties for nomination to the NRHP.
6. Satisfactorily perform the responsibilities delegated to it by the SHPO under the Certification Agreement.

III. MINIMUM REQUIREMENTS FOR LOCAL ORDINANCES

To qualify as a CLG in Oklahoma, a local government's ordinance for the designation and protection of historic properties must include, at a minimum, the following:

- A. A statement of purpose.
- B. Definitions.
- C. Membership requirements for the local commission and duties of that body.
- D. Procedures for identification, evaluation, designation, and protection of buildings, structures, districts, sites, and objects significant to the community's history, architecture, archaeology, culture, and engineering. These procedures must meet the statutory definitions of "designation" and "protection" of local districts and landmarks as specified in Section 101c of the NHPA [54 U.S.C. 302501, Definitions].
- E. Criteria for evaluation of local districts and landmarks.
- F. Provision for public review of designations.
- G. Provision for mandatory review of alterations, demolitions, new construction, or other actions that may affect individual landmarks or properties in designated historic districts. These decisions must be binding, and a system of appeals must be provided.
- H. Specific guidelines for the review of projects that impact designated properties, consistent with the Secretary of the Interior's Standards for Archeology and Historic Preservation must be adopted.
- I. Set specific time frames for project review.
- J. Establish penalties for non-compliance.

IV. HISTORIC PRESERVATION REVIEW COMMISSION

To become a CLG, the local government must have a historic preservation review commission (local commission). The local commission is a board, council, commission, or other similar collegial body which is established by the local historic preservation ordinance, and the members of which are appointed, unless otherwise provided by the local ordinance, by the chief elected official of the jurisdiction concerned from among (A) professionals in the disciplines of architecture, history, architectural history, planning, prehistoric and historic archeology, folklore, cultural anthropology, curation, conservation, and landscape architecture available in the community concerned, and (B) such other persons as have demonstrated special interest, expertise, or knowledge in history, architecture, or related disciplines, and as will provide for an adequate and qualified local commission. The local commission has many duties, including the review of proposed rehabilitation work within a locally designated historic district.

A. MINIMUM REQUIREMENTS FOR COMMISSION MEMBERSHIP

The minimum requirements for local commissions of cities, towns, or other jurisdictions participating in the Oklahoma SHPO's CLG program include:

1. The local commission must be comprised of at least five (5) members, (or three (3) in a community of 5,000 population or less) all of whom have demonstrated interest, competence, or knowledge in historic preservation.
2. At least two (2) members of the local commission must be professionals with preservation related experience (including architecture, history, pre-history, archaeology, historic archaeology, planning, real estate, design, landscape architecture, architectural history, or law). If persons professionally qualified cannot be found within the jurisdiction of the CLG, such services may be obtained from another source, such as a university, preservation organization, or professional organization serving one of the disciplines cited above. The requirement for two (2) professionals may be waived if there is sound evidence that a good-faith effort has been made, but no professionals willing to serve can be found.
3. Whenever the CLG has under review a nomination to the National Register of Historic Places that is significant in an area for which professional expertise is not available on its local commission, or whenever a decision must be made relative to historic properties within the CLG's jurisdiction that would necessitate the evaluation of a professional not found on the local commission, the CLG must secure the required professional expertise for purposes of the review process. If this expertise cannot be obtained within the local community, the CLG may request that the SHPO staff member having the specific professional qualifications needed serve the local commission. Such requests must be submitted in writing to the SHPO.

B. PROCEDURES FOR THE LOCAL COMMISSION

A CLG's local ordinance must include the following procedures for the local commission.

1. Members shall serve three-year staggered terms (except as provided in the initiation of the local commission).
2. The local commission shall adopt rules of procedure (by-laws).
3. The local commission shall meet at least four (4) times per year or as often as necessary to complete its work in a timely fashion. The meetings must be open to the public.
4. Written minutes of every local commission meeting must be kept and made available for public review. However, information disclosed during the meeting concerning the nature of and location of any archaeological properties or artifacts taken from an excavation will be noted in the minutes but must not be made part of the version of the minutes made available for public viewing.
5. The local appointing authority shall fill vacancies within sixty (60) working days.

