

CHAPTER 4 - DIVISION OF ARCHIVES AND HISTORY

SUBCHAPTER 4A - DIVISIONAL RULES

SECTION .0100 - ORGANIZATIONAL RULES

07 NCAC 04A .0101	DIVISION OF ARCHIVES AND HISTORY
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07 NCAC 04A .0103	ARCHIVES AND RECORDS SECTION
07 NCAC 04A .0104	MUSEUM OF HISTORY SECTION
07 NCAC 04A .0105	HISTORICAL PUBLICATIONS SECTION
07 NCAC 04A .0106	TRYON PALACE SECTION
07 NCAC 04A .0107	ARCHAEOLOGY AND HISTORIC PRESERVATION SECTION
07 NCAC 04A .0108	HISTORIC SITES SECTION

History Note: Authority G.S. 159A-10;
Eff. February 1, 1976;
Readopted Eff. December 1, 1977;
Repealed Eff. February 1, 1985.

07 NCAC 04A .0109 ARCHAEOLOGY SECTION

History Note: Authority G.S. 150B-10;
Eff. February 1, 1976;
Repealed Eff. December 1, 1977.

07 NCAC 04A .0110 STATE CAPITOL/VISITOR SERVICES SECTION

History Note: Authority G.S. 150B-10;
Eff. February 1, 1976;
Readopted Eff. December 1, 1977;
Repealed Eff. February 1, 1985.

SECTION .0200 - RULEMAKING: ADJUDICATION

07 NCAC 04A .0201	RULEMAKING AND ADJUDICATION PROCEDURES
07 NCAC 04A .0202	INITIATION OF RULEMAKING

History Note: Authority G.S. 143B-62(1)g,(3); 150-11(1); 150B-14; 150B-16;
Eff. February 1, 1976;
Readopted Eff. December 1, 1977;
Repealed Eff. February 1, 1985.

CHAPTER 4 - DIVISION OF ARCHIVES AND HISTORY

SUBCHAPTER 4B - ARCHIVES AND RECORDS SECTION

SECTION .0100 - USE OF THE ARCHIVES

07 NCAC 04B .0101	SEARCH ROOM HOURS
07 NCAC 04B .0102	ACCESS TO STACKS

07 NCAC 04B .0103	SINGLE ADMISSION TO STACKS
07 NCAC 04B .0104	MULTIPLE STACK PRIVILEGES
07 NCAC 04B .0105	BRIEF CASES: ETC. FORBIDDEN IN SEARCH ROOM
07 NCAC 04B .0106	ADMISSION CARDS REQUIRED
07 NCAC 04B .0107	CARD REQUIRED TO RECEIVE RECORDS
07 NCAC 04B .0108	LIMIT OF RECORDS ISSUED TO A PATRON
07 NCAC 04B .0109	RETURN OF MATERIALS: SEARCH PERMITTED
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07 NCAC 04B .0111	SMOKING: EATING: DRINKING PROHIBITED
07 NCAC 04B .0112	TEMPORARY DEPARTURE FROM SEARCH ROOM

History Note: Authority G.S. 121-4(3); 143B-62(2)a;
 Eff. February 1, 1976;
 Readopted Eff. December 1, 1977;
 Amended Eff. April 15, 1982; April 30, 1980; November 15, 1979; October 20, 1978;
 Repealed Eff. February 1, 1985.

07 NCAC 04B .0113 ORIGINAL DOCUMENTS NOT PERMITTED IN SEARCH ROOM

History Note: Authority G.S. 121-4(3); 143B-62(2)a;
 Eff. September 1, 1977;
 Repealed Eff. November 15, 1979.

07 NCAC 04B .0114 PHOTOGRAPHIC AND ICONOGRAPHIC SERVICES

History Note: Authority G.S. 121-4(3); 143B-62(2)a;
 Eff. November 15, 1979;
 Amended Eff. April 15, 1982;
 Repealed Eff. February 1, 1985.

SECTION .0200 - FEES FOR COPIES FROM ARCHIVES

07 NCAC 04B .0201	CERTIFICATION
07 NCAC 04B .0202	NO PROFIT INTENDED
07 NCAC 04B .0203	BASIS OF PRICES
07 NCAC 04B .0204	CERTAIN MATERIALS CANNOT BE COPIED
07 NCAC 04B .0205	COPIES WILL BEAR DIVISION'S NAME AND DATE STAMP
07 NCAC 04B .0206	TYPED TRANSCRIPTS NOT BE MADE: EXCEPTION
07 NCAC 04B .0207	WHILE YOU WAIT SERVICE
07 NCAC 04B .0208	XEROX: LIMITS
07 NCAC 04B .0209	PHOTOSTAT
07 NCAC 04B .0210	DUPLICATE MICROFILM
07 NCAC 04B .0211	DOCUMENT RESTORATION

History Note: Authority G.S. 121-4(3); 143B-62(2)a;
 Eff. February 1, 1976;
 Amended Eff. August 8, 1976;
 Readopted Eff. December 1, 1977;
 Repealed Eff. February 1, 1985.

SECTION .0300 - LISTING OF RESEARCHERS

07 NCAC 04B .0301	STATEMENT OF PURPOSE
07 NCAC 04B .0302	ARCHIVES TO MAINTAIN LIST OF RESEARCHERS
07 NCAC 04B .0303	ARCHIVES DOES NOT RECOMMEND A PARTICULAR RESEARCHER
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07 NCAC 04B .0305 RESUME AND REFERENCES REQUIRED
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07 NCAC 04B .0309 REMOVAL OF NAME WITHOUT PREJUDICE
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*History Note: Authority G.S. 121-4(3); 143B-62(2)a;
Eff. February 1, 1976;
Readopted Eff. December 1, 1977;
Repealed Eff. February 1, 1985.*

07 NCAC 04B .0312 LISTING OF PERSONS CERTIFIED BY BOARD

*History Note: Authority G.S. 121-4(3); 143B-62(2)a;
Eff. September 1, 1977;
Repealed Eff. February 1, 1985.*

SECTION .0400 - NEWSPAPER MICROFILM PROJECT

07 NCAC 04B .0401 PURPOSE OF PROJECT
07 NCAC 04B .0402 COUNTY SCHEDULE
07 NCAC 04B .0403 AGREEMENT WITH LENDER
07 NCAC 04B .0404 AVAILABILITY OF MICROFILM

*History Note: Authority G.S. 121-4(3); 143B-62(2)a;
Eff. February 1, 1976;
Readopted Eff. December 1, 1977;
Repealed Eff. February 1, 1985.*

SECTION .0500 - ACCESSIONING BY THE ARCHIVES

07 NCAC 04B .0501 FUNCTION
07 NCAC 04B .0502 ACCESSIONING OF PUBLIC RECORDS

*History Note: Authority G.S. 121-4(3); 121-5(a) through 121-5(d); 143B-62(2)a,b;
Eff. February 1, 1976;
Readopted Eff. December 1, 1977;
Amended Eff. April 15, 1982;
Repealed Eff. February 1, 1985.*

07 NCAC 04B .0503 COUNTY AND MUNICIPAL RECORDS

*History Note: Authority G.S. 121-4(3); 143B-62(2)a;
Eff. February 1, 1976;
Readopted Eff. December 1, 1977;
Repealed Eff. April 15, 1982.*

07 NCAC 04B .0504 STATE RECORDS: GOVERNOR'S PAPERS
07 NCAC 04B .0505 PRIVATE PAPERS
07 NCAC 04B .0506 CONDITIONAL USE
07 NCAC 04B .0507 VALUATION
07 NCAC 04B .0508 ORGANIZATIONAL RECORDS
07 NCAC 04B .0509 BIBLE RECORDS

07 NCAC 04B .0510 RECEIPT OF AUDIOVISUAL RECORDS

*History Note: Authority G.S. 121-4(3); 121-5(a); 121-6(a); 143B-62(2)a;
Eff. February 1, 1976;
Readopted Eff. December 1, 1977;
Amended Eff. April 15, 1982;
Repealed Eff. February 1, 1985.*

SECTION .0600 - REFERENCE SERVICE

- 07 NCAC 04B .0601 REFERENCE SERVICE**
- 07 NCAC 04B .0602 PROCESSING**
- 07 NCAC 04B .0603 ASSISTANCE TO VISITORS**
- 07 NCAC 04B .0604 USE OF MICROFILM**

*History Note: Authority G.S. 121-4(3); 143B-62(2)a;
Eff. February 1, 1976;
Readopted Eff. December 1, 1977;
Repealed Eff. February 1, 1985.*

SECTION .0700 - DEACCESSIONING OF RECORDS

- 07 NCAC 04B .0701 REVIEW**
- 07 NCAC 04B .0702 PREPARATION OF LISTS**
- 07 NCAC 04B .0703 APPROVAL BY HISTORICAL COMMISSION**

*History Note: Authority G.S. 121-4(3),(12); 121-5(b); 132-3; 143B-62(2)a,b;
Eff. February 1, 1976;
Readopted Eff. December 1, 1977;
Repealed Eff. February 1, 1985.*

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- 07 NCAC 04B .0801 LOCAL RECORDS PROGRAM**
- 07 NCAC 04B .0802 SELECTION OF COUNTIES**
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- 07 NCAC 04B .0804 TRANSFER TO ARCHIVES**
- 07 NCAC 04B .0805 REPAIR OF LOCAL RECORD**
- 07 NCAC 04B .0806 DESTRUCTION OF RECORDS**
- 07 NCAC 04B .0807 DEFINITION OF DESTRUCTION**

*History Note: Authority G.S. 121-4(2); 121-5(b) through 121-5(d); 132-3; 132-8.1; 132-8.2;
143B-62(1)g,(2)b;
Eff. February 1, 1976;
Readopted Eff. December 1, 1977;
Repealed Eff. February 1, 1985.*

SECTION .0900 - STATE RECORDS MANAGEMENT

- 07 NCAC 04B .0901 PURPOSE**
- 07 NCAC 04B .0902 RECORDS RETENTION AND DISPOSITION SCHEDULES**
- 07 NCAC 04B .0903 PREPARATION OF SCHEDULE**
- 07 NCAC 04B .0904 INVENTORY**
- 07 NCAC 04B .0905 PREPARATION OF SCHEDULE**
- 07 NCAC 04B .0906 APPROVAL OF SCHEDULE**

07 NCAC 04B .0907	AMENDMENT TO RECORDS SCHEDULE
07 NCAC 04B .0908	REQUEST FOR DESTRUCTION OF RECORDS
07 NCAC 04B .0909	ACTION ON DESTRUCTION REQUEST
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07 NCAC 04B .0912	TRAINING ACTIVITIES
07 NCAC 04B .0913	ANNUAL REPORT OF RECORDS HOLDING

History Note: Authority G.S. 121-4(2); 121-5(b),(c); 143B-62(2)b;
 Eff. February 1, 1976;
 Readopted Eff. December 1, 1977;
 Repealed Eff. February 1, 1985.

SECTION .1000 - LOCAL RECORDS MANAGEMENT

07 NCAC 04B .1001	PURPOSE
07 NCAC 04B .1002	RECORDS RETENTION AND DISPOSITION SCHEDULES
07 NCAC 04B .1003	REQUEST FOR DESTRUCTION OF RECORD
07 NCAC 04B .1004	MANUALS
07 NCAC 04B .1005	CRITERIA FOR JUDGMENT OF NO RESEARCH OR REFERENCE VALUE

History Note: Authority G.S. 121-4(2); 121-5(b), (c); 143B-62(2)b;
 Eff. February 1, 1976;
 Readopted Eff. December 1, 1977;
 Repealed Eff. February 1, 1985.

SECTION .1100 - STATE RECORDS CENTER

07 NCAC 04B .1101	PURPOSE
07 NCAC 04B .1102	TRANSFER TO STATE RECORDS CENTER
07 NCAC 04B .1103	PROCEDURES FOR TRANSFER
07 NCAC 04B .1104	PHYSICAL TRANSMITTAL OF RECORDS
07 NCAC 04B .1105	LEGAL CUSTODY OF RECORDS
07 NCAC 04B .1106	REFERENCE SERVICE
07 NCAC 04B .1107	PERSONAL PICKUP FOR EMERGENCY REFERENCE
07 NCAC 04B .1108	PERSONNEL RECORDS
07 NCAC 04B .1109	CERTIFICATION BY AGENCY WITH CUSTODY
07 NCAC 04B .1110	DESTRUCTION OF RECORDS IN STATE RECORDS CENTER
07 NCAC 04B .1111	RESTRICTED AREAS IN STATE RECORDS CENTER
07 NCAC 04B .1112	DISMISSAL OF EMPLOYEES UNLAWFULLY RELEASING RECORDS

History Note: Authority G.S. 121-4(2); 143B-62(2)b;
 Eff. February 1, 1976;
 Readopted Eff. December 1, 1977;
 Repealed Eff. February 1, 1985.

SECTION .1200 - MICROFILMING IN RECORDS SERVICES BRANCH

07 NCAC 04B .1201	PROCEDURES FOR MICROFILMING
07 NCAC 04B .1202	CRITERIA FOR MICROFILMING
07 NCAC 04B .1203	AGENCY TO PREPARE RECORDS FOR MICROFILMING IF NECESSARY
07 NCAC 04B .1204	AGENCY REQUEST FOR COPIES OF MICROFILM

History Note: Authority G.S. 121-4(2); 121-5(d); 143B-62(2)c;
 Eff. February 1, 1976;

Readopted Eff. December 1, 1977;
Repealed Eff. February 1, 1985.

07 NCAC 04B .1205 TECHNICAL STANDARDS FOR MICROFILMING

History Note: Authority G.S. 121-4(2); 121-5(c); 143B-62(2)b;
Eff. April 15, 1982;
Repealed Eff. February 1, 1985.

