

Supporting Statement Part A

Nomination of Properties for Designation as National Historic Landmarks 36 CFR 65

OMB Control Number 1024-0276

Terms of Clearance: None.

Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.**

The National Historic Landmarks program is authorized by the Historic Sites Act of 1935 (16 USC 461 - 467 et seq.) which directs the Secretary of the Interior, through the National Park Service (we, NPS), to survey historic and archeological sites, buildings, and objects to determine those that possess exceptional value in commemorating or illustrating the history of the United States. In accordance with the law and 36 CFR Part 65, private citizens, businesses, Federal agencies (FPO), State and local public agencies, State Historic Preservation Officers (SHPOs), territories, and Indian tribes (THPOs) may submit nominations for National Historic Landmark (NHL) designation. An NHL is an historic building, site, structure, object, or district that represents an outstanding aspect of American history and culture. There are approximately 2,600 properties designated as NHLs.

Designation as an NHL:

- ensures that stories of nationally important historic events, places, or persons are recognized and preserved for the benefit of all citizens.
- may provide the property's historic character with a measure of protection against any project initiated by the Federal Government.
- may ensure eligibility for grants, tax credits, and other opportunities to maintain a property's historic character.

Legal Authorities:

Historic Sites Act of 1935 (16 USC 461-467 et seq.) - Declaration of national policy. It is declared that it is a national policy to preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States.

National Historic Landmarks Program (36 CFR Part 65) - The purpose of the National Historic Landmarks Program is to identify and designate National Historic Landmarks, and encourage the long range preservation of nationally significant properties that illustrate or commemorate the history and prehistory of the United States.

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. Be specific. If this collection is a form or a questionnaire, every question needs to be justified.**

Instructions for submitting a letter of inquiry and completing NPS Form 10-934 are available on the NHL Web site at <https://www.nps.gov/orgs/1582/index.htm>. We collect the following information:

Letter of inquiry

Prior to nominating a property for NHL designation, respondents must send a letter of inquiry to the NPS. The letter introduces the property to the NHL Program staff and serves as a formal, written record of initiating the NHL designation process. It provides an overview of the property, its historic significance, and its historic integrity, including, but not limited to:

- Historic importance of the property. What nationally significant story does the property tell?
- Current condition and integrity of the property. Has the property undergone major alterations since the historic period? If so, how extensive are these alterations?
- Support of the property owner. Is the property already listed in the National Register of Historic Places?
- Supporting documents, such as photographs or brochures.

Nomination

We use NPS Form 10-934 (National Historic Landmarks Nomination) to collect information on properties nominated for designation as an NHL. We review the forms to evaluate the eligibility of the property being nominated and submit them to the Secretary of the Interior's National Park System Advisory Board (NPSAB). The NPSAB recommends those properties that meet the criteria for NHL designation to the Secretary of the Interior. The Secretary decides whether or not to designate a property as an NHL.

The Secretary of the Interior's decision is based on 1) the sufficiency of information provided in the forms and supporting documentation, such as photographs and maps that accompany the forms, and 2) the eligibility of the property when evaluated according to the NHL criteria. States, Federal agencies, Indian tribes, and others use the information in applying the Federal protections and rehabilitation incentives afforded properties designated as NHLs. The information is used for heritage education and interpretation to provide a tangible understanding of our common heritage. Historic context information in the forms also assists States and others in planning for the identification, evaluation, and protection of other related historic resources.

We collect the following information on NPS Form 10-934:

Name and Location of Property: Identifies the specific property being designated as an NHL according to the various names by which the property has been known. Although the historic name is generally considered the official name of the property, the inclusion of other names provides an appropriate means of differentiating one property from other similarly named properties already designated as NHLs. It also assists the public and other users who may know the property by these other names. This section also identifies the geographic location of the property by street number, street, city, county, and State.

Significance Data: Applicable NHL criteria and criteria exceptions quickly link the property to the qualifying NHL criteria as specified in the regulations. NHL Themes, Period(s) of Significance, Significant Person(s), Cultural Affiliation, Designer/Creator/Architect/Builder, and Historic Contexts provide easy reference to the specific facts, dates, and associations that underscore the property's historic importance and relate it to the NHL criteria.

Sensitive Information: Identifies resources, such as archeological sites, that would be adversely affected by amateur excavation or vandalism by the general public, if the location were disclosed. In accordance with Section 304 of the National Historic Preservation Act, the NHL Program is allowed to withhold information on specific locations of properties that might risk harm to the historic resources, impede the use of a traditional religious site by practitioners, or cause a significant invasion of privacy by the release of such information.