C. ORIENTATION AND TRAINING OF LOCAL COMMISSION MEMBERS

The SHPO shall make program orientation materials available to each CLG. Further, the SHPO shall conduct at least two (2) CLG training workshops each year, and at least one representative of each CLG's local commission or staff must attend at least one such session each year. The SHPO staff shall also be available to visit the local community to assist with implementation of the CLG program.

V. SCHEDULE FOR CERTIFICATION OF LOCAL GOVERNMENTS

Upon the Secretary's initial approval of the SHPO's proposed guidelines for certification of local governments, the SHPO gave public notice that requests for CLG status could be submitted. The SHPO continues to make information about the CLG program widely available to local governments in Oklahoma and to the general public. Requests for certification must contain the information detailed below, and the SHPO shall follow the schedule provided for the processing of each request.

A. The request for certification must contain the following:

1. A written assurance, signed by the chief elected local official, that the local government will perform in accordance with standards established within these guidelines and carry out its delegated responsibilities in accordance with the *Secretary of the Interior's Standards for Archaeology and Historic Preservation*.
2. A copy of the local preservation ordinance.
3. A list and accompanying maps of currently designated local historic preservation districts and/or landmarks.
4. A resume for each member of the local commission (resumes must document the member's demonstrated interest, competence, or knowledge in historic preservation).
5. A list of staff members of the local government assigned to participate in the preservation program, their resumes, and descriptions of their responsibilities and amount of time to be spent in these efforts.

B. The schedule for processing requests for certification is as follows:

1. Upon receipt of a completed request for certification, the SHPO shall within sixty (60) calendar days notify the local government of the decision to consider the local government eligible for certification or to deny certification.
2. If the SHPO considers the local government eligible for certification, the State Historic Preservation Officer and the chief elected local official of the local government sign a Certification Agreement, and the SHPO submits the request for certification, including the Certification Agreement and the SHPO's application checklist, to the Secretary. The Certification Agreement shall specifically reference the program areas listed under "Delegation of SHPO Responsibilities" listed below. (The request for certification shall include all documents the local government provided as described above.)

3. The Secretary shall have fifteen (15) working days in which to respond to the SHPO's request for certification. If the Secretary has not responded within that time, the SHPO shall assume the local government to be certified.
4. The SHPO shall notify the local government in writing within fifteen (15) working days of the date of the Secretary's notification.

C. AMENDMENT PROCESS

The SHPO, the CLG, or the Secretary may, at any time, discover the need to alter a Certification Agreement. A substantive change to a Certification Agreement requires completion of the formal amendment process.

1. If the SHPO or CLG determines that a change in the Certification Agreement is needed, the SHPO prepares the request for amendment and submits it to the Secretary.
2. Changes in a Certification Agreement must be consistent with the state procedures and with Chapter 9 of the *Historic Preservation Fund Grants Manual*.
3. The Secretary must concur with any substantive changes in a Certification Agreement.
4. Upon receipt of the SHPO's request for amendment, the Secretary considers the request, notifies the SHPO of the decision in writing, and sends a copy of the decision letter to the CLG.
5. The SHPO and the CLG must receive the Secretary's concurrence (hard copy, telefax, electronic format) with the amendment before they consider it in effect.

D. APPEALS PROCESS

A local government may appeal the SHPO's denial of certification to the Secretary. To appeal, the local government's chief elected official shall:

1. Submit its request for appeal to the SHPO. The request shall contain all materials included in the original request for certification, and the local government's statement of why the Secretary should reverse the denial.
2. The SHPO shall transmit the request for appeal to the Secretary within five (5) calendar days of receipt from the local government.
3. The Secretary's decision shall be final and remain in effect as long as the facts that are the basis for certifying or not certifying the local government remain unchanged.