CHAPTER 4 - DIVISION OF ARCHIVES AND HISTORY

SUBCHAPTER 4C - HISTORIC SITES REGULATIONS

SECTION .0100 - HISTORIC SITES REGULATIONS

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07 NCAC 04C .0102	CITATION
07 NCAC 04C .0103	CONSTRUCTION
07 NCAC 04C .0104	PERMITS
07 NCAC 04C .0105	RELICS: FLOWERS: PLANTS: ETC.
07 NCAC 04C .0106	BUILDINGS: SIGNS: STRUCTURES: MONUMENTS: ETC.
07 NCAC 04C .0107	DISPOSAL OF REFUSE: GARBAGE: ETC.
07 NCAC 04C .0108	POLLUTION OF WATERS
07 NCAC 04C .0109	VEHICLES: WHERE PROHIBITED
07 NCAC 04C .0110	PARKING
07 NCAC 04C .0111	OBSTRUCTING TRAFFIC
07 NCAC 04C .0112	SPEED LIMIT
07 NCAC 04C .0113	VIEW INTO VEHICLES
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07 NCAC 04C .0118	HUNTING
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07 NCAC 04C .0120	WEAPONS AND FIREARMS
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07 NCAC 04C .0122	FIRES: LIGHTED CIGARETTES: ETC.
07 NCAC 04C .0123	SMOKING
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07 NCAC 04C .0133	WHEN PERMIT REQUIRED
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07 NCAC 04C .0136	TIMING AT CONVENIENCE OF DEPARTMENT

07 NCAC 04C .0137	PRESENCE OF DEPARTMENT REPRESENTATIVE
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07 NCAC 04C .0139	SPECIAL LIGHTING REQUIREMENTS
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07 NCAC 04C .0160	INFORMATION ABOUT GIFT: SALE: OR LOAN OR ARTIFACT
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History Note: Authority G.S. 121-4(8); 121-4(9); 143B-62(2)d;
Eff. February 1, 1976;
Readopted Eff. December 1, 1977;
Repealed Eff. February 1, 1985.

SECTION .0200 - SITE HOURS: ADMISSION

07 NCAC 04C .0201	WOLFE MEMORIAL
07 NCAC 04C .0202	VANCE BIRTHPLACE
07 NCAC 04C .0203	FORT DOBBS
07 NCAC 04C .0204	REED GOLD MINE
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07 NCAC 04C .0208	HOUSE IN THE HORSESHOE
07 NCAC 04C .0209	BENNETT PLACE
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History Note: Authority G.S. 121-4(8); 121-4(9); 143B-62(2)d;
 Eff. February 1, 1976;
 Readopted Eff. December 1, 1977;
 Repealed Eff. February 1, 1985.

CHAPTER 4 - DIVISION OF ARCHIVES AND HISTORY

SUBCHAPTER 4D - MUSEUM OF HISTORY

SECTION .0100 - USE OF THE MUSEUM

07 NCAC 04D .0101	PURPOSE
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07 NCAC 04D .0103	ADMISSION PRICES
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07 NCAC 04D .0107	MUSEUM SALES SHOP
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07 NCAC 04D .0109	AUDITORIUM RULES
07 NCAC 04D .0110	USE OF THE ARCHIVES AND HISTORY/LIBRARY CONFERENCE ROOM
07 NCAC 04D .0111	RULES FOR CONFERENCE ROOM
07 NCAC 04D .0112	ARCHIVES AND HISTORY STAFF RESEARCH ROOM
07 NCAC 04D .0113	AUDIOVISUAL MEDIA SERVICES BRANCH

History Note: Authority G.S. 121-4(6); 121-7; 143B-62(2)a;
 Eff. February 1, 1976;
 Readopted Eff. December 1, 1977;
 Repealed Eff. February 1, 1985.

07 NCAC 04D .0114 PHOTOGRAPHIC SERVICES

History Note: Authority G.S. 121-4(6); 121-7; 143B-62(2)a;
 Eff. February 1, 1976;
 Readopted Eff. December 1, 1977;
 Repealed Eff. November 15, 1979.

07 NCAC 04D .0115 OTHER SERVICES
07 NCAC 04D .0116 GUIDED TOURS

History Note: Authority G.S. 121-4(6); 121-7; 143B-62(2)a;
 Eff. February 1, 1976;
 Readopted Eff. December 1, 1977;
 Repealed Eff. February 1, 1985.

SECTION .0200 - COLLECTION POLICIES OF MUSEUM

07 NCAC 04D .0201 PURPOSE
07 NCAC 04D .0202 ACCEPTANCE OF GIFTS AND LOANS
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07 NCAC 04D .0205 ACQUISITION PROCEDURES
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07 NCAC 04D .0207 CONDITIONAL GIFTS
07 NCAC 04D .0208 VALUATION
07 NCAC 04D .0209 ITEMS LEFT TEMPORARILY WITH THE MUSEUM FOR IDENTIFICATION
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07 NCAC 04D .0212 TEMPORARY RECEIPT
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07 NCAC 04D .0214 COLLECTIONS RESEARCH AREA
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07 NCAC 04D .0216 FORM
07 NCAC 04D .0217 ARTIFACT DEACCESSION
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History Note: Authority G.S. 121-4(6); 121-7; 143B-62(2)a;
 Eff. February 1, 1976;
 Readopted Eff. December 1, 1977;
 Repealed Eff. February 1, 1985.

SECTION .0300 - MUSEUM OF HISTORY PROGRAMS

07 NCAC 04D .0301 EDUCATION BRANCH
07 NCAC 04D .0302 MUSEUM DOCENTS
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07 NCAC 04D .0304 MOBILE MUSEUM OF HISTORY
07 NCAC 04D .0305 PARKING REQUIREMENTS
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07 NCAC 04D .0307 MOBILE MUSEUM SCHEDULING
07 NCAC 04D .0308 SLIDE PROGRAMS
07 NCAC 04D .0309 EXTENSION PROGRAMS

History Note: Authority G.S. 121-4(6),(13); 121-7; 143B-62(2)a;
 Eff. February 1, 1976;
 Readopted Eff. December 1, 1977;
 Repealed Eff. February 1, 1985.

SECTION .0400 - TAR HEEL JUNIOR HISTORIAN ASSOCIATION

07 NCAC 04D .0401 PURPOSE
07 NCAC 04D .0402 MEMBERSHIP IN TAR HEEL JUNIOR HISTORIAN ASSOCIATION

07 NCAC 04D .0403 MAGAZINE EDITORIAL POLICY

History Note: Authority G.S. 121-4(4),(11); 143B-62(1)g,(3);
 Eff. February 1, 1976;
 Readopted Eff. December 1, 1977;
 Repealed Eff. February 1, 1985.

SECTION .0500 - EXHIBITS BRANCH

- 07 NCAC 04D .0501 EXHIBITS BRANCH**
- 07 NCAC 04D .0502 PRIORITY**
- 07 NCAC 04D .0503 DETERMINING PRIORITY**
- 07 NCAC 04D .0504 REQUESTS: FEES**
- 07 NCAC 04D .0505 USE OF SHOP**
- 07 NCAC 04D .0506 POWER TOOLS**

History Note: Authority G.S. 121-4(6),(9); 121-7; 143B-62(2)a;
 Eff. February 1, 1976;
 Readopted Eff. December 1, 1977;
 Repealed Eff. February 1, 1985.

SECTION .0600 - REPORTS ON SPECIAL APPROPRIATIONS

- 07 NCAC 04D .0601 GENERAL PURPOSE**
- 07 NCAC 04D .0602 PROCEDURES PRIOR TO INTRODUCTION**
- 07 NCAC 04D .0603 COPY OF BILL TO DIRECTOR**
- 07 NCAC 04D .0604 STATEMENT TO BE PREPARED ABOUT BILL**
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- 07 NCAC 04D .0606 HEARING**
- 07 NCAC 04D .0607 RECOMMENDATIONS**
- 07 NCAC 04D .0608 APPROPRIATION IN BILL**

History Note: Authority G.S. 121-12(c),(d); 143B-62(1)(e),(3); S.L. 1979, c. 861;
 Eff. April 30, 1980;
 Repealed Eff. February 1, 1985.

CHAPTER 4 - DIVISION OF ARCHIVES AND HISTORY

SUBCHAPTER 4E - HISTORICAL PUBLICATIONS SECTION

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- 07 NCAC 04E .0101 PROPOSED SUBMISSIONS**
- 07 NCAC 04E .0102 ITEMS NOT ACCEPTABLE**
- 07 NCAC 04E .0103 EDITORIAL PRACTICES**
- 07 NCAC 04E .0104 REVIEW PRIOR TO ACCEPTANCE**
- 07 NCAC 04E .0105 STAFF MANUSCRIPTS**
- 07 NCAC 04E .0106 BOOK REVIEWS**
- 07 NCAC 04E .0107 ADVISORY EDITORIAL COMMITTEE**
- 07 NCAC 04E .0108 STANDARDS FOR REVIEW OF MANUSCRIPTS**
- 07 NCAC 04E .0109 PUBLICATION**

History Note: Authority G.S. 121-4(4); 121-6(a); 143B-62(1)a,g;
Eff. February 1, 1976;
Readopted Eff. December 1, 1977;
Repealed Eff. February 1, 1985.

07 NCAC 04E .0110 EDITORIAL SERVICES TO PUBLIC

History Note: Authority G.S. 121-4(4); 121-6(a); 143B-62(1)a,g;
Eff. November 15, 1979;
Repealed Eff. February 1, 1985.

SECTION .0200 - DISTRIBUTION AND SALE OF PUBLICATIONS

- 07 NCAC 04E .0201 DETERMINATION OF COST AND CREDIT**
- 07 NCAC 04E .0202 DISCOUNTS**
- 07 NCAC 04E .0203 PUBLICATIONS LIST**
- 07 NCAC 04E .0204 ADVERTISEMENTS**
- 07 NCAC 04E .0205 DISTRIBUTION OF GOVERNORS' DOCUMENTARIES**
- 07 NCAC 04E .0206 INFORMATION TO HISTORICAL COMMISSION**
- 07 NCAC 04E .0207 PRINTING CONTRACTS**

History Note: Authority G.S. 121-4(4),(5); 121-6(a),(b); 143B-62(1)a,g;
Eff. February 1, 1976;
Readopted Eff. December 1, 1977;
Amended Eff. November 15, 1979; October 20, 1978;
Repealed Eff. February 1, 1985.

CHAPTER 4 - DIVISION OF ARCHIVES AND HISTORY

SUBCHAPTER 4F - STATE CAPITOL AND VISITOR CENTER

SECTION .0100 - GENERAL RULES

- 07 NCAC 04F .0101 VISITING HOURS**
- 07 NCAC 04F .0102 FREE ADMISSION**
- 07 NCAC 04F .0103 MINIMUM AGE FOR VISITORS**
- 07 NCAC 04F .0104 RESTRICTIONS ON SMOKING AND EATING**
- 07 NCAC 04F .0105 VISITS OUTSIDE OF NORMAL HOURS**
- 07 NCAC 04F .0106 PHOTOGRAPHY**
- 07 NCAC 04F .0107 NO PETS ALLOWED**
- 07 NCAC 04F .0108 NORMAL USE OF CAPITOL AND VISITOR CENTER**
- 07 NCAC 04F .0109 USE OF CAPITOL BY GOVERNOR**
- 07 NCAC 04F .0110 USE OF CAPITOL FOR SPECIAL EVENTS**
- 07 NCAC 04F .0111 REQUESTS FOR USE OF CAPITOL**
- 07 NCAC 04F .0112 LENDING SERVICE**
- 07 NCAC 04F .0113 ACQUISITION; USE; CARE; AND DISPOSAL OF ARTIFACTS**
- 07 NCAC 04F .0114 RULES FOR VISITING GROUPS**
- 07 NCAC 04F .0115 POSTING OF RULES: VIOLATION MADE MISDEMEANOR**

History Note: Authority G.S. 121-4(9); 121-9(h); 143B-62(2)d;
Eff. February 1, 1976;

Readopted Eff. December 1, 1977;
Amended Eff. April 15, 1982; October 20, 1978;
Repealed Eff. February 1, 1985.

SECTION .0200 - PROGRAMS AND ASSISTANCE

07 NCAC 04F .0201	INFORMAL ADVISORY COMMITTEE FOR THE STATE VISITOR CENTER
07 NCAC 04F .0202	INFORMAL STATE CAPITOL COMMITTEE
07 NCAC 04F .0203	VOLUNTEER DOCENTS
07 NCAC 04F .0204	PROGRAMS AVAILABLE: SCHEDULING
07 NCAC 04F .0205	PUBLIC RELATIONS
07 NCAC 04F .0206	CAPITAL AREA DEVELOPMENT

History Note: Authority G.S. 121-4(9); 121-9(h); 143B-62(2)d;
Eff. February 1, 1976;
Readopted Eff. December 1, 1977;
Repealed Eff. February 1, 1985.

CHAPTER 4 - DIVISION OF ARCHIVES AND HISTORY

SUBCHAPTER 4G - HISTORIC PRESERVATION SECTION

SECTION .0100 - REPORTS ON SPECIAL APPROPRIATIONS

07 NCAC 04G .0101	GENERAL PURPOSE
07 NCAC 04G .0102	PROCEDURES PRIOR TO INTRODUCTION
07 NCAC 04G .0103	COPY OF BILL TO DIRECTOR
07 NCAC 04G .0104	STATEMENT TO BE PREPARED ABOUT BILL
07 NCAC 04G .0105	COPIES TO COMMISSION
07 NCAC 04G .0106	HEARING
07 NCAC 04G .0107	RECOMMENDATIONS
07 NCAC 04G .0108	APPROPRIATION IN BILL

History Note: Authority G.S. 121-12(c),(d); 143B-62(1)e,(3);
Eff. February 1, 1976;
Readopted Eff. December 1, 1977;
Repealed Eff. February 1, 1985.

SECTION .0200 - ACQUISITION OF HISTORIC SITES

07 NCAC 04G .0201	RELATIONSHIP TO STATEWIDE PROGRAM
07 NCAC 04G .0202	HISTORICAL AUTHENTICITY
07 NCAC 04G .0203	HISTORICAL SIGNIFICANCE
07 NCAC 04G .0204	CRITERIA WHERE RECONSTRUCTION PROPOSED
07 NCAC 04G .0205	HISTORICAL NATURE REQUIRED
07 NCAC 04G .0206	FINANCING AND SIMILAR PROBLEMS
07 NCAC 04G .0207	ADDITIONAL CRITERIA

History Note: Authority G.S. 121-4(8); 121-9(b); 121-11; 121-12(c); 143B-62(1)d,(2)e;
Eff. February 1, 1976;
Readopted Eff. December 1, 1977;
Repealed Eff. February 1, 1985.

