
Pertinent Laws, Legislation, and Regulations

LAWS

The guidelines for cultural resources management in the New Mexico State Monuments Division are derived from laws, proclamations, orders, regulations, and policies, all of which must be complied with. Primary among these are the acts and proclamations establishing the individual monuments in the system. These state the congressional or gubernatorial intent for including the resources in the State Monuments.

In addition, the following pieces of legislation and executive orders form the basis of and authority for the State Monuments cultural resources management policies and guidelines that apply to all the monuments. The laws are listed chronologically.

LEGISLATION

The National Historic Preservation Act of 1966 (Public Law 89-665; 810 Stat. 915; 16 USC 470): declared a national policy of historic preservation, including the encouragement of preservation on the State and private levels; provided authority for the expansion of the National Register of Historic Places to include cultural resources of state and local as well as national significance; authorized matching Federal grants to the States and the National Trust for Historic Preservation for the acquisition and rehabilitation of National Register properties; established the Advisory Council on Historic Preservation; provided certain procedures to be followed by Federal agencies in the event of a proposal that might have an effect on National Register properties; defined the term “historic preservation” as the protection, rehabilitation, restoration, and reconstruction of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, or culture.”

Public Law 91-243, May 9, 1970: amended the National Historic Preservation Act of 1966 by

extending the funding for the program through 1973, increasing the membership of the Advisory Council on Historic Preservation, and authorizing the participation of the United States as a member in the International Center for the Study of Preservation and Restoration of Cultural Property, and authorized funds for the purpose.

Public Law 94-422, September 28, 1976: amended Section 106 of the National Preservation Act to apply to properties eligible for inclusion in the National Register. Additional funding was appropriated to carry out the provisions of the act; the organization of the Advisory Council was clarified, and the membership expanded to twenty-nine members. The Council was established as a fully independent agency within the executive branch and authorized to promulgate rules and regulations it deems necessary to implement Section 106.

National Historic Preservation Act (amended 1980) (Public Law 96-515; 94 Stat. 2997): expanded the roles of federal, state, local, and private sectors, and provided important new mandates for Federal land managers in the area of historic preservation. The act directs the Secretary to implement regulations establishing uniform processes and standards for documenting historic properties included in the Library of Congress records. The act changes the number of members on the Advisory Council on Historic Preservation.

REGULATIONS

36 CFR 60 (NHPA and EO 11593), “National Register of Historic Places,” describes concurrent State and Federal nominations; nominations by a Federal agency; changes and revisions to properties listed on the National Register; and procedures for removal of properties from the National Register.

36 CFR 61 (NHPA and EO 11593), “Procedures for Approved State and Local Government Historic Preservation Program” establishes the standards for the Secretary’s approval of state historic preservation programs, and requires State Historic Preservation Officers to conduct a statewide survey of cultural properties, to prepare and implement a state preservation plan, and to cooperate with Federal agencies in their compliance with the provisions of Section 106 of the National Preservation Act. Establishes standards for the qualifications of professionals in the preservation field.

36 CFR 68 (NHPA) contains the Secretary of the Interior’s standards for historic preservation projects, including standards for acquisition, protection, stabilization, preservation, rehabilitation, restoration, and reconstruction.