VI. DELEGATION OF SHPO RESPONSIBILITIES

The SHPO carries out a wide range of NHPA program responsibilities in accordance with NPS regulations, standards, and guidelines. The SHPO may delegate any of its responsibilities, with the exception of direct nomination of properties to the NRHP, to a CLG.

- A. The program areas for which the SHPO has responsibilities include:
1. National Register of Historic Places - the system for evaluation of those buildings, structures, sites, districts, and objects that may be of historic, architectural, archaeological, or cultural significance.
 2. Survey - the system for identification of those buildings, structures, sites, districts, and objects that may be of historic, architectural, archaeological, or cultural significance.
 3. Rehabilitation Tax Incentives - The federal tax law provides incentives for rehabilitation of historic and older structures, and the SHPO assists developers/owners in the process of obtaining certification of proposed rehabilitation plans in accordance with the *Secretary of the Interior's Standards for Rehabilitation*.
 4. Review and Compliance - Under Section 106 of the National Historic Preservation Act, the SHPO participates in the review of projects receiving federal funds or requiring federal permits or licenses to determine their impact on historic/archaeological resources.
 5. Planning - The program area is concerned with the establishment or upgrading of processes designed to evaluate impacts on historic/archaeological properties, predict trends that may affect historic/archaeological properties, and serve as a guideline or framework for cultural resource management decisions.
 6. Acquisition and Development – The A&D program includes (a) A grant project which has for its purpose obtaining fee title, or interest other than fee title, of real property (including the acquisition of development rights or remainder interest); or (b) A project which has for its purpose the protection, rehabilitation, restoration, or reconstruction of a historic property.
 7. Covenant and Preservation Agreement Monitoring – Covenants, preservation agreements, and other legal instruments limiting the owner's use of his/her property may be executed in favor of the SHPO, and the SHPO monitors the owner's compliance with the terms of these instruments designed to protect the archeological or historic property.

8. Public Outreach and Technical Assistance – Public outreach and technical assistance activities include presentation of conferences and workshops, publication of information about archeological and historic resources and threats to them, social media outreach, newsletters and other publications, one-on-one consultations, and other activities addressing the full range of historic preservation topics and issues.
- B. A CLG must accept the SHPO’s delegation of responsibilities for the National Register Program Area (Item VI.A.1 above) and the survey program area (Item VI.A.2 above).
 - C. The SHPO may consider delegating authority for other program areas to a CLG, provided the CLG:
 1. Has completed two (2) consecutive, successful years of participation in the CLG Program, including activity in both the National Register and the Survey program areas.
 2. Maintains a minimum staff of two (2) full-time professionals as determined by the SHPO to be appropriate for the program area for which the CLG wishes to participate. (See Appendix “A” for the Secretary of the Interior’s Professional Qualification Standards.)

VII. NATIONAL REGISTER NOMINATION PROCESS

The SHPO and CLG shall work cooperatively in an effort to provide professional review and efficient processing of nominations to the National Register of Historic Places. It shall be the responsibility of the CLG to conduct notification procedures (described below) and evaluate and report to the SHPO on all NRHP nominations for properties within its jurisdiction whether generated by the CLG or submitted to the SHPO or CLG by another party. If nominations within the CLG's jurisdiction are received in the SHPO office prior to CLG processing, they will be transmitted at the earliest possible time to the CLG.

- A. The CLG upon receipt or preparation of an NRHP nomination shall:
1. Within sixty (60) calendar days of receipt of a nomination conduct the necessary review and report its recommendations to the SHPO.
 2. Notify all property owners and other appropriate local government bodies, such as the county commissioners, that the nomination is under review. The notification letter provided by the SHPO must be used, and it is recommended that it be sent by certified mail. If more than fifty (50) property owners are involved in a nominated property, a paid legal notice may substitute for the individual notifications. The wording of the notice must be that dictated by the SHPO. In cases when the paid legal notice is used, a public meeting must be held to provide the maximum public participation, and a SHPO staff member must be present at such public meetings. All notifications of property owners must provide not less than thirty (30) calendar days for submission of comments.
 3. After review of the nomination by the local commission at a regularly scheduled meeting, the CLG must transmit a National Register nomination report to the SHPO. The report shall contain the recommendations of the local commission, the recommendation of the chief elected local official, and a brief statement of the property's eligibility (or ineligibility) in accordance with the National Register of Historic Places criteria for evaluation.
- B. If either or both the chief elected local official and the local commission recommend nomination of the subject property because it meets one or more National Register criteria, the SHPO shall schedule it for consideration by the Historic Preservation Review Committee (HPRC, state review board). If the HPRC recommends the property for nomination to the NRHP, then the nomination and their recommendation and all recommendations and comments from the CLG, owners, and others shall be transmitted to the Keeper of the Register in Washington, D.C.