SECTION .0300 - APPROVAL OF MEMORIALS FOR ACCEPTANCE

07 NCAC 04G .0301	PURPOSE
07 NCAC 04G .0302	STATEWIDE HISTORICAL SIGNIFICANCE
07 NCAC 04G .0303	NO MEMORIAL WITHIN 25 YEARS OF DEATH
07 NCAC 04G .0304	ARTISTIC QUALITY
07 NCAC 04G .0305	MEMORIALS TO BE COMPATIBLE WITH SURROUNDINGS
07 NCAC 04G .0306	COMMISSION WILL COOPERATE IN PLANNING
07 NCAC 04G .0307	RIGHT OF COMMISSION TO REMOVE MEMORIAL
07 NCAC 04G .0308	PRESENTATION OF MEMORIAL PROPOSALS TO COMMISSION
07 NCAC 04G .0309	DEADLINE FOR SUBMISSION OF PROPOSALS

*History Note: Authority G.S. 100-2; 100-3; 143B-62(1)d,(2)e;
Eff. February 1, 1976;
Readopted Eff. December 1, 1977;
Repealed Eff. February 1, 1985.*

**SECTION .0400 - POLICIES REGARDING GRANTS-IN-AID FOR HISTORIC PRESERVATION PROJECTS
AND NONSTATE MUSEUMS**

07 NCAC 04G .0401	MONEY FOR GRANTS-IN-AID
07 NCAC 04G .0402	CONDITIONS OF GRANT
07 NCAC 04G .0403	QUALIFYING FUNDS TO BE IN CASH
07 NCAC 04G .0404	BANK CERTIFICATION
07 NCAC 04G .0405	LOCAL FUNDS RAISED FIRST: EXCEPTIONS
07 NCAC 04G .0406	SOURCE OF QUALIFYING FUNDS
07 NCAC 04G .0407	NORMAL POLICIES
07 NCAC 04G .0408	QUALIFIED PURPOSES
07 NCAC 04G .0409	NO STATE FUNDS FOR OPERATIONS
07 NCAC 04G .0410	PRIOR APPROVAL OF PLANS
07 NCAC 04G .0411	HISTORICAL RESEARCH REPORT
07 NCAC 04G .0412	SPONSORING ORGANIZATION TO CONTRACT
07 NCAC 04G .0413	TWO COPIES OF REPORTS REQUIRED
07 NCAC 04G .0414	TWO COPIES OF FINAL REPORTS REQUIRED
07 NCAC 04G .0415	DRAWINGS AND PHOTOGRAPHS REQUIRED
07 NCAC 04G .0416	BIDDING AND NEGOTIATIONS
07 NCAC 04G .0417	DISBURSEMENT
07 NCAC 04G .0418	STRICT ACCOUNTING REQUIRED
07 NCAC 04G .0419	ALL PLANS MUST BE APPROVED FOR PHASED CONSTRUCTION
07 NCAC 04G .0420	STATEMENT OF NONDISCRIMINATION REQUIRED
07 NCAC 04G .0421	SUMMARY
07 NCAC 04G .0422	SEPARATE ACCOUNTING OF FUNDS
07 NCAC 04G .0423	AUDIT CAN BE REQUIRED
07 NCAC 04G .0424	SPONSOR RESPONSIBLE FOR WORK
07 NCAC 04G .0425	FURTHER INFORMATION
07 NCAC 04G .0426	PROJECT TO BE OPEN

*History Note: Authority G.S. 121-11; 121-12(c); 143B-62(1)e; 143B-62(2)f;
Eff. February 1, 1976;
Readopted Eff. December 1, 1977;
Amended Eff. April 30, 1980;
Repealed Eff. February 1, 1983.*

07 NCAC 04G .0427	MONEY FOR GRANTS-IN-AID
07 NCAC 04G .0428	CONDITIONS OF GRANT

07 NCAC 04G .0429 SOURCE OF QUALIFYING FUNDS
07 NCAC 04G .0430 CERTIFICATION OF NONSTATE FUNDS
07 NCAC 04G .0431 LOCAL FUNDS RAISED FIRST: EXCEPTIONS
07 NCAC 04G .0432 QUALIFIED PURPOSES
07 NCAC 04G .0433 EXCLUSIONS
07 NCAC 04G .0434 HISTORICAL RESEARCH/ARCHAEOLOGICAL INVESTIGATION
07 NCAC 04G .0435 SPONSORING ORGANIZATION TO CONTRACT
07 NCAC 04G .0436 STATEMENT OF MAINTENANCE: VISITATION: NONDISCRIMINATION

History Note: Legislative Objection Lodged Eff. February 1, 1983;
Authority G.S. 121-11; 121-12(c); 143B-62(1)e; 143B-62(2)f;
Eff. February 1, 1983;
Curative Eff. February 24, 1983;
Repealed Eff. February 1, 1985.

SECTION .0500 - NATIONAL REGISTER: PLAN

07 NCAC 04G .0501 STATE HISTORIC PRESERVATION OFFICER
07 NCAC 04G .0502 STATE PROFESSIONAL REVIEW COMMITTEE

History Note: Authority G.S. 121-8(b); 143B-62(1)b,3; 16 U.S.C. 470a.(a)(1)(1970);
36 C.F.R. 800.1-.10 (1975); 40 F.R. 5242-5244, 5333 (1975);
Eff. February 1, 1976;
Readopted Eff. December 1, 1977;
Amended Eff. October 20, 1978;
Repealed Eff. February 1, 1985.

07 NCAC 04G .0503 STATE PLAN FOR HISTORIC PRESERVATION

History Note: Authority G.S. 121-8(c); 143B-62(1)c,(3); 16 U.S.C. 470b.(a)(2)(1970);
Eff. February 1, 1976;
Readopted Eff. December 1, 1977;
Repealed Eff. October 20, 1978.

07 NCAC 04G .0504 PUBLIC SUGGESTIONS FOR NATIONAL REGISTER
07 NCAC 04G .0505 NOMINATION PROCEDURES
07 NCAC 04G .0506 REQUESTS FOR REVIEW OF FEDERAL PROPOSALS
07 NCAC 04G .0507 REVIEW AND PROCESSING
07 NCAC 04G .0508 PROCEDURE BEFORE REVIEW COMMITTEE

History Note: Authority G.S. 121-8(b); 143B-62(1)g,3; 16 U.S.C. 470a (1970);
Eff. February 1, 1976;
Readopted Eff. December 1, 1977;
Amended Eff. October 20, 1978;
Repealed Eff. February 1, 1985.

07 NCAC 04G .0509 NATIONAL REGISTER NOMINATIONS PRIORITIES

History Note: Authority G.S. 121-8(b); 143B-62(3);
Eff. October 20, 1978;
Repealed Eff. February 1, 1985.

SECTION .0600 - COORDINATION TO SAVE LANDMARKS

07 NCAC 04G .0601 NATIONAL REGISTER SENT TO STATE AGENCIES

07 NCAC 04G .0602	COORDINATIVE MECHANISM
07 NCAC 04G .0603	STATEMENT TO DIRECTOR
07 NCAC 04G .0604	EXEMPTION FOR MINOR REPAIRS
07 NCAC 04G .0605	NOTICE OF EFFECT
07 NCAC 04G .0606	DEFINITION
07 NCAC 04G .0607	EFFECT OF FINDING OF EFFECT
07 NCAC 04G .0608	PROCEDURE AFTER MEETING
07 NCAC 04G .0609	PUBLIC COMMENT

History Note: Authority G.S. 121-12(a); 143B-62(1)f,(3);
 Eff. February 1, 1976;
 Readopted Eff. December 1, 1977;
 Repealed Eff. February 1, 1985.

SECTION .0700 - REVIEW OF HISTORIC DISTRICTS

07 NCAC 04G .0701	REVIEW OF HISTORIC DISTRICTS
07 NCAC 04G .0702	REVIEW OF CERTIFICATES OF APPROPRIATENESS
07 NCAC 04G .0703	REVIEW OF REPORT ON HISTORIC PROPERTIES ORDINANCE
07 NCAC 04G .0704	DEPARTMENT INITIATED REVIEW OF CERTIFICATE
07 NCAC 04G .0705	MUNICIPALITY TO PROVIDE ADEQUATE INFORMATION

History Note: Authority G.S. 143B-62(2)f; 160A-395(2); 160A-397; 160A-399.5(2);
 Eff. February 1, 1976;
 Readopted Eff. December 1, 1977;
 Repealed Eff. February 1, 1985.

SECTION .0800 - ACQUISITION FOR HISTORIC PRESERVATION

07 NCAC 04G .0801	PROPOSED PROPERTY TO BE IN OR ELIGIBLE FOR REGISTER
07 NCAC 04G .0802	N.C. HISTORICAL COMMISSION MUST APPROVE ACQUISITION
07 NCAC 04G .0803	NO FUNDS FOR PRESERVATION WITHOUT APPROVAL: EXCEPTION
07 NCAC 04G .0804	PERMANENT PLAN FOR PRESERVATION TO BE PREPARED
07 NCAC 04G .0805	OWNER TO PROVIDE INFORMATION
07 NCAC 04G .0806	DIRECTOR TO ASSESS PROPERTY
07 NCAC 04G .0807	DIRECTOR TO REPORT TO OWNER
07 NCAC 04G .0808	AGREEMENT MAY THEN BE EXECUTED
07 NCAC 04G .0809	SUBMISSION OF PROPOSAL TO HISTORICAL COMMISSION
07 NCAC 04G .0810	PROPOSAL THEN TO BE SUBMITTED FOR STATUTORY APPROVAL
07 NCAC 04G .0811	PRIOR TO FINAL APPROVAL: ADDITIONAL NEGOTIATIONS ALLOWED
07 NCAC 04G .0812	PLAN FOR PRESERVATION MAY BE INSTITUTED

History Note: Authority G.S. 121-9(b); 121-11; 121-12(b),(c); 143B-62(1)d,e,(2)e,(3);
 Eff. February 1, 1976;
 Readopted Eff. December 1, 1977;
 Repealed Eff. February 1, 1985.

07 NCAC 04G .0813	PROPERTY ACQUISITION BY CONDEMNATION
07 NCAC 04G .0814	REPORT OF FEASIBILITY FOR PRESERVATION
07 NCAC 04G .0815	SUBMISSION OF PROPOSAL TO HISTORICAL COMMISSION
07 NCAC 04G .0816	SUBMISSION TO GOVERNOR AND COUNCIL OF STATE
07 NCAC 04G .0817	USE AND DISPOSAL

History Note: Authority G.S. 121-9(d),(e);
 Eff. October 20, 1978;

Repealed Eff. February 1, 1985.

SECTION .0900 - LOCAL HISTORICAL MARKER PROGRAM

07 NCAC 04G .0901	PURPOSE
07 NCAC 04G .0902	ORGANIZATION
07 NCAC 04G .0903	LIMIT TO LMAC'S
07 NCAC 04G .0904	COMPOSITION OF LMAC'S
07 NCAC 04G .0905	LMAC OFFICERS: MEETINGS: MEMBERSHIP
07 NCAC 04G .0906	DUTIES OF AN LMAC
07 NCAC 04G .0907	APPROVAL OF A MARKER: APPEAL
07 NCAC 04G .0908	NOT TO DUPLICATE STATEWIDE PROGRAM
07 NCAC 04G .0909	NO DUPLICATE MARKERS
07 NCAC 04G .0910	NO MARKING WITHIN 25 YEARS OF DEATH
07 NCAC 04G .0911	NO COMMERCIAL MARKERS
07 NCAC 04G .0912	RESTRICTIONS ON MARKING OF CHURCHES
07 NCAC 04G .0913	MARKING OF CEMETERIES
07 NCAC 04G .0914	ROAD MARKERS
07 NCAC 04G .0915	LIMIT ON MULTIPLE MARKERS FOR INDIVIDUAL
07 NCAC 04G .0916	ONE MARKER PER SITE
07 NCAC 04G .0917	NO STRUCTURE MARKED TO PRESERVE IT
07 NCAC 04G .0918	DOCUMENTARY PROOF NEEDED
07 NCAC 04G .0919	SHAPE OF MARKER AND MAINTENANCE OF MARKERS
07 NCAC 04G .0920	SIZE OF MARKERS
07 NCAC 04G .0921	COLOR OF MARKER
07 NCAC 04G .0922	PLACEMENT OF MARKER
07 NCAC 04G .0923	SITE TO BE SAFE
07 NCAC 04G .0924	GREAT SEAL NOT TO BE USED
07 NCAC 04G .0925	SPONSOR SHOULD BE IDENTIFIED
07 NCAC 04G .0926	NO MARKERS ON CERTAIN HIGHWAYS
07 NCAC 04G .0927	MAINTENANCE
07 NCAC 04G .0928	REMOVAL
07 NCAC 04G .0929	APPROVAL OF EXACT LOCATION
07 NCAC 04G .0930	BREAKAWAY MARKER
07 NCAC 04G .0931	COST OF MARKER

*History Note: Authority G.S. 100-2; 121-4(7); 143B-62(1)g,(3);
Eff. February 1, 1976;
Readopted Eff. December 1, 1977;
Repealed Eff. February 1, 1985.*

SECTION .1000 - HISTORIC PRESERVATION AND CONSERVATION AGREEMENTS

07 NCAC 04G .1001	GRANTOR-GRANTEE SPECIFICATIONS
07 NCAC 04G .1002	AGREEMENT CONDITIONS
07 NCAC 04G .1003	SPECIAL PROVISIONS FOR ARCHAEOLOGICAL SITES
07 NCAC 04G .1004	TRANSFERAL OF PRESERVATION/CONSERVATION AGREEMENTS

*History Note: Authority G.S. 121-2; 121-4; 121-9(d); 121-22; 121-23; 121-35;
Eff. December 31, 1980;
Repealed Eff. February 1, 1985.*

CHAPTER 4 - DIVISION OF ARCHIVES AND HISTORY

SUBCHAPTER 4H - HIGHWAY HISTORICAL MARKER PROGRAM

SECTION .0100 - GENERAL PROVISIONS

07 NCAC 04H .0101	DEFINITIONS
07 NCAC 04H .0102	ERECTION OF HIGHWAY MARKERS
07 NCAC 04H .0103	COMPOSITION AND FUNCTION OF COMMITTEE
07 NCAC 04H .0104	SELECTION OF MEMBERS
07 NCAC 04H .0105	OFFICERS
07 NCAC 04H .0106	INTENT OF PROGRAM

History Note: Authority G.S. 121-4(7);
Eff. February 1, 1976;
Readopted Eff. December 1, 1977;
Repealed Eff. February 1, 1985.