Geographical Data: Provides information on the acreage, Universal Transverse Mercator (UTM) grid references or latitude/longitude coordinates, and boundaries for the property. Acreage, given to the nearest acre, specifies the size of the property. UTM or latitude/longitude references provide for one method of mapping and recording the geographical location of the property. The verbal boundary description specifies exactly what land is included and defines its legal boundaries for purposes of designation as a NHL. We also request a concise explanation or justification of how the boundaries and acreage were selected and discerned. Information in this block is essential for identifying exactly what property is being designated and for ensuring that the boundaries and acreage selected are appropriate to the property's historic significance.

Significance Statement and Discussion: Narrative statement based on documentary research of the property and the specific assessment of how the property qualifies for designation as an NHL relative to one or more NHL criteria.

Property Description and Statement of Integrity: Classifies the property by ownership of the property, type of property, and the number and nature of resources comprising the property. This section quickly provides essential facts that relate the property to specific provisions of the NHL Program as outlined in the regulations. The narrative description of the historic and current physical appearance and condition of a property is important in making an accurate assessment of the high level of integrity needed for a property to be designated.

Major Bibliographic References: Sources from which the documentation given on the form was compiled and the assessment of the property's significance was made. This information is necessary to verify information given in the Significance and Description blocks. We also request information on 1) any previous documentation on file in the NPS, and 2) the location of additional documentation. This cross-referencing proves useful to tie documentation sources and administrative processes together regarding how the property has been evaluated previously.

Form Prepared by: Identifies the name, organization, address, phone number, and email of the person(s) directly responsible for compiling the information. This information enables NHL program staff to contact the person directly, if necessary. This block also contains the name, address, and telephone number of the NHL program staff member(s) responsible for reviewing and editing the nomination.

3. **Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden and specifically how this collection meets GPEA requirements.**

Forms are submitted in electronic format using a Word template that is provided by the NHL Program. The forms are not available online to ensure that potential nomination preparers do not expend the effort and time for a nomination until they have consulted with the NHL Program; the NHL Program staff also frequently edit the submitted content of the electronic form. Photographs are submitted as digital prints and on disk. Figures such as illustrations, floor plans, site plans and maps may be submitted electronically. The submission of original, hard-copy United States Geological Survey (USGS) map marked with the Universal Trans Mercator points for the property under consideration is no longer a requirement. The electronic submission of these maps and other materials have proved more cost-effective, increased information accuracy, and reduced the burden of obtaining hard-copy maps.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

No similar information is collected by other NPS offices or other Federal agencies. Each property is unique, and the NHL criteria are unique, and each property must be assessed individually to determine if it meets NHL criteria.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

We have carefully analyzed the collection requirements to ensure that the information requested is the minimum necessary. Nominations for successfully designated properties are available online to aid users in completing an NHL nomination. Further, NHL Theme Studies are also available online to facilitate the identification, evaluation, and designation of similar properties. In addition, NHL program staff is available to advise preparers. We encourage consultation at all steps of the process. We also allow the submission of digital images and maps as supporting documentation for nominations.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

We cannot collect the information less frequently. We only collect the information on occasion when someone nominates a property for designation as an NHL. If the information were not collected, it would not be possible to identify properties eligible for NHL designation, and to administer related Federal programs, such as required Advisory Council for Historic Preservation review and comment, Federal historic preservation tax incentives, Federal project planning, and various preservation grant programs. This information would not be available to local governments, States, Federal agencies, Indian tribes, and others in applying the Federal protections and rehabilitation incentives afforded properties designated as NHLs. This information would not be available for heritage education and interpretation to provide a tangible understanding of our common heritage. Nor would the information be available for us to use in advising Congress on potential National Park units and other federally recognized and owned properties. Information on historic contexts contained in NHL theme studies would not be available to assist localities, States, Federal agencies and Indian Tribes in planning for the identification, evaluation, and protection of their historic resources.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- requiring respondents to report information to the agency more often than quarterly;
- requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- requiring respondents to submit more than an original and two copies of any document;
- requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
- in connection with a statistical survey that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- requiring respondents to submit proprietary trade secrets, or other confidential information, unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

There are no special circumstances.

8. **If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and in response to the PRA statement associated with the collection over the past three years, and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

On November 23, 2018, we published in the *Federal Register* (83 FR 59413) a notice requesting public comment on this information collection. The comment period ended on January 22, 2019. We did not receive any comments.