- C. If the CLG's chief elected local official and local commission recommend that the property not be nominated because it does not meet any National Register criteria, the CLG must submit the required report described in Item VII.A.3 above. The SHPO shall not schedule the nomination for the HPRC's consideration unless an appeal is filed.
- D. If the CLG recommends that the property not be nominated, it must so inform the owner(s) in writing stating the exact reasons for the decision based on the National Register of Historic Places criteria for evaluation.
- E. The SHPO shall notify the CLG when properties within its jurisdiction are listed in the NRHP. It shall be the responsibility of the CLG to so inform the property owner and other interested persons. It shall be the responsibility of the SHPO to notify state representatives and state senators of the listing. Wording for the notification letter shall be provided by the SHPO.
- F. A certificate denoting listing in the NRHP shall be made available by the SHPO to the property owner.
- G. Either the local commission or the chief elected local official may appeal the final decision of the HPRC and the SHPO to the Keeper of the Register.
- H. The CLG must maintain records of its NRHP nomination process. The CLG shall retain copies of all notifications whether individual or through paid public notice given on each nomination. The CLG shall also retain proof that individual notifications were sent by certified mail (if the CLG used certified mail). All comments received must be recorded in the file related to the particular nomination. Such records will be considered during the SHPO's on-site evaluation of the CLG program. Failure of the CLG to submit National Register reports to the SHPO will also be considered in the evaluation process.

VIII. SURVEY AND INVENTORY PROGRAM REQUIREMENTS:

Through the initial Certification Agreement, the SHPO delegates responsibilities for the survey and inventory program to each CLG and encourages development and periodic update of a local preservation plan which includes priorities for expansion and maintenance of the local historic resources survey. The survey is a carefully designed and systematic process of identifying and gathering data on the historic resources of a given area. It includes field survey, the physical search for and recording of historic resources on the ground, and it also includes planning and background research before field survey begins. The survey is essential to a successful local preservation program.

- A. A CLG's survey and inventory efforts, whether they involve new survey or maintenance of existing survey results, must follow the *Secretary of the Interior's Standards for Identification and Evaluation*. They also must be coordinated with and complementary to the SHPO's statewide historic preservation plan.
- B. The SHPO shall assist the CLG in the development of its comprehensive, community-wide survey and its local preservation plan. The SHPO encourages the CLG to develop its local preservation plan within two years of certification and to update annually thereafter. The plan should include a methodology for organizing existing survey data, for establishing new survey priorities, and for establishing local historic preservation goals, objectives, and priorities. The planning process will provide a mechanism for evaluating prehistoric and historic resources and identifying strategies and priorities for their preservation, taking into consideration real-life constraints and community needs and assuring its usefulness to agencies planning federal undertakings within the CLG's jurisdiction. Annual updates shall address new survey information, changes, alterations, or demolition of properties and changing conditions, needs and priorities within the community. Survey priorities must follow those established in the initial plan, unless a need to revise them is determined.
- C. All new survey information will be recorded on approved inventory forms in accordance with the SHPO's survey program (see *Architectural/Historic Resource Survey: A Field Guide*, located on the SHPO website at <http://www.okhistory.org/shpo/architsurveys/fieldguide.pdf> and for archeological survey, see "SHPO Fact Sheet #16: Guidelines for Developing Archeological Survey Reports in Oklahoma and Report Components," located on the SHPO website at <http://www.okhistory.org/shpo/factsheets/fs16archreports.pdf>). Copies of all survey reports and inventory forms will be provided to the SHPO. Members of the local commission and the chief elected official must be given an opportunity to participate in local surveys and in development of the local plan. The SHPO encourages CLGs to seek input from the general public, other agencies of the local government, and relevant professionals in the community.
- D. The CLG must maintain its survey and inventory data in an organized and secure manner in a local government facility determined appropriate after consultation