SECTION .0200 - CRITERIA FOR MARKERS

07 NCAC 04H .0201	STATEWIDE SIGNIFICANCE REQUIRED
07 NCAC 04H .0202	RESTRICTION ON MARKING WITHIN 25 YEARS OF DEATH
07 NCAC 04H .0203	EXEMPTION
07 NCAC 04H .0204	MARKINGS FOR CONGRESSMEN
07 NCAC 04H .0205	MARKING OF CHURCHES
07 NCAC 04H .0206	CRITERIA FOR SCHOOLS: CAMP GROUNDS: ETC.
07 NCAC 04H .0207	RESTRICTIONS ON MARKING OF CEMETERIES
07 NCAC 04H .0208	RESTRICTIONS: MARKING OF COURTHOUSES: JAILS: POST OFFICES
07 NCAC 04H .0209	RESTRICTIONS ON MARKING OF OLD ROADS: BRIDGES: ETC.
07 NCAC 04H .0210	VISITS BY PERSONS NOT IMPORTANT CRITERIA
07 NCAC 04H .0211	CRITERIA WHEN SEVERAL PERSONS INVOLVED IN AN EVENT
07 NCAC 04H .0212	LIMIT ON MULTIPLE MARKERS
07 NCAC 04H .0213	SITES NOT TO BE MARKED FOR PRESERVATION
07 NCAC 04H .0214	FORMER SITES NOT MARKED
07 NCAC 04H .0215	MARKERS FOR TOWNS PROHIBITED
07 NCAC 04H .0216	NO MARKERS WHERE COMPLEX HAS ITS OWN SYSTEM
07 NCAC 04H .0217	MARKINGS OF COLLEGES AND UNIVERSITIES RESTRICTED
07 NCAC 04H .0218	EVIDENCE BEFORE COMMITTEE

History Note: Authority G.S. 121-4(7);
Eff. February 1, 1976;
Readopted Eff. December 1, 1977;
Repealed Eff. February 1, 1985.

SECTION .0300 - PLACEMENT OF MARKERS

07 NCAC 04H .0301	MARKERS TO BE NEAR SITE
07 NCAC 04H .0302	FEASIBILITY TO BE CONSIDERED
07 NCAC 04H .0303	LOCATION OF MARKERS
07 NCAC 04H .0304	MARKERS ON HIGHWAYS

History Note: Authority G.S. 121-4(7); 136-42.3;
Eff. February 1, 1976;
Readopted Eff. December 1, 1977;
Repealed Eff. February 1, 1985.

SECTION .0400 - INSCRIPTION AND ERECTION

07 NCAC 04H .0401	INSCRIPTION DETERMINED BY COMMITTEE
07 NCAC 04H .0402	UNDISPUTED FACTS TO BE CITED
07 NCAC 04H .0403	RESTRICTIONS ON WORDS OF TEXT
07 NCAC 04H .0404	TITLE AND TEXT OF MARKER
07 NCAC 04H .0405	WAITING PERIOD
07 NCAC 04H .0406	PROCEDURE FOR LOCAL COMMENT
07 NCAC 04H .0407	PROCEDURE AFTER APPROVAL
07 NCAC 04H .0408	MARKER TO BE SENT TO DEPARTMENT OF TRANSPORTATION
07 NCAC 04H .0409	PLANS FOR CEREMONY SET BY ORIGINATING GROUP
07 NCAC 04H .0410	SPECIAL RULES FOR CEREMONY

History Note: Authority G.S. 121-4(7); 136-42.2;
Eff. February 1, 1976;
Readopted Eff. December 1, 1977;
Repealed Eff. February 1, 1985.

SECTION .0500 - PROPOSAL OF MARKERS: CORRECTIONS

07 NCAC 04H .0501	CORRECTION OF ERRORS
07 NCAC 04H .0502	PUBLIC SUBMISSION OF ERRORS
07 NCAC 04H .0503	PROCEDURE FOR DETERMINING ERROR
07 NCAC 04H .0504	PUBLIC PROPOSAL OF NEW MARKERS
07 NCAC 04H .0505	REQUIREMENTS FOR PROPOSED MARKER

History Note: Authority G.S. 121-4(7); 136-42.3; 150B-11(1);
Eff. February 1, 1976;
Readopted Eff. December 1, 1977;
Repealed Eff. February 1, 1985.

SUBCHAPTER 4I - TRYON PALACE SECTION

SECTION .0100 - TRYON PALACE USE REGULATIONS

07 NCAC 04I .0101	HOURS OF OPERATION
07 NCAC 04I .0102	ADMISSION PRICES
07 NCAC 04I .0103	VISITATION RULES
07 NCAC 04I .0104	USE OF THE AUDITORIUM
07 NCAC 04I .0105	RESEARCH
07 NCAC 04I .0106	AUDIOVISUAL AIDS
07 NCAC 04I .0107	PHOTOGRAPHIC SERVICES
07 NCAC 04I .0108	TOURS

History Note: Authority G.S. 121-4(8),(9),(13); 143B-62(1)g,(2)d,(3);
Eff. February 1, 1976;
Readopted Eff. December 1, 1977;
Amended Eff. April 1, 1981;
Repealed Eff. February 1, 1985.

SECTION .0200 - COLLECTION RULES FOR TRYON PALACE

07 NCAC 04I .0201 PURPOSE
07 NCAC 04I .0202 OFFERS OF GIFT OR LOAN

History Note: Authority G.S. 121-4(1),(13); 143B-62(1)g,(2)d,(3);
 Eff. February 1, 1976;
 Readopted Eff. December 1, 1977;
 Repealed Eff. February 1, 1985.

SUBCHAPTER 4J - EXPLORATION AND SALVAGE REGULATIONS

SECTION .0100 - GENERAL PROVISIONS

07 NCAC 04J .0101 OWNERSHIP BY STATE

History Note: Authority G.S. 121-22; 121-23; 143B-62(1)g,(3);
 Eff. February 1, 1976;
 Readopted Eff. December 1, 1977;
 Repealed Eff. April 30, 1980.

- 07 NCAC 04J .0102 DEFINITIONS**
- 07 NCAC 04J .0103 DEPARTMENT AUTHORIZED TO GRANT PERMITS AND LICENSES**
- 07 NCAC 04J .0104 PERMIT OR LICENSE FOR EXPLORATION**
- 07 NCAC 04J .0105 PERMIT OR LICENSE FOR SALVAGE**
- 07 NCAC 04J .0106 INTERPRETATION OF PERMITS OR LICENSES**
- 07 NCAC 04J .0107 EMPLOYMENT CONTRACTS**
- 07 NCAC 04J .0108 OWNERSHIP AND DIVISION OF RECOVERED ITEMS**
- 07 NCAC 04J .0109 SUPERVISION**
- 07 NCAC 04J .0110 BOATS TO CARRY IDENTIFICATION**
- 07 NCAC 04J .0111 SPECIAL AREAS FOR SPORT AND HOBBY OPERATIONS**

History Note: Authority G.S. 121-23; 121-25; 143B-62(1)g,(3);
 Eff. February 1, 1976;
 Readopted Eff. December 1, 1977;
 Repealed Eff. February 1, 1985.

07 NCAC 04J .0112 IDENTIFICATION AND PROTECTION OF SHIPWRECKS

History Note: Authority G.S. 121-22; 121-23; 143B-62(1)g,(3);
 Eff. April 30, 1980;
 Repealed Eff. February 1, 1985.

SECTION .0200 - AUTHORITY AND PENALTIES

07 NCAC 04J .0201 AUTHORITY FOR AND SCOPE OF REGULATIONS
07 NCAC 04J .0202 PENALTIES

History Note: Authority G.S. 121-22 through 121-28; 143B-62(1)g,(3);
 Eff. February 1, 1976;
 Readopted Eff. December 1, 1977;
 Repealed Eff. February 1, 1985.

SUBCHAPTER 4K - ENVIRONMENTAL REVIEW

SECTION .0100 - ARCHAEOLOGICAL REVIEW

07 NCAC 04K .0101	PURPOSE
07 NCAC 04K .0102	DATA SUFFICIENCY REVIEWED
07 NCAC 04K .0103	FIRST LEVEL OF REVIEW
07 NCAC 04K .0104	SECOND LEVEL OF REVIEW
07 NCAC 04K .0105	TIMETABLE
07 NCAC 04K .0106	THIRD LEVEL OF REVIEW
07 NCAC 04K .0107	HUMAN INHABITATION RELEVANT
07 NCAC 04K .0108	SITE TESTING
07 NCAC 04K .0109	REGISTER CRITERIA CHECKED
07 NCAC 04K .0110	PRESERVATION PREFERRED
07 NCAC 04K .0111	SALVAGING

History Note: Authority G.S. 113-229(e); 113A-4(2); 121-4(13); 136-42.1; 143B-62(1)f,(3); 16 U.S.C. 470a.(a)(1) (1970); 36 CFR 800.4-.6 (1975); Executive Order 11593 (1971); Eff. February 1, 1976; Readopted Eff. December 1, 1977; Repealed Eff. February 1, 1985.

SECTION .0200 - ARCHITECTURAL SURVEY AND PLANNING REVIEW

07 NCAC 04K .0201	REVIEW OF DATA
07 NCAC 04K .0202	FIRST REVIEW
07 NCAC 04K .0203	NATIONAL REGISTER PROPERTY
07 NCAC 04K .0204	CONSULTATION
07 NCAC 04K .0205	REVIEW
07 NCAC 04K .0206	PROFESSIONAL REVIEW NECESSARY
07 NCAC 04K .0207	FEDERAL REVIEW

History Note: Authority G.S. 113-229(e); 113A-4(2); 121-4(13); 136-42.1; 143B-62(1)f,(3); 16 U.S.C. 470a.(a)(1) (1970); 36 CFR 800.4-.6 (1975); Executive Order 11593 (1971); Eff. February 1, 1976; Readopted Eff. December 1, 1977; Repealed Eff. February 1, 1985.

SECTION .0300 - PUBLIC ACCESS TO SITES

07 NCAC 04K .0301	TESTING AND EXCAVATION SITES
07 NCAC 04K .0302	ACCESSIBILITY TO LABORATORY

History Note: Authority G.S. 121-4(9); 143B-62(2)d; Eff. February 1, 1976; Readopted Eff. December 1, 1977; Repealed Eff. February 1, 1985.

SUBCHAPTER 04L - DIVISIONAL RULES

SECTION .0100 - ORGANIZATIONAL RULES

07 NCAC 04L .0101	DIVISION OF ARCHIVES AND HISTORY
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The main office of the Division of Archives and History is located at 109 East Jones Street, Raleigh, North Carolina 27611.

History Note: Authority G.S. 150B-10;
Eff. February 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04L .0102 DIRECTOR'S OFFICE

The Division of Archives and History through the office of the director initiates, conducts, manages, and directs all programs of the State of North Carolina which fall under the provisions of the North Carolina Archives and History Act (G.S. Chapter 121) including:

- (1) conducting a records management program for the State of North Carolina;
- (2) operating the North Carolina State Archives;
- (3) editing and publishing materials on the history of North Carolina;
- (4) conducting educational programs on North Carolina history;
- (5) operating the North Carolina Museum of History;
- (6) conducting a highway historical marker program for the state;
- (7) acquiring, developing, operating, and interpreting historic sites for the state;
- (8) conducting a statewide historic preservation program;
- (9) conducting a statewide archaeological conservation and management program;
- (10) operating a grants-in-aid program for the preservation and restoration of significant historic properties;
- (11) operating an environmental assessment program to protect historic and archaeological properties from destruction;
- (12) providing all administrative services to the North Carolina Historical Commission;
- (13) providing services and assistance to professional and volunteer organizations throughout the State of North Carolina whose purposes are related to the history of North Carolina.

History Note: Authority G.S. 150B-10;
Eff. February 1, 1985;
Amended Eff. June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

SECTION .0200 - RULEMAKING: ADJUDICATION

07 NCAC 04L .0201 RULEMAKING AND ADJUDICATION PROCEDURES

07 NCAC 04L .0202 INITIATION OF RULEMAKING

History Note: Authority G.S. 143B-62(1)g,(3); 150B-11(1); 150B-14; 150B-16;
Eff. February 1, 1985;
Repealed Eff. June 1, 1989.

CHAPTER 04 - Office OF ARCHIVES AND HISTORY

SUBCHAPTER 04M – DIVISION OF ARCHIVES AND RECORDS

SECTION .0100 - STATE ARCHIVES OF NORTH CAROLINA: USE AND SERVICES

07 NCAC 04M .0101 STATEMENT OF PURPOSE OF ARCHIVES AND RECORDS SECTION

07 NCAC 04M .0102 ARCHIVES SEARCH ROOM HOURS

07 NCAC 04M .0103 ARCHIVES REFERENCE SERVICES

History Note: Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;
Eff. February 1, 1985;
Amended Eff. April 1, 2001; June 1, 1989, May 3, 1986;
Repealed Eff. June 1, 2014.

07 NCAC 04M .0104 ARCHIVES STACKS

The stacks storing archival collections are not public spaces.