The NHL Program in both Washington and the Regional Offices is in constant contact with respondents in the State, Federal, and tribal historic preservation offices and in the general public, concerning the NHL Program, including the NHL nomination form. Contact occurs through a variety of venues including webinars, professional meetings, workshops, letters, and phone and e-mail consultations. The NHL Program posts information, including a tutorial on the NHL Program and the designation process, on the NHL Web site. The public webinars provide guidance to proponents and potential nomination

consultants on evaluating and documenting various types of historic resources, and on how to prepare an NHL nomination form.

The National Register of Historic Places is a companion program to the NHL Program. The National Register has accepted standards for various types of required documentation, and the NHL Program often follows the National Register standards, which have already been through the public consultation process. For example, in 2008, a draft photographic policy expansion was distributed to the public to facilitate digital photographic documentation as part of the National Register nomination package. Local and State government and public comments were integrated into the policy expansion and implemented in the draft 2009 National Register photo policy which is available online. The NHL Program has similar photographic requirements for its nomination package, so the NHL Program has adopted the same policy as the National Register and the public is referred to that policy on the NHL Web site.

The NHL Program contacted by email five cultural resource specialists who do consulting work on NHL nominations and two Deputy State Historic Preservation Officers who work with consultant's in their state to give their best estimates on the time spent in preparing a National Historic Landmark nomination. Included below are their names and comments if they commented. If we did not have a response within a given time frame, we contacted them again by email to remind them.

Source	Response
Front Range Research Associates, Inc., Colorado	"This is difficult to ballpark, as sometimes what seems straight-forward morphs into something more complicated. This is especially true for resources not having an existing [documentation] as a baseline."
Deputy State Historic Preservation Officer for Inventory & Registration Ohio History Connection, Ohio	"It seems like most nominations are so unique in their research requirements and actual assemblage. I think the webinar guidance and the theme studies, especially those which provide outlines/more specific guidance about how particular areas of significance and themes might be associated with specific properties to est. national level of significance are quite helpful. Having other NHL nominations, especially more recent ones available for samples and for comparisons also helpful."
Cultural Resource Specialist Maryland	She suggested that in calculating the hourly burden the NPS should "consider using the hourly estimates consultants provide in response to" Request For Proposals to prepare NHL nominations.
Architectural & Historical Research, LLC, Missouri	"The hours for each level of effort seem reasonable. I would assume that you will find the total budget [to prepare an NHL nomination] will vary from consultant to consultant, based on the wide range of hourly rates [for all consultants]. However, based on my hourly rate, I haven't had any issues with scoping the NHL contracts in the recent past. I feel comfortable with the hours you have assigned to the various levels of effort [for preparation of NHL nominations]."
Cultural Resource Consultant, Alabama	Two email attempts and one telephone message – Did not respond
National Register Coordinator, New York State Historic Preservation Office, New York	Two email attempts and one telephone message Did not respond

**Architectural Historian, AKAY
Consulting, Minnesota**

Responded but had no comments.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

We do not provide any payments or gifts to respondents. After the Secretary of the Interior designates an NHL, we do provide a bronze plaque, free of charge, bearing the name of the property and its year of designation. This plaque attests to a property's national significance. The plaque is presented to the owners who then display it publicly and appropriately. We also provide a certificate recognizing the property's designation as an NHL.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

Section 304 of the National Historic Preservation Act, as amended, allows us to withhold from disclosure to the public information about the location, character, or ownership of an historic resource, if such disclosure might cause a significant invasion of privacy, risk, or harm to the historic resources or impede the use of a traditional religious site by practitioners. The only information collected that could be considered confidential in nature is the location of specific properties, their traditional cultural use, and the informants, such as tribal elders, who may testify in the nomination documentation to their cultural importance. Although this information is reported on the form, and necessary to establish precisely which property is designated and why, the NPS maintains the confidentiality of certain specific information in order to protect properties. This is particularly the case with many archeological sites and certain properties that are subject to vandalism. It is also the case with places used in traditional cultural practices.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

We do not ask questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here.**

We estimate that we will receive about 50 responses annually totaling 11,680 burden hours. We estimate the dollar value of the burden hours to be \$982,081 (rounded). We assume that consultants will prepare nominations. It is impossible to come up with precise burden estimates for completing the form that apply across the board for each and every possible nomination preparation scenario. The total number of forms submitted varies annually because nomination preparation is voluntary. Weighing all of these complex factors, the following levels are reasonable estimates of average burdens to fulfill the Federal NHL requirements. These hours range from 256 to 603 per form based on the type and complexity of the nomination, the level of experience of the preparer, and the amount and level of research needed.