with the SHPO. The CLG shall make survey and inventory data accessible to the public. The CLG shall not make public the location of archaeological sites.

IX. STAFF REQUIREMENTS

Local governments requesting CLG status must demonstrate that adequate and qualified staff is available to carry out the responsibilities delegated to it under the Certification Agreement. Each CLG begins its participation in the basic program, and qualified CLGs may be certified for the expanded program after two years of successful basic program participation.

A. BASIC CLG PROGRAM

Under the basic CLG program, the SHPO delegates NRHP and Survey program responsibilities within the jurisdiction of the CLG. To participate at this level, the CLG is encouraged to employ one full-time professional from either the field of history, architecture, architectural history, historical archaeology, prehistoric archaeology, regional (or city) planning, or a closely related discipline. Experience in historic preservation is preferred. In some communities only a part-time person having credentials as listed above may be adequate for conducting the CLG program.

The local government's chief elected official must designate a CLG program coordinator. While the SHPO encourages the employment of a preservation professional, it will not be mandatory. If the chief elected local official submits a written statement that such services cannot be obtained even though a search has been made, because necessary funding is not available or there has been no positive response to solicitations, the SHPO will accept a responsible employee of the CLG or an elected official as the person designated to coordinate the program.

B. EXPANDED PROGRAM PARTICIPATION

Upon a local government's completion of two (2) consecutive years of successful participation in the basic program, the SHPO may consider delegating other responsibilities to a CLG. If the CLG wishes to participate in tax act reviews, review and compliance activities, or other programs that may be delegated, the CLG must employ two (2) full-time professionals in the fields of history, architecture, architectural history, prehistoric archaeology, historic archaeology, planning, or a closely related field.

X. MONITORING, EVALUATION, AND DECERTIFICATION OF CLG PROGRAMS

To ensure that CLGs carry out their responsibilities under their Certification Agreements and to assist them in developing their local preservation programs, the SHPO regularly monitors and evaluates their performance in the CLG program. As discussed below, the SHPO may find it necessary to request decertification of a CLG, or the local government may elect to request decertification.

A. MONITORING AND EVALUATION

1. By October 31st of each year, the CLG must submit an annual report to the SHPO summarizing preservation projects and activities carried out in the community during the previous federal fiscal year (October 1 through September 30). The SHPO shall provide CLGs with an annual report template for use in meeting this requirement.
2. At least once every four (4) years the SHPO shall evaluate the local government's CLG program performance. At that time, all administrative and financial records for the CLG program must be available for the SHPO's use in assessing the local government's management of HPF pass-through subgrants (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards [Super Circular]). The SHPO shall carry out the evaluation in accordance with these state procedures, the NHPA, federal regulations cited in the Certification Agreement, and the *Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation*.
3. The SHPO shall provide written notice to the CLG's chief elected local official to confirm, as applicable, that the local program meets the terms of the Certification Agreement, make recommendations about ways to strengthen the local program, and/or cite conditions the local government must satisfy in order to retain certification, and provide an expected timeline for those conditions to be met.

B. DECERTIFICATION

1. If a CLG is unable to comply with the SHPO's conditions within the specified timeframe, the SHPO shall recommend to the Secretary that the CLG be decertified. The recommendation to decertify shall be accompanied with justifications, and documentation for the Secretary's review shall be on file in the SHPO's office.
2. The SHPO shall notify the CLG in writing that a recommendation for decertification has been forwarded to the Secretary.