History Note: Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a; Eff. February 1, 1985; Amended Eff. June 1, 2014; April 1, 2001; June 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04M .0105 PUBLIC RESEARCH FACILITIES

Rules governing researchers' use of the Division of Archives and Records public research facilities are as follows:

- (1) Brief cases, attache cases, bags, coats, or other bulky clothing, notebooks, envelopes, pad folders, privately owned books, maps, and old manuscripts shall not be taken into the research facilities. Lockers and coat racks are provided outside the research facilities for such items.
- (2) Access to the archival collections shall only be by presentation of current photo identification, providing accurate name and address.
- (3) Researchers shall request archival records by completing the call slips or records request form provided by each facility. Information required to request records includes researcher's name, date, and citation or records to be requested.
- (4) The research facility in Raleigh shall issue researchers identification cards to be used when requesting archival records. To receive records in Raleigh, the identification card shall be surrendered to a member of the research facility staff. Upon leaving the research facility in Raleigh, the researcher shall surrender his or her identification card to a member of the research facility staff.
- (5) A researcher may request more than one box or volume of records. However, a researcher may access only one box of loose records or up to three volumes of records at any one time. When use of the box or volumes is completed, the researcher shall return the records prior to obtaining another box or other volumes of records.
- (6) Staff shall examine any materials the researcher brings into or removes from the research facilities.
- (7) Researchers shall exercise care in handling records, manuscripts, books, or other materials. In particular, researchers shall observe the following:
 - (a) Manuscripts shall not be marked or otherwise altered or defaced.
 - (b) Pens, highlighters, and other writing instruments that create permanent marks shall not be permitted in research facilities.
 - (c) No items shall be used as "pointers" when reading original records.
 - (d) Tape and other office supplies, such as correction fluid and gum erasers, shall not be permitted in the research facilities. Pencils shall be used with great care to ensure no marks or other damages are made to the materials.
 - (e) Researchers shall not return books or other materials to research facility shelves; these shall be replaced by a staff member.
 - (f) All manuscripts, volumes, and reference books from the research facility shelves shall be placed on the tables or reading stands provided in the research facility; they shall not be held in the lap or propped against the edge of a table.
 - (g) Only one folder of loose papers from a box of loose papers shall be opened at one time in order to avoid mixing of records or folders.
 - (h) Papers shall not be rearranged under any circumstances. If a researcher thinks something is out of order, he or she shall notify a staff member.
 - (i) Records from the stacks and reference materials from the research facility shall not be permitted in the microfilm reading room.
- (8) Smoking, eating, or drinking shall not be permitted in the research facilities.
- (9) A researcher wishing to temporarily leave the research facility must turn in all pulled archival records and verify his or her registration when reentering.
- (10) Orders for copies placed in person by a researcher shall not exceed 50 copies per researcher per day. Fees for such orders shall be paid at the time the copies are made and may not be billed.
- (11) Equipment deemed by the Archives Conservator to be damaging to archival records shall not be used in the research facilities. The Archives Conservator shall make this determination based upon harm caused by excessive light exposure, tearing, or otherwise defacing the document. This shall include the use of

equipment that sits on top of or pulls an original item through it to capture the image or provides light levels that damage the document.

History Note: Authority G.S. 121-4(3); 121-5(d); 132-6.2; 143B-62(2)a;
Eff. February 1, 1985;
Amended Eff. June 1, 2014; April 1, 2001; June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04M .0106 DUPLICATION SERVICES

The Division of Archives and Records shall charge fees pursuant to G.S. 121-5(d) for duplication services for archival records in its custody. The following duplication services are available for archival records in the custody of the Division of Archives and Records:

- (1) photocopies of loose documents;
- (2) imaging of paper and photographic materials;
- (3) paper prints from microfilm;
- (4) negative, first-generation or "original" microfilm of records and manuscripts in the custody of the Division, except those under restriction by law or donation agreement;
- (5) duplicate microfilm of entire rolls of microfilm in the collections of the Division;
- (6) certified photocopies of public records of state agencies, counties, municipalities, or other political subdivisions of North Carolina; and
- (7) exemplifications prepared for introduction as evidence in a court of law.

History Note: Authority G.S. 121-4(3); 121-4(14); 121-5(d); 132-6.2; 143B-62(2)a;
Eff. February 1, 1985;
Amended Eff. June 1, 2014; April 1, 2001; June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04M .0107 OUTER BANKS HISTORY CENTER GALLERY REGULATIONS

- (a) Eating, drinking, and smoking are not permitted in the Gallery.
- (b) Visitors may not touch artifacts, art works, or graphics.
- (c) Children under 12 years old must be accompanied by an adult over 18 years old.

History Note: Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a; 143B-62(2)d;
Eff. June 1, 2014.

SECTION .0200 - LISTING OF PROFESSIONAL RESEARCHERS

07 NCAC 04M .0201 ARCHIVES MAY MAINTAIN LIST OF RESEARCHERS

As a service, the State Archives may maintain a list of professional researchers who are willing and able to undertake research service in the State Archives for a fee. This list is informational only and no endorsement is given or implied.

History Note: Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;
Eff. February 1, 1985;
Amended Eff. April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04M .0202 PROCEDURE FOR LISTING

- (a) A person wishing to have his or her name listed as professional researcher shall make application in writing to: Director, Division of Archives and Records, 4614 Mail Service Center, Raleigh, North Carolina 27699-4614.
- (b) The application shall include a brief resume of the applicant's experience that demonstrates his or her qualifications and aids in establishing his or her credentials. No special form is required for the application. The application must be accompanied by three letters of recommendation from persons who have engaged the applicant in the capacity of a paid researcher.
- (c) Letters of recommendation shall be from persons who have a professional relationship with the applicant related to the subject matter of the application. The letters of recommendation shall not be from a relative of the applicant.

- (d) The letters of recommendation shall:
- (1) outline the nature and extent of the research that the applicant undertook for pay; and
 - (2) attest the satisfaction of the reference with the services rendered.

History Note: Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;
Eff. February 1, 1985;
Amended Eff. June 1, 2014; April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04M .0203 APPROVAL OF REQUESTS

The Director of the Division of Archives and Records shall review applications submitted for inclusion in the list of professional researchers. If determined that the applicant satisfies the procedures for listing as set forth in Rule .0202 of this Section, then the name of the researcher shall be placed on the list of available researchers as published by the State Archives of North Carolina. The list of professional researchers shall be made available on the Division website at www.ncdcr.gov.archives and upon request in research facilities.

History Note: Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;
Eff. February 1, 1985;
Amended Eff. June 1, 2014; April 1, 2001; June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04M .0204 REMOVAL OF NAMES FROM THE LIST

- (a) The Director of the Division of Archives and Records may for good cause remove any person from the list of professional researchers.
- (b) The term "good cause" as used in this Rule shall mean:
- (1) misrepresentation of credentials or services to be provided; or
 - (2) more than three complaints in a one-year period from patrons about the work of the researcher.

History Note: Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;
Eff. February 1, 1985;
Amended Eff. June 1, 2014;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04M .0205 DEFINITION OF GOOD CAUSE

History Note: Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;
Eff. February 1, 1985;
Amended Eff. April 1, 2001;
Repealed Eff. June 1, 2014.

SECTION .0300 - ACCESSIONING PROCEDURES OF OTHER THAN PUBLIC RECORDS

07 NCAC 04M .0301 ACCEPTANCE OF NON-GOVERNMENT PAPERS

- (a) Original materials of historical and cultural significance may be accepted for custody in the State Archives of North Carolina as a gift, subject to the approval of the Director of the Division of Archives and Records, or a designated representative from within the Division. Prior to acceptance, the Division shall provide a contract of gift for the donor(s) to execute. The contract of gift shall be maintained in the Division's permanent files.
- (b) Materials that may be accepted include:
- (1) private manuscripts;
 - (2) audio visual materials;
 - (3) records of private, professional, or civic organizations;
 - (4) copies of pre-1913 family Bible pages listing genealogical data; and
 - (5) student academic and financial aid records from defunct post-secondary schools and colleges having a campus in North Carolina.

History Note: Authority G.S. 121-4(1); 121-4(3); 121-5(d); 143B-62(2)a;
Eff. February 1, 1985;
Amended Eff. June 1, 2014; June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04M .0302 VALUATION
07 NCAC 04M .0303 ORGANIZATIONAL RECORDS
07 NCAC 04M .0304 BIBLE RECORDS

History Note: Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a;
Eff. February 1, 1985;
Amended Eff. April 1, 2001; June 1, 1989;
Repealed Eff. June 1, 2014.

SECTION .0400 – DEACCESSIONING OF RECORDS

07 NCAC 04M .0401 REVIEW

(a) The Director of the Division of Archives and Records shall review any accessioned records in the State Archives of North Carolina when records are:

- (1) duplicates;
- (2) not in keeping with the Division collection policies available on the Division website and upon request; or
- (3) no longer have permanent historical value.

(b) Each record series of the subject records shall be inventoried. The inventory shall be forwarded to the Director of the Office of Archives and History.

History Note: Authority G.S. 121-4(3); 121-4(12); 121-5(d); 143B-62(2)a;
Eff. February 1, 1985;
Amended Eff. June 1, 2014; April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04M .0402 PREPARATION OF LISTS

If the Director of the Office of Archives and History concurs with the decision to deaccession the identified records series, the Director of the Office of Archives and History shall ask the staff of the Division or Archives and Records to prepare a detailed list for each series of records. The detailed list shall include:

- (1) series name;
- (2) description of the records;
- (3) date(s) and the quantity of records;
- (4) statement of rationale for decision to deaccession the records; and
- (5) statement of proposed disposition of the records. Disposition methods include:
 - (a) destruction;
 - (b) transfer to another institution; or
 - (c) return to donor or heirs.

History Note: Authority G.S. 121-4(3); 121-4(12); 121-5(d); 143B-62(2)a,b;
Eff. February 1, 1985;
Amended Eff. June 1, 2014;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04M .0403 APPROVAL BY HISTORICAL COMMISSION

(a) The Director of the Office of Archives and History shall send the list as set forth in Rule .0402, the rationale for the decision to deaccession the records, and the proposed disposal of the records to each member of the North Carolina Historical Commission at least seven days before the meeting at which the proposal will be considered.

(b) Following approval by the North Carolina Historical Commission, the complete list of records authorized for deaccessioning will be entered into the minutes, along with the disposal method as set forth in Rule .0402(e) of this Section.

(c) Upon receipt of the minutes of the Commission granting permission for deaccessioning, the Director of the Division of Archives and Records shall proceed as directed by the Commission, retaining records of the action within the Division's files.

History Note: Authority G.S. 121-4(3); 121-4(12); 121-5(d); 143B-62(2)a,b;
Eff. February 1, 1985;
Amended Eff. June 1, 2014;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

SECTION .0500 – STATE RECORDS CENTER

07 NCAC 04M .0501 TRANSFER OF RECORDS TO STATE RECORDS CENTER

The State Records Center shall accept for transfer to its custody the records of state agencies, county agencies, or municipal agencies, provided the records are scheduled to be transferred to the State Records Center on an approved records retention and disposition schedule. A records retention and disposition schedule is approved when signed by the creating agency and the Department of Cultural Resources.

History Note: Authority G.S. 121-4(2); 121-5(d); 132-8.1; 143B-62(2)b;
Eff. February 1, 1985;
Amended Eff. June 1, 2014;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04M .0502 LEGAL CUSTODY OF RECORDS

(a) Public records sent to the State Records Center in accordance with the provisions of an approved records retention and disposition schedule, or in accordance with any other agreement between the Department of Cultural Resources and the originating agency or department, are considered to remain in the legal and official custody of the agency that created or received the records and transferred them to the State Records Center. A request for access to, or inspection of, these records by a person other than an authorized employee of the legal custodian shall not be honored until the appropriate official of the agency having legal custody provides written authority for the request.

(b) Public records transferred to the Division of Archives and Records for permanent retention may be accessed through the public research facilities of the Division.

History Note: Authority G.S. 121-4(2); 121-5(d); 132-6(a); 143B-62(2)b;
Eff. February 1, 1985;
Amended Eff. June 1, 2014; June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04M .0503 PROCEDURES FOR TRANSFER OF RECORDS

(a) A custodian of public records shall initiate the transfer of records to the State Records Center. A representative of the custodian shall submit to the State Records Center supervisor a records transfer notice form including agency name, title of records, reference to schedule, quantity of records, their inclusive dates, and the name and telephone number of the representative submitting the request. The custodian shall request from the Division the records transfer notice form.

(b) For transfer of paper and other physical media:

- (1) The State Records Center shall only accept records packed in State Records Center boxes. Upon request of the transferring custodian, the Division shall send the agency State Records Center boxes, labels, paper tape, and instructions on packing and labeling the boxes. The agency shall pay the Division for the materials and shipping.
- (2) The custodian initiating the transfer shall arrange records in the boxes and label boxes in accordance with instructions. Boxes that do not comply with instructions shall be returned to the custodian for correction.
- (3) Records that cannot be identified clearly and completely by the information on the label of the State Records Center box shall be accompanied by a typewritten index or box list prepared by the custodian initiating the transfer.
- (4) Records transferred from within 10 miles of Capitol Square, Raleigh, shall be shipped by arrangement with the State Records Center staff. Records transferred from beyond 10 miles of Capitol Square, Raleigh, shall be shipped by the custodian concerned and at the custodian's expense.

(c) For transfer of electronic public records:

- (1) Transfers of databases shall be accompanied by index information required in G.S. 132-6.1.
- (2) The custodian shall scan records and find them to be free of viruses. The State Records Center shall not accept any electronic public records that contain viruses.
- (3) The custodian shall generate a hash algorithm for each file being transferred. The custodian shall include the hash algorithm as part of the transfer.
- (4) The custodian shall include any metadata generated at the time of file creation and any subsequent metadata created during the use of the file in the records transfer.
- (5) Upon receipt of the transfer of electronic records, the State Records Center shall verify that the electronic records transferred were complete and unaltered by reviewing the hash algorithm and using antivirus software prior to accepting them for storage by the Division of Archives and Records.