Table 12.1. Average respondent burden to fulfill the Federal NHL requirements

Level	Hours	Type of Nomination
Level 1	256	for single resource with straightforward argument for national significance using one NHL criteria
Level 2:	287	for property with single or small number of resources with more complicated argument for national significance and/or using more than one criteria
Level 3:	406	for more complicated property with more than one or two resources using one or more criteria
Level 4:	603	for a large district with multiple resources using multiple criteria

We used the Bureau of Labor Statistics news release USDL-18-1499, September 18, 2018, Employer Costs for Employee Compensation—June 2018 (<http://www.bls.gov/news.release/pdf/ecec.pdf>), to determine hourly wages and calculate benefits to prepare initial letters of inquiry.

- Individuals - We used the wage and salary costs for all workers from Table 1, which states an hourly rate of \$24.72. The hourly rate including benefits is \$36.22.
- Private Sector - We used the wage and salary costs for all workers from Table 5, which states an hourly rate of \$23.78. The hourly rate including benefits is \$34.19
- State Government - We used the wage and salary costs for all workers from Table 3, which states an hourly rate of \$30.73. The hourly rate including benefits is \$49.23.
- We used the average consultant fee of \$95 per hour to prepare a nomination. We estimate that it will have an average of 344 hours per respondent per nomination.

Table 12.2: Estimated cost based on the hour burden of the collection

Requirement	Annual Number of Responses	Completion Time (hours) Per Response	Total Annual Burden Hours	Hourly Rate Including Benefits	\$ Value of Annual Burden Hours
Letter of Inquiry					
Individuals	3	2	6	\$36.22	\$217
Private Sector	7	2	14	\$34.19	\$479
Government	10	2	20	\$49.23	\$985
Nominations					
Individuals	5	344	1,720	\$95	\$163,400
Private Sector	10	344	3,440	\$95	\$326,800
Government	15	344	5,160	\$95	\$490,200
Totals	50		10,360		\$982,081

13. Provide an estimate of the total annual non-hour cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in item 12.)

- The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information (including filing fees paid for form processing). Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.* Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

We have not identified any non-hour cost burden.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

We estimate that the annual cost to the Federal Government to administer this collection will be \$846,809. We base this on staff time to process, review, and edit nominations and to administer the information collection. We used the Office of Personnel Management Salary Table 2018-DCB (https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2018/DCB_h.pdf) to determine hourly wage rates. To calculate benefits, we multiplied the hourly rate by 1.6, in accordance with BLS News Release USDL15-1756 (<http://www.bls.gov/news.release/pdf/ecec.pdf>). We estimate:

- 4 hours to review and process each letter of inquiry. (20 letters X 4 hours = 80 hours) X \$48 = \$3,840.
- 100 hours to research, evaluate, review, and edit each historic property and nomination for properties. (30 nominations X 100 hours = 3,000 hours) X \$48 = \$144,000.
- 45 hours for biannual notification of consideration of properties for NHL designation. (45 hours X \$48 = \$2,160).

Table 14.1. Annualized cost to the Federal government

Position	GS Level	Hourly Rate	Hourly Rate incl. benefits (1.6 x hourly pay rate)	Estimated time (hours)	Annual Cost*
Historian	11/ 5	\$36.95	\$59.12	520	\$30,742
Historian	12/5	44.28	70.85	1,872	132,631
Historian	13/5	52.66	84.25	1,872	157,716
Historian	13/5	52.66	84.25	1,872	157,716
Historian	13/5	52.66	84.25	1,872	157,716
Historian	13/5	52.66	84.25	1,248	105,144
Historian	13/5	52.66	84.25	832	70,096
Historian	13/5	52.66	84.25	416	35,048
				Total	\$846,809

*Rounded

15. Explain the reasons for any program changes or adjustments in hour or cost burden.

There are no program changes.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

A list of properties designated as NHLs is available online through the NHL Web site. This list is used by State, Federal, tribal, and local governments; libraries; historical organizations; educators, scholars; and other institutions and individuals as a record of properties designated as NHLs. In addition, a copy of the final approved nomination form for the NHL property is available online through the NHL web site.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

We request permission not to display the expiration date. A nomination can be in the research, writing, review, and editing stage for several years before being sent to the NPS for review, evaluation, and processing. Displaying the expiration date may cause confusion when the date has changed yet the historical documentation is still valid and useable.

18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

There are no exceptions to the certification statement.