3. The Secretary shall respond to the request for decertification within thirty (30) calendar days of receipt of the recommendation. No response within that time is considered approval of the SHPO's recommendation. The SHPO shall notify the CLG within five (5) working days of the Secretary's decision.
4. If the Secretary approves the SHPO's recommendation for decertification of a CLG, the SHPO shall conduct a final federal assistance close-out as described in the *Historic Preservation Fund Grants Manual*.
5. A CLG may request decertification at any time. Upon such a request, the SHPO shall notify the Secretary and conduct a final close-out as provided in X.B.4. above.

XI. ALLOCATION OF THE CLG FUND

In accordance with provisions of the NHPA, the SHPO receives an annual allocation of federal funds from the U.S. Department of the Interior, National Park Services' Historic Preservation Fund (HPF). These matching grants support, in part, the SHPO's programs (VI.A.1.-8. above).

A. AVAILABILITY OF CLG FUNDS

The NHPA requires that at least 10% of the SHPO's annual HPF allocation be set aside for CLGs. Therefore, the Certified Local Governments Fund (CLGF) for each fiscal year shall be calculated as follows:

HPF Allocation to Oklahoma x 10% = CLGF

(Special Note: In any year in which the annual HPF state grant appropriation to all states exceeds \$65,000,000, one-half of the excess shall also be transferred to CLGs according to procedures to be provided by the Secretary.)

B. ALLOCATION OF FUNDS

1. The CLGF shall be divided into two equal parts. One-half (50%) of the fund shall be available to CLGs of more than 50,000 population, and an equal amount shall be available for those of 50,000 or less population. Each CLG is entitled to an equal share of that part for which it qualifies (based on population), provided that the requirements described below can be satisfactorily met. A CLG is not required to request funds from the SHPO. If the local government elects not to apply for the funds, it must so notify the SHPO in writing, and that portion to which the CLG refusing the funds was entitled shall be equally distributed among those CLGs in the population category meeting the necessary requirements and requesting funds. Likewise, a CLG may elect to accept only a portion of the funds available to it. The remainder will first be equally distributed among those other CLGs within the same population category requesting funds. If all of the funds set aside for the same population category cannot be used by eligible CLGs, the SHPO shall make available the remaining funds to the other population category.
2. In accordance with minimum requirements set forth in 36 CFR 61.7(f), the amount awarded to any applicant shall be sufficient to produce a specific impact. The funds awarded shall be sufficient to generate effects directly as a result of the funds transferred. Furthermore, the SHPO will not waive the requirements for tangible results even if there are many otherwise eligible applicants for the amount set aside for CLGF.
3. CLGs receiving HPF grants from the CLGF shall be considered subgrantees of the state.

4. The CLG may not use transferred monies from the CLGF as matching share for any other federal grant.
5. All CLGF requirements shall be included in the Certified Local Governments Program Agreements (see Glossary).
6. In accordance with 36 CFR 61.7(e), any state-directed specified use of funds shall be consistent with *Tomorrow's Legacy: Oklahoma's Statewide Preservation Plan* (<http://www.okhistory.org/shpo/stateplan.htm>).

C. EVALUATION OF APPLICATIONS FOR THE CLGF

To be eligible for assistance from the CLGF, the CLG must:

1. Submit a completed Certified Local Governments Fund Application that is received in the SHPO office by the deadline date.
2. Have timely filed with the SHPO office a completed and acceptable Annual Report for Certified Local Governments by October 31st for the previous federal fiscal year (October 1-September 30).
3. Adequately address the established annual priorities of the SHPO. These shall remain basically the same from year to year; however, changes do occur to address federal special conditions and mandates, as well as changes in the needs of the SHPO.
4. Demonstrate the support of the public within the jurisdiction of the CLG. This may include letters, petitions, reports of comments from public meetings concerning CLG preservation activities and projects.
5. Contains the assurance of the chief elected official of the CLG that an adequate financial management system is in place. Such a system is one that:
 - a. meets standards of the Office of Management and Budget's Super Circular.
 - b. is auditable in accordance with General Accounting Office Standards (Federal).
 - c. is periodically evaluated by the SHPO.
6. The CLG must adhere to all provisions of the *Historic Preservation Fund Grants Manual*.
7. Outline activities that are realistic for completion within a one-year period.
8. Reflect the availability of the required 60% federal and 40% local matching share in accordance with the provisions of the *Historic*