History Note: Authority G.S. 121-4(2); 121-5(d); 132-2; 132-6.1; 143B-62(2)b;
 Eff. February 1, 1985;
 Amended Eff. June 1, 2014; April 1, 2001; June 1, 1989;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04M .0504 PHYSICAL TRANSMITTAL OF RECORDS

History Note: Authority G.S. 121-4(2); 121-5(d); 143B-62(2)b;
 Eff. February 1, 1985;
 Repealed Eff. June 1, 1989.

07 NCAC 04M .0505 RECORDS CENTER REFERENCE SERVICE

History Note: Authority G.S. 121-4(2); 121-5(d); 143B-62(2)b;
 Eff. February 1, 1985;
 Amended Eff. June 1, 1989;
 Repealed Eff. June 1, 2014.

07 NCAC 04M .0506 PERSONAL PICKUP FOR EMERGENCY REFERENCE

Records approved for emergency reference shall not be mailed or sent by interagency messenger service. The representative sent to retrieve records must bring identification and written authorization for release signed by the legal custodian.

History Note: Authority G.S. 121-4(2); 121-5(d); 143B-62(2)b;
 Eff. February 1, 1985;
 Amended Eff. June 1, 1989;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04M .0507 PERSONNEL RECORDS

Any employee or former employee desiring access to personnel records in the possession of the State Records Center shall make the request through the personnel office of the agency that retains legal custody of the records. Upon receipt of request from the appropriate personnel office, the State Records Center shall forward personnel information to that office.

History Note: Authority G.S. 121-4(2); 121-5(d); 143B-62(2)b;
 Eff. February 1, 1985;
 Amended Eff. June 1, 2014; June 1, 1989;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04M .0508 CERTIFICATION BY AGENCY WITH CUSTODY

- (a) The Department of Cultural Resources shall certify only copies of records that are in its legal custody.
- (b) Copies of records that are only in the physical custody of the State Records Center must be certified by the agency having legal custody, if such certification is requested.
- (c) If records of terminated agencies are in the State Records Center and are in the legal custody of the Department of Cultural Resources, copies shall be certified by the Department of Cultural Resources.

History Note: Authority G.S. 121-4(2),(3); 121-5(d); 132-4; 143B-62(2)b,c;
Eff. February 1, 1985;
Amended Eff. June 1, 2014;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04M .0509 DESTRUCTION OF RECORDS IN STATE RECORDS CENTER

Records transferred to the State Records Center according to Rule .0501 of this Section shall retain the same records retention and disposition schedule as when they were transferred. If the disposition of transferred records is destruction, the records shall not be destroyed until the agency with legal custody concurs in writing.

History Note: Authority G.S. 121-4(2); 121-5(b),(c),(d); 132-8.1; 143B-62(2)b;
Eff. February 1, 1985;
Amended Eff. June 1, 2014;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04M .0510 METHODS OF DESTRUCTION

(a) When used in an approved records retention and disposition schedule, the provision that paper records are to be destroyed means that the records shall be:

- (1) burned, unless prohibited by local ordinance;
- (2) shredded or torn so as to destroy the record content of the documents or materials concerned;
- (3) placed in acid vats so as to reduce the paper to pulp and to terminate the existence of the document or materials concerned; or
- (4) sold as waste paper, provided that the purchaser agrees in writing that the documents or materials concerned will not be resold without pulverizing or shredding the documents so that the information contained within cannot be practicably read or reconstructed.

(b) When used in an approved records retention and disposition schedule, the provision that electronic records are to be destroyed means that the data and metadata are to be overwritten, deleted, and unlinked so the data and metadata may not be practicably reconstructed.

(c) When used in an approved records retention and disposition schedule, the provision that confidential records of any format are to be destroyed means the data, metadata, and physical media are to be destroyed in such a manner that the information cannot be read or reconstructed under any means.

History Note: Authority G.S. 121-4(2); 121-4(12); 121-5(b),(c),(d); 132-3; 132-8.1; 132-8.2; 143B-62(1)g; 143B-62(2)b;
Eff. February 1, 1985;
Amended Eff. June 1, 2014; April 1, 2001; June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04M .0511 DESTRUCTION OF CERTAIN RECORDS SCHEDULED FOR ARCHIVES

Records scheduled in an approved records retention and disposition schedule to be transferred to the State Archives, but not yet accessioned by the State Archives may be destroyed provided:

- (1) the records are considered by the Director of the Division of Archives and History not to have permanent historical value pursuant to G.S. 121-5(c); or
- (2) the records are exact duplicates or copies of other records in the records series transferred or accessioned.

History Note: Authority G.S. 121-4(2); 121-5(b),(c),(d); 132-8.1; 132-8.2; 143B-62(1)g; 143B-62(2)b;
Eff. February 1, 1985;
Amended Eff. June 1, 2014; April 1, 2001; June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04M .0512 RESTRICTED AREAS IN STATE RECORDS FACILITIES

Access to the facilities controlled by the State Records Center shall be limited to persons on official business. Visitors shall not be permitted in the records storage areas or beyond the administrative office without an escort provided by the State Records Center. All visitors shall sign in when entering and sign out when leaving the facilities. Requests for access by visitors not on official business shall be denied.

History Note: Authority G.S. 121-4(2); 132-6; 143B-62(2)b;
Eff. February 1, 1985;
Amended Eff. June 1, 2014; April 1, 2001; June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

SUBCHAPTER 04N – HISTORIC SITES REGULATIONS

SECTION .0100 – HISTORIC SITES

07 NCAC 04N .0101 STATEMENT OF PURPOSE

The purpose of the Historic Sites Section is to preserve, develop, interpret, operate, and maintain for public benefit historic properties and attendant historic resources significant to the state's overall history.

History Note: Authority G.S. 121-4(8); 121-4(9); 143B-62(2)d;
Eff. February 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04N .0102 ACTIVITIES PROHIBITED ON STATE HISTORIC SITES PROPERTY

(a) On state historic sites property, a person may not, unless specifically authorized to do so by written permit or work order from the Department of Cultural Resources:

- (1) remove, deface, or destroy any natural feature, plant, animal, mineral, or human-made object;
- (2) dig, plow, or otherwise disturb existing ground conditions;
- (3) drive or park a vehicle in places other than a designated public roadway or parking area;
- (4) allow an animal under his care to be unrestrained or to enter a site building or historic feature, unless that animal is a guide dog for a legally blind person;
- (5) ride or drive an animal in places other than a designated public roadway;
- (6) enter, leave, or remain on site property at any time other than normal hours of public visitation. The schedule for public visitation is posted at each site; variations from this schedule are announced via print and broadcast media;
- (7) advertise, promote, offer for sale, or otherwise solicit for a product, service, candidate, charity, or public or private cause;
- (8) cross any railing, fence, barricade, or marked safety perimeter, or otherwise attempt to defeat the purpose of any security or safety device;
- (9) carry on his person any firearm, projectile-firing device, explosive or other weapon;
- (10) create a fire hazard by having any open flame or burning material inside any building unless the person is in a designated smoking area, or by kindling fires in any place other than designated cooking grills;
- (11) disrupt the public enjoyment or normal operation of a state historic site by any form of commercial or for-profit activity;
- (12) bathe, wade, or swim in any waters in any state historic site except at such times and in such places as the Department may designate as swimming areas. In this Rule, "swimming area" means any beach or water area designated by the Department as a place for swimming, wading, or bathing.

(b) On state historic sites property, a person may not, under any circumstances:

- (1) create any pollution or environmental hazard by improper disposal of trash, garbage, waste water, or other detrimental substance;
- (2) hunt, fish, or otherwise disturb, injure, or destroy wildlife;
- (3) use or carry a metal detector, probe, or any similar instrument used for remotely sensing the presence of objects or features at or below ground level;
- (4) create a fire hazard by improperly discarding burning or smoldering material.

History Note: Authority G.S. 121-4(8); 121-4(9); 143B-62(2)d;
Eff. February 1, 1985;
Amended Eff. June 1, 1989;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04N .0103 AUTHORITY OF SITE PERSONNEL

When on state historic site property, a person may not disobey an order of a site manager or other site employee when that order is related to the preservation of historical material, the protection of historic sites property, the safety or well-being of the visiting public, or the equality of access of all citizens to the resources of the site.

*History Note: Authority G.S. 121-4(8); 121-4(9); 143B-62(2)d;
Eff. February 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.*

07 NCAC 04N .0104 PERMIT REQUIRED FOR SPECIAL SITE ACTIVITIES AND EVENTS

A person shall, at least 15 days before the scheduled beginning of the activity or event, apply in advance to the manager of the state historic site for a permit to use that site's property or facilities for any activity or event which will:

- (1) interfere with the visiting public's normal access to or use or enjoyment of the site;
- (2) require site personnel to provide special preparation, assistance, or service not otherwise furnished to individual or group visitors under the site's general public policy and program;
- (3) result in any violation of other rules in this Subchapter; or
- (4) represent a use of the site for purposes other than those associated with historic preservation or public history education.

*History Note: Authority G.S. 121-4(8); 121-4(9); 143B-62(2)d;
Eff. February 1, 1985;
Amended Eff. June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.*

07 NCAC 04N .0105 PERMIT APPLICATION REQUIREMENTS

A person shall, in applying for a permit, provide the site manager with a written description of the proposed activity, the description to include:

- (1) the name, mailing address, and telephone number of the official sponsor;
- (2) the time(s) and date(s);
- (3) a narrative description to include the purpose of the activity and the approximate number of participants;
- (4) a description of any special preparations or assistance which would be required of site personnel;
- (5) any requirements for the use of site utilities.

*History Note: Authority G.S. 121-4(8); 121-4(9); 143B-62(2)d;
Eff. February 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.*

07 NCAC 04N .0106 ADDITIONAL MATERIAL REQUIRED/CERTAIN PERMIT APPLICATIONS

If a permit application requests permission to stage any public performance, to perform any on-site audio or visual recording or other audio or visual production work, or to engage in any for-profit activity on the property of a state historic site, the Historic Sites Section may, at its option, require the submission of additional materials either at the time of the permit application or at any later date prior to the time of the proposed activity. These materials may include:

- (1) a script of the public presentation or audiovisual production;
- (2) the name, address, and business of the client for whom the work will be performed;
- (3) the anticipated distribution of any finished product resulting from on-site production work.

*History Note: Authority G.S. 121-4(8); 121-4(9); 143B-62(2)d;
Eff. February 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.*

07 NCAC 04N .0107 GRANTING OF PERMITS AT OPTION OF SECTION AND DIVISION

The Historic Sites Section reserves the right to refuse to grant a permit for any reason it sees fit; the person filing the permit application may appeal any such refusal to the Director, Division of Archives and History. The Director reserves the right to deny the permit application if, in his opinion, the requested activity would adversely affect:

- (1) the preservation of historical material and state historic sites property;
- (2) the safety and well-being of the site staff and visiting public; or
- (3) the equality of access of all citizens to the resources of the state historic site.

History Note: Authority G.S. 121-4(8); 121-4(9); 143B-62(2)d;
Eff. February 1, 1985;
Amended Eff. June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04N .0108 OBLIGATIONS OF PERMIT HOLDER

A permit authorizing any activity on state historic site property places certain obligations upon the individual or group issued the permit, that individual or group designated the "permit holder":

- (1) The permit holder attests that the performance of the authorized activity shall not result in any explicit or implied endorsement of any product, service, or candidate for public office by the Section or Division;
- (2) The permit holder agrees that neither the Division nor any of its employees shall bear any responsibility for the health or safety of those participating in the authorized activity;
- (3) The permit holder attests that the Division shall bear no responsibility in any legal action taken against the permit holder as a direct or indirect result of the performance of the authorized activity;
- (4) The permit holder agrees that the Division may require the presence of a sectional or divisional employee at and during the authorized activity; and
- (5) The permit holder agrees that the Division may require the posting of a bond against possible damage to the site, the amount of this bond to be determined by the Division.

History Note: Authority G.S. 121-4(8); 121-4(9); 143B-62(2)d;
Eff. February 1, 1985;
Amended Eff. June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04N .0109 TYPES OF FEES FOR PERMITS

07 NCAC 04N .0110 REIMBURSEMENT FEES FOR SPECIAL SITE ACTIVITIES

07 NCAC 04N .0111 FEES FOR COMMERCIAL USE OF SITE

07 NCAC 04N .0112 ENFORCEMENT

History Note: Authority G.S. 121-4(8); 121-4(9); 143B-62(2)d;
Eff. February 1, 1985;
Repealed Eff. June 1, 1989.

SECTION .0200 - SITE HOURS: ADMISSION FEES

07 NCAC 04N .0201 SITE HOURS

History Note: Authority G.S. 121-4(8); 121-4(9); 121-7.3; 143B-62(2)d;
Eff. February 1, 1985;
Amended Eff. June 1, 2015; June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Repealed Eff. June 5, 2019 pursuant to G.S. 150B-21.7 (see S.L. 2014-100, s. 19.5(a)).

07 NCAC 04N .0202 STATE HISTORIC SITES FEES

History Note: Authority G.S. 121-7.3;
Eff. February 1, 1985;
Amended Eff. January 1, 1990; June 1, 1989;
Emergency Amendment Eff. July 14, 2011;

Temporary Amendment Eff. September 23, 2011;
Amended Eff. August 1, 2012;
Codifier determined that findings of need did not meet the criteria for emergency rule on August 2, 2012;
Emergency Amendment Eff. August 10, 2012;
Emergency Amendment Expired November 3, 2012;
Codifier determined that findings of need did not meet the criteria for emergency rule on November 30, 2012;
Emergency Amendment Eff. December 10, 2012;
Emergency Amendment Expired March 3, 2013;
Amended Eff. May 1, 2015; July 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Repealed Eff. June 5, 2019 pursuant to G.S. 150B-21.7 (see S.L. 2015-241, s. 14.11(c)).

SECTION .0300 - ELIZABETH II: VOYAGES POLICY

07 NCAC 04N .0301 SCHEDULING VOYAGES

- (a) Voyages of the ELIZABETH II may be scheduled from mid-September through May. Voyages will not be scheduled during the summer months when seasonal living history programs are presented at the ELIZABETH II State Historic Site nor during the winter when major ship maintenance is scheduled.
- (b) Each voyage will be scheduled to include a minimum of three days public visitation in each host port visited.
- (c) Requests for an ELIZABETH II voyage must be submitted in writing by the host port at least six months in advance of the proposed voyage date to the Administrator, Historic Sites Section, Division of Archives and History, Department of Cultural Resources, 109 East Jones Street, Raleigh, North Carolina 27611.