Preservation Fund Grants Manual. Indirect costs may be charged as part of the CLG grant only if the CLG subgrantee meets the requirements of the *Historic Preservation Fund Grants Manual*. Unless the CLG has a current indirect cost rate approved by its cognizant federal agency, only direct costs may be charged. (The SHPO shall provide technical assistance to the CLG in defining acceptable matching share.)

9. The SHPO shall make available to the public, upon request, the rationale for the applicants selected and the amounts awarded.

D. RESTRICTIONS ON EXPENDITURES

None of the CLGF can be expended for:

1. Items defined as ineligible costs in the *Historic Preservation Fund Grants Manual*. (The SHPO shall provide a list of these items to the CLG.)
2. Any other activities, which the Secretary shall advise, that are unacceptable due to restrictions Congress may place on the HPF during a particular fiscal year.

E. SCHEDULE FOR AWARD OF THE CLGF

1. The Secretary notifies the SHPO of the estimated annual allocation from the HPF.
2. Within thirty (30) calendar days thereafter the SHPO will notify all CLGs of the amount in the CLGF.
3. Within ninety (90) calendar days, the CLG submits a completed application (form obtained from SHPO) for its share of the CLGF.
4. Upon receipt of final approval for funding release from the Secretary, the SHPO shall inform the CLG of the award and prepare the Certified Local Governments Program Agreement.

GLOSSARY

Certificate of Appropriateness - means the approval issued by the local Historic Preservation Review Commission for alterations of historic properties designated under a local ordinance (local legislation), demolition of such properties, or new construction in a district designated under the ordinance or that may impact a designated property.

Certification Agreement - means the executed document between the Certified Local Government and the State Historic Preservation Officer for participation in the CLG program.

Certified Local Government - means a local government that has been certified to carry out the purposes of the National Historic Preservation Act, as amended, in accordance with the procedures and guidelines set forth in *Certified Local Governments Program for Oklahoma*, as approved by the State Historic Preservation Office and the Secretary of the Interior.

Certified Local Government Fund - means that portion of the State Historic Preservation Office annual allocation from the Historic Preservation Fund set aside for Certified Local Governments.

Certified Local Governments Program Agreement - means the contract between the Certified Local Government and the State Historic Preservation Officer for transfer of a share of the Certified Local Governments Fund.

Chief Elected Local Official - means the elected head of a local government.

Decertification - means the State Historic Preservation Office and the Secretary of the Interior's revocation of Certified Local Government status in accordance with *Certified Local Governments Program for Oklahoma*.

Historic Preservation Fund - means the monies accrued under the Outer Continental Shelf Lands Act, as amended, to support the program of matching grants-in-aid to the states for historic preservation programs and projects, as authorized by Sec. 108(1) of the National Historic Preservation Act, as amended.

Historic Preservation Fund Grants Manual - means the manual that sets forth National Park Service administrative procedures and guidelines for activities concerning the federally related historic preservation programs. The manual includes guidelines and procedures for the administration of the historic preservation grants-in-aid program.

Historic Preservation Review Committee - means the state review board appointed by the Governor to evaluate nominations to the National Register of Historic Places and provide advice to the State Historic Preservation Officer.

Local Legislation - means the local government's code, statute, ordinance, etc. which creates the Historic Preservation Review Commission and sets forth its function, responsibilities, and membership.

National Register of Historic Places - means the national list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture, maintained by the Secretary of the Interior under authority of Section 101(a)(1)(A) of the National Historic Preservation Act, as amended.

Secretary - means the Secretary of the United States Department of the Interior.

State Historic Preservation Officer - means the official within each state who has been appointed by the Governor and delegated the authority to administer the historic preservation program in the state.