History Note: Authority G.S. 121-4(8); 121-4(9); 143B-62(2)d.;
Eff. January 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04N .0302 APPROVAL OF REQUESTS

The Administrator of the Historic Sites Section shall review all requests for voyages of the ELIZABETH II. The Administrator will deny any request which will jeopardize the safety of the ship or crew. The Administrator may deny any voyage request if, in his opinion, the requested voyage would adversely affect:

- (1) the visitor program at the ELIZABETH II State Historic Site;
- (2) the performance of ship maintenance; or
- (3) prior commitments to other host ports.

History Note: Authority G.S. 121-4(8); 121-4(9); 143B-62(2)d.;
Eff. January 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04N .0303 VOYAGE COSTS

Reimbursement based on tug costs, travel and subsistence expenses for the ELIZABETH II staff while the ship is in the host port, and subsistence expenses for the crew while the ship is in transit to and from the host port shall be assessed to the host port. In-kind donations of these services, with prior approval of the Administrator, Historic Sites Section, may be substituted for cash payments.

History Note: Authority G.S. 121-4(8); 121-4(9); 143B-62(2)d.;
Eff. January 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04N .0304 VOYAGE AGREEMENT PROCEDURE

The host port will be furnished a Voyage Agreement outlining voyage costs and responsibilities of the Historic Sites Section of the Division of Archives and History and the host port. The Voyage Agreement shall be completed and returned to the Administrator, Historic Sites Section, Division of Archives and History, 109 East Jones Street, Raleigh, N.C. 27611, at least

30 days in advance of the ELIZABETH II's scheduled departure for the host port. Failure to complete and return the Voyage Agreement will result in cancellation of the voyage.

History Note: Authority G.S. 121-4(8); 121-4(9); 143B-62(2)d.;
Eff. January 1, 1990;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

CHAPTER 4 - DIVISION OF ARCHIVES AND HISTORY

SUBCHAPTER 40 - MUSEUM OF HISTORY

SECTION .0100 - ADMINISTRATION

07 NCAC 040 .0101 STATEMENT OF PURPOSE

The purpose of the Museum of History Section is to interpret the culture and the social, economic, and political history of North Carolina from prehistory to the present, and to collect, preserve, and utilize artifacts and other materials significant to the history of the state.

History Note: Authority G.S. 121-2(6); 121-4(6); 121-7; 143B-62(2)a;
Eff. February 1, 1985;
Amended Eff. February 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 040 .0102 VISITING HOURS

07 NCAC 040 .0103 VISITATION

07 NCAC 040 .0104 USE OF THE ARCHIVES AND HISTORY/STATE LIBRARY FACILITIES

07 NCAC 040 .0105 CONSULTATION AND TECHNICAL ASSISTANCE

07 NCAC 040 .0106 EXHIBIT SERVICES

07 NCAC 040 .0107 MUSEUM DOCENTS

History Note: Authority G.S. 121-4(6),(9); 121-7; 143B-62(2)a;
Eff. February 1, 1985;
Amended Eff. June 1, 1989; February 1, 1987;
Expired Eff. August 1, 2015 pursuant to G.S. 150B-21.3A.

SECTION .0200 - PROGRAMS

07 NCAC 040 .0201 INTERPRETIVE PROGRAMS

07 NCAC 040 .0202 MOBILE MUSEUM OF HISTORY

07 NCAC 040 .0203 EXTENSION PROGRAMS

07 NCAC 040 .0204 TAR HEEL JUNIOR HISTORIAN ASSOCIATION

History Note: Authority G.S. 121-4(4),(6),(11),(13); 121-7; 143B-62(1)g.(3); 143B-62(2)a;
Eff. February 1, 1985;
Amended Eff. June 1, 1989;
Expired Eff. August 1, 2015 pursuant to G.S. 150B-21.3A.

SECTION .0300 - COLLECTIONS

07 NCAC 040 .0301 ARTIFACTS

An accessions committee must approve all artifacts acquired for any purpose by the Division of Archives and History. The accessions committee shall consist of:

- (1) Director, Division of Archives and History, Chairman;

- (2) Chief, Museum of History Section;
- (3) Chief, Historic Sites Section;
- (4) Curator of Collections Branch, Museum of History Section; and
- (5) Other specialists appointed by the committee chairman as needed.

History Note: Authority G.S. 121-4(1),(6); 121-7; 143B-62(2)a;
 Eff. February 1, 1985;
 Amended Eff. June 1, 1989;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 040 .0302 APPRAISAL

The museum will not appraise artifacts.

History Note: Authority G.S. 121-4(1),(6); 121-7; 143B-62(2)a;
 Eff. February 1, 1985;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 040 .0303 ACQUISITIONS

- (a) All artifacts must be provisionally accepted by the registrar or one of the registrar's assigns and forwarded to the Division for approval by the accessions committee.
- (b) A contract of gift must be signed by the registrar, Museum of History Section, or a divisional agent at a curatorial or higher level, and the donor.
- (c) A contract of loan containing the conditions of the loan must be completed and signed by the registrar, Museum of History Section, or a divisional agent at a curatorial or higher level, and the owner prior to the lending of any artifact to the Division.
- (d) Items left temporarily with the museum for identification must be recorded on a receipt form and one copy given to the owner. If the owner fails to pick up or otherwise receive custody of items left for identification within one year of written notification and after at least three documented efforts by the museum to return them, the items revert to the museum for disposal.

History Note: Authority G.S. 121-4(6),(9); 121-7; 143B-62(2)a;
 Eff. February 1, 1985;
 Amended Eff. June 1, 1989;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 040 .0304 LOANS

- (a) Museum materials will not be loaned or otherwise used for projects other than museum or research-related occasions. The loan of museum artifacts is restricted to nonprofit educational institutions for research and study, exhibition, or educational purposes, after it has been determined by the Curator of Collections in conjunction with the conservation staff of the Museum of History that the artifact's physical condition will not be negatively impaired by the loan and there is no present or future commitment for the utilization of the artifact.
- (b) Loans of artifacts are subject to the following conditions:
 - (1) The transportation and utilization of borrowed artifacts must comply with guidelines established by the Curator of Collections for the Museum of History.
 - (2) The borrower must provide proof of insurance policies to cover all loan items and adequate security for their protection. The borrower shall be responsible for reimbursing the Museum of History for any damage incurred during the period of the loan.
 - (3) The artifacts shall remain the property of the Department of Cultural Resources and shall be subject to withdrawal by the Division provided notice of intention to withdraw is given 15 days prior to withdrawal, unless a definite period of loan has been specified by contractual agreement.
 - (4) A written contract of loan must be completed and signed by the Curator of Collections, Museum of History Section.
- (c) Any museum or similar agency wishing to borrow items from the collection of the Division of Archives and History must contact the Curator of Collections or the Chief, Museum of History Section.

History Note: Authority G.S. 121-4(6); 121-7; 143B-62(2)a;
Eff. February 1, 1985;
Amended Eff. June 1, 1989; February 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 040 .0305 DEACCESSIONS

The deaccession of artifacts must be approved by the deaccession committee of the Division of Archives and History and by the North Carolina Historical Commission. The deaccession committee shall consist of:

- (1) Director, Division of Archives and History, Chairman;
- (2) Chief, Museum of History Section;
- (3) Chief, Historic Sites Section.

History Note: Authority G.S. 121-4(6); 121-7; 143B-62(2)a;
Eff. February 1, 1985;
Amended Eff. February 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 040 .0306 RESEARCH AND STORAGE AREAS

History Note: Authority G.S. 121-4(1),(6); 121-7; 143B-62(2)a;
Eff. February 1, 1985;
Amended Eff. June 1, 1989; February 1, 1987;
Expired Eff. August 1, 2015 pursuant to G.S. 150B-21.3A.

SUBCHAPTER 04P - HISTORICAL PUBLICATIONS SECTION

07 NCAC 04P .0101 STATEMENT OF PURPOSE

History Note: Authority G.S. 121-4(4); 121-6(a)(b)(c); 143B-62(1)a,g;
Eff. February 1, 1985;
Expired Eff. August 1, 2015 pursuant to G.S. 150B-21.3A.

07 NCAC 04P .0102 MANUSCRIPTS

Any person wishing to submit historical manuscripts for possible publication by the Division of Archives and History should contact the Chief, Historical Publications Section, Division of Archives and History, Department of Cultural Resources, 109 East Jones Street, Raleigh, North Carolina 27611.

History Note: Authority G.S. 121-4(4); 121-6(a); 143B-62(1)a,g;
Eff. February 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04P .0103 ITEMS NOT ACCEPTABLE

The only secondary accounts that will be considered for publication are articles for the North Carolina Historical Review, pamphlets, and brief county histories, all of which must be on an aspect of North Carolina history. The Division of Archives and History will not consider fiction, poetry, reminiscences, promotional material, genealogical material, unsolicited book reviews, and material not on or directly related to North Carolina history.

History Note: Authority G.S. 121-4(4); 121-6(a); 143B-62(1)a,g;
Eff. February 1, 1985;
Amended Eff. June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04P .0104 EDITORIAL PRACTICES

Material accepted for publication must be scholarly in nature, reflecting research in primary source materials and accepted standards in the academic community; it shall be prepared in line with established current editorial practices adopted by the Historical Publications Section and published in its guide for authors and editors, available to the public without charge.

History Note: Authority G.S. 121-4(4); 121-6(a); 143B-62(1)a,g;
Eff. February 1, 1985;
Amended Eff. June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04P .0105 REVIEW OF MANUSCRIPTS

Before acceptance for publication, unsolicited material shall be:

- (1) appraised and accepted by not less than two members of the professional staff of the Historical Publications Section;
- (2) reviewed, when the Chief of the Historical Publications Section deems it advisable, by members of an Advisory Editorial Committee, named in accordance with Rule .0006 of this Section; and considered and appraised, when manuscripts fall within the provisions of G.S. 121-4(5), by the Division of Social Studies of the Department of Public Instruction.

History Note: Authority G.S. 121-4(4),(5); 121-6(a); 143B-62(1)a,g;
Eff. February 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04P .0106 ADVISORY EDITORIAL COMMITTEE

The Advisory Editorial Committee is made up of members recognized for competence by their reputation in the scholarly community, appointed by the Director of the Division of Archives and History after consultation with the Chief of the Historical Publications Section to serve staggered five-year terms, with terms expiring on June 30.

The number of members shall be established by the Director of the Division of Archives and History, and members may not be reappointed without a lapse of one year.

History Note: Authority G.S. 121-4(4); 121-6(a); 143B-62(1)a,g;
Eff. February 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04P .0107 STANDARDS FOR REVIEW OF MANUSCRIPTS

In considering manuscripts, the Advisory Editorial Committee shall consider suitability of subject matter; quality and completeness of research; completeness and accuracy of documentation; originality of material and interpretation; style and clarity of thought; and educational value and interest to readers.

History Note: Authority G.S. 121-4(4); 121-6(a); 143B-62(1)a,g;
Eff. February 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04P .0108 STAFF MANUSCRIPTS

When manuscripts are needed or editorial projects planned for which no author has submitted acceptable material, the professional staff of the Historical Publications Section shall do the needed work or contract for the services of a qualified historian or other competent authority. Such manuscripts shall be reviewed as are any others.

History Note: Authority G.S. 121-4(4); 121-6(a)(c); 143B-62(1)a,g;
Eff. February 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04P .0109 PUBLICATION

(a) All publication rights shall vest in the Department of Cultural Resources following acceptance of a manuscript for publication, and the copyright to materials published by the Division shall be in the name of the Division of Archives and History.

(b) Publication of a manuscript and payment to an author are subject to availability of funds.

History Note: Authority G.S. 121-4(4); 121-6(a); 143B-62(1)a,g;
Eff. February 1, 1985;
Amended Eff. June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04P .0110 BOOK REVIEWS

- (a) If a person asked to write a book review for the North Carolina Historical Review does not reply within a month, the editors shall seek another reviewer.
- (b) The same reviewer shall not be used more than once in any year, except in rare instances where no other equally qualified reviewer can be found for a second book.
- (c) A person who has agreed to review a book for another periodical should not subsequently agree to review the same book for the North Carolina Historical Review.
- (d) Unsolicited reviews shall not be accepted, but a person may request permission to review a particular book, provided the publisher furnishes a copy to the North Carolina Historical Review.

History Note: Authority G.S. 121-4(4); 121-6(a); 143B-62(1)a,g;
Eff. February 1, 1985;
Amended Eff. June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04P .0111 EDITORIAL SERVICES TO THE PUBLIC

The staff of the Historical Publications Section shall not edit or see through the press any manuscript prepared by an individual or group of individuals for publication by an individual(s), organization, or agency of any kind, except the Division of Archives and History and those programs integral to the Division. Members of the staff will offer advice to the public, upon request, concerning alternate sources of editorial assistance and will provide general advice on editorial matters and potential publishers.

History Note: Authority G.S. 121-4(4); 121-6(a); 143B-62(1)a,g;
Eff. February 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04P .0112 PRINTING AND SETTING OF COSTS

Printing contracts are worked out through and are subject to the Division of Purchase and Contract, Department of Administration, in accordance with law. Publications of the Division of Archives and History shall be offered for sale to schools, colleges, libraries, and the public at a reasonable cost that shall be determined by the cost of production.

History Note: Authority G.S. 121-4(4),(5); 121-6(a)(c); 121-8(f); 143B-62(1)a,g;
Eff. February 1, 1985;
Amended Eff. June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04P .0113 DISCOUNTS AND CREDITS

- (a) Discounts on publications shall be offered to dealers, institutions, and organizations buying for resale to the public; to members of the North Carolina Literary and Historical Association; and to such other individuals or groups as are named in the current catalog of historical publications issued by the Historical Publications Section. Groups seeking discounts for its members should contact the Chief, Historical Publications Section, Division of Archives and History, Department of Cultural Resources, 109 East Jones Street, Raleigh, North Carolina 27611.
- (b) The discount provisions shall be those contained in the most recent edition of the historical publications catalog.
- (c) Discounts are not cumulative; a purchaser who is eligible is entitled only to the greatest of the discounts specified in the current catalog of historical publications issued by the Historical Publications Section. Discounts shall not be given on periodicals or on sales items.
- (d) The Chief of the Historical Publications Section may offer historical publications at special discounts as sales promotions and as remainders (books sold at a reduced price after sales have become unprofitable) from time to time.

(e) Credit, in excess of fifty dollars (\$50.00), shall not be extended to individuals, organizations, or agencies which do not have established credit with the Historical Publications Section.

History Note: Authority G.S. 121-4(4),(5); 121-6(a); 121-8(f); 143B-62(1)a,g;
Eff. February 1, 1985;
Amended Eff. June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04P .0114 PUBLICATIONS LIST

A listing of titles in print, with prices and discount statements, shall be issued at least annually. The list shall be available to the public without charge by writing: Historical Publications Section, Division of Archives and History, 109 East Jones Street, Raleigh, North Carolina 27611.

History Note: Authority G.S. 121-4(4),(5); 121-6(a)(c); 121-8(f); 143B-62(1)a,g;
Eff. February 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04P .0115 DISTRIBUTION OF GOVERNORS' DOCUMENTARIES

The addresses and public papers of each governor, published at the close of each administration, are to be distributed free to persons on a list furnished by the governor at the time of publication of the documentary volume covering his administration; to libraries requesting copies; to selected newspapers and scholarly journals that publish book reviews; to historians and researchers needing copies for reference; to individuals who request copies in advance of publication; and to any citizen requesting a copy during the time the book is in print.

History Note: Authority G.S. 121-6(b); 143B-62(1)g;
Eff. February 1, 1985;
Amended Eff. June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04P .0116 CIVIL WAR ROSTER RESEARCH FILES REGULATIONS

Regulations governing public use of the research files in the offices of the Civil War Roster Branch are as follows:

- (1) Direct access to the service record materials in the files of the Civil War Roster Branch shall be by appointment only at reasonable times under the supervision of the head of the Civil War Roster Branch.
- (2) Direct access shall be granted if, in the judgment of the head of the Civil War Roster Branch, the research to be undertaken cannot be duplicated in the search room of the state archives.
- (3) Materials may not be removed from the offices of the Civil War Roster Branch.
- (4) Photocopies will be made on an "as you wait" basis if the equipment and an operator are available. The costs of such photocopies shall be the same as those charged by the state archives as contained in Subchapter 4M, Section .0100, Rule .0105(8), of this Chapter.

History Note: Authority G.S. 121-4(4),(5),(14); 121-6(a); 143B-62(1)a.,g;
Eff. February 3, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

CHAPTER 4 - DIVISION OF ARCHIVES AND HISTORY

SUBCHAPTER 4Q - STATE CAPITOL/VISITOR SERVICES SECTION

SECTION .0100 - GENERAL RULES

07 NCAC 04Q .0101 STATEMENT OF PURPOSE

The purpose of the State Capitol/Visitor Services Section is to interpret the history and present functions of North Carolina state government to the general public by using the State Capitol and the Executive Mansion as the chief educational tools, to

provide information and other visitor services by operating the Capital Area Visitor Center, to promote educational visitation to the Raleigh area, to schedule and coordinate tours to the state government complex, and to restore and preserve the State Capitol.

History Note: Authority G.S. 121-4(9); 121-9(h); 143B-62(2)d;
Eff. February 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04Q .0102 VISITING HOURS

(a) The State Capitol and the Capital Area Visitor Center will be open Monday through Friday from 8:00 a.m. to 5:00 p.m., on Saturday from 9:00 a.m. to 5:00 p.m., and on Sunday from 1:00 p.m. to 5:00 p.m.

(b) The State Capitol and the Capital Area Visitor Center will be closed on New Years, Thanksgiving, and Christmas holidays as set by the State of North Carolina for state employees.

History Note: Authority G.S. 121-4(9); 121-9(h); 143B-62(2)d;
Eff. February 1, 1985;
Amended Eff. November 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04Q .0103 MINIMUM AGE FOR VISITORS

History Note: Authority G.S. 121-4(9); 121-9(h); 143B-62(2)d;
Eff. February 1, 1985;
Expired Eff. August 1, 2015 pursuant to G.S. 150B-21.3A.

07 NCAC 04Q .0104 TOURS

(a) All tours of the Executive Mansion and guided tours of the Capitol shall be scheduled through the Capital Area Visitor Center. Visitors not scheduled in advance of arrival may receive tours after first priority has been given to scheduled guided tours, if time permits and if tour guides are available.

(b) All scheduled tours are subject to time change or cancellation caused by official state government activities. The Capital Area Visitor Center will inform groups and other visitors of such changes and cancellations as far in advance as feasible.

(c) Teachers, sponsors, and other leaders of groups will be held responsible for controlling the conduct of their groups during visits and tours. At least one teacher or other leader shall be located at the head, and one at the end, of each group during visits and tours.

History Note: Authority G.S. 121-4(9); 121-9(h); 143B-62(2)d;
Eff. February 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04Q .0105 USE OF FACILITIES

(a) No meeting or activity shall be held in the second or third floor or any first floor public areas of the State Capitol or in the Capital Area Visitor Center without the approval of the Chief, State Capitol/Visitor Services Section, or designated representative, provided that no approval shall be needed for meetings of the General Assembly.

(b) Official state government activities and ceremonial or educational activities directly related to the history of the Capitol or to the history and functions of state government may be conducted on the second or third floors or in the first floor corridors and rotunda of the State Capitol and in the Capital Area Visitor Center, provided that these activities will not endanger the buildings or their furnishings. All other activities are prohibited in the aforementioned areas of the State Capitol in order that it and its historic furnishings may be better preserved for posterity. Specifically prohibited, for the purpose of preserving the aforementioned areas in the State Capitol, are activities not having official state government sponsorship which are conducted by a social, service, fraternal, business, commercial, industrial, political, religious, or related organization or by individuals.

(c) All requests to use the State Capitol and Capital Area Visitor Center shall be in writing and shall be directed to: Chief, State Capitol/Visitor Services Section, Division of Archives and History, 109 East Jones Street, Raleigh, North Carolina 27611.

History Note: Authority G.S. 121-4(9); 121-9(h); 143B-62(2)d;
Eff. February 1, 1985;

*Amended Eff. June 1, 1989; February 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.*

07 NCAC 04Q .0106 RESTRICTIONS AND CONDITIONS

- (a) Smoking and eating shall not be permitted in the State Capitol legislative chambers and the second and third floor public areas unless approved in advance by the Chief, State Capitol/Visitor Services Section.
- (b) Pets are not permitted in the State Capitol or in the Capital Area Visitor Center.
- (c) When the General Assembly convenes in the State Capitol, the rules of that body shall apply.
- (d) Amateur photography will be permitted during visiting hours in areas of the State Capitol and Capital Area Visitor Center which are open to the public if there are no signs posted to forbid it. The use of tripods is permitted. The use of artificial lighting, other than shielded flash units, on the second and third floors of the Capitol must be approved by the Chief, State Capitol/Visitor Services Section, or a designated representative.
- (e) Arrangements for professional and commercial photography, movie filming, videotaping, and related activities in the State Capitol and the Capital Area Visitor Center shall be made with the Chief, State Capitol/Visitor Services Section, or a designated representative.

*History Note: Authority G.S. 121-4(9); 121-9(h); 143B-62(2)d;
Eff. February 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.*

07 NCAC 04Q .0107 ACQUISITION: USE: CARE: AND DISPOSAL OF ARTIFACTS

Procedures for acquisition, use, care, and disposal of artifacts by the State Capitol/Visitor Services Section shall be the same as those used by the North Carolina Museum of History and contained in Subchapter 4O, Section .0300, Rules .0301 through .0305 of this Subchapter.

*History Note: Authority G.S. 121-4(9); 121-9(h); 143B-62(2)d;
Eff. February 1, 1985;
Amended Eff. June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.*

SECTION .0200 - PROGRAMS AND ASSISTANCE

07 NCAC 04Q .0201 VOLUNTEER PROGRAMS

Volunteer docents, tour guides, receptionists, and workers in other activities of the section shall be required to satisfactorily complete training programs based on one or more of the following training manuals, as applicable:

- (1) Handbook for Guides to the State Capitol,
- (2) Operations Manual for the Capital Area Visitor Center, or
- (3) Manual For Docents to the Executive Mansion.

*History Note: Authority G.S. 121-4(9); 121-9(h); 143B-62(2)d;
Eff. February 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.*

07 NCAC 04Q .0202 LENDING SERVICES

07 NCAC 04Q .0203 DISTRIBUTION OF PRINTED MATERIALS

*History Note: Authority G.S. 121-4(9); 121-9(h); 143B-62(2)d;
Eff. February 1, 1985;
Amended Eff. June 1, 1989;
Expired Eff. August 1, 2015 pursuant to G.S. 150B-21.3A.*

SUBCHAPTER 04R - ARCHAEOLOGY AND HISTORIC PRESERVATION SECTION

SECTION .0100 - GENERAL RULES

07 NCAC 04R .0101 STATEMENT OF PURPOSE

History Note: Authority G.S. 150B-10;
Eff. February 1, 1985;
Amended June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Repealed Eff. June 1, 2017.

SECTION .0200 - ENVIRONMENTAL REVIEW

07 NCAC 04R .0201 PURPOSE

Persons seeking State or federal funding, licenses, permits, or approval in developing undertakings with respect to historic, archaeological, and architectural resources shall file an application with the HPO and OSA, as staff to the State Historic Preservation Officer (SHPO) and the North Carolina Historical Commission, pursuant to this Section.

History Note: Authority G.S. 113A-4(2); 121-8; 121-9; 121-12(a); 121-23; 143B-62; 42 U.S.C. 4321; 54 U.S.C. 302301; 302303; 36 C.F.R. 800;
Eff. February 1, 1985;
Amended Eff. June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. June 1, 2017.

07 NCAC 04R .0202 DEFINITIONS

The following definitions apply to this Subchapter unless otherwise indicated within the Rules:

- (1) "Adverse Effect" is defined as in 36 C.F.R. 800.5(a)(1).
- (2) "Area of Potential Effects" is defined as in 36 C.F.R. 800.16(d).
- (3) "Effect" is defined as in 36 C.F.R. 800.16(i).
- (4) "Historic property" is defined as in 36 C.F.R. 800.16(l).
- (5) "Office of State Archaeology" (OSA) is a section of the Division of Historical Resources, North Carolina Department of Natural and Cultural Resources. The OSA is responsible for protecting archaeological sites in North Carolina.
- (6) "State Historic Preservation Office" (HPO) is a section of the Division of Historical Resources, North Carolina Department of Natural and Cultural Resources. The HPO is responsible for administering historic preservation programs pursuant to State and federal law.
- (7) "State Historic Preservation Officer" (SHPO) is the Deputy Secretary, Office of Archives and History, North Carolina Department of Natural and Cultural Resources, and is further defined in 36 C.F.R. 800.16(v).
- (8) "Undertaking" means any project, activity, or program that can result in changes in the character or use of historic properties located in the area of potential effects. The project, activity, or program must be under the direct or indirect jurisdiction of a Federal or State agency, including those carried out by or on behalf of a Federal or State agency; those carried out with Federal or State financial assistance; and those requiring a Federal or State permit, license, or approval. Undertakings include new and continuing projects, activities, or programs and any of their elements, including changes to the project's scope and location.
- (9) "Underwater Archaeology Branch" (OAB) is a unit of the OSA. The OAB is responsible for identifying, studying, interpreting, and protecting archaeological resources that represent the maritime history of North Carolina.

History Note: Authority G.S. 121-8; 121-12(a); 121-23; 143B-62; 54 U.S.C. 302301, 302303, 306108; 36 C.F.R. 800.3-800.6, 800.16;
Eff. February 1, 1985;
Amended Eff. June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. June 1, 2017.

07 NCAC 04R .0203 SUBMISSIONS FOR REVIEW

(a) All persons proposing an undertaking as defined in Rule .0202(8) of this Section shall submit a written request in writing to the HPO containing the following information:

- (1) a description of the project location;
- (2) a description of the actions(s) proposed;
- (3) the applicant's name, address, telephone number, and email address, if available;
- (4) a map indicating the project's location, including named or numbered roads;
- (5) the project area size in acres; and
- (6) photographs of any buildings 50 years or older within the area of potential effects.

(b) Proposed undertakings submitted for review shall be submitted in one of the following methods:

- (1) by mail addressed to the HPO, Attention Environmental Review Coordinator, 4617 Mail Service Center, Raleigh, NC 27601;
- (2) by internal State mail to the HPO, Attention Environmental Review Coordinator, 4617 Mail Service Center; or
- (3) by email to environmental.review@ncdcr.gov.

(c) All proposed undertaking applications shall be reviewed as either State-involved undertakings or federally-involved undertakings.

- (1) State-involved undertakings are those that require State approval or implicate State funds. State-involved undertakings include any State-issued permits, State-issued grants, and State-issued licenses. State-involved undertakings shall be reviewed by the HPO as staff to the Historical Commission for their effect on submerged cultural resources as well as historical, architectural, or archaeological structures, sites, districts, or objects. Any State-involved undertakings which may affect a property listed on the National Register of Historic Places shall be reviewed according to Rule .0206 of this Section.
- (2) Federally-involved undertakings are those that require federal approval or implicate federal funds. Federally-involved undertakings shall be reviewed by the SHPO using the regulations set forth in 36 C.F.R. 800. 36 C.F.R. 800 is hereby incorporated by reference, including subsequent amendments and additions, and may be accessed at no cost at <http://www.achp.gov/regs-rev04.pdf>.

(d) The HPO shall issue a response within 30 days of receipt of the submission.

History Note: Authority G.S. 121-4(13); 121-8; 121-9; 121-12(a); 143B-62; 16 U.S.C. 470; 54 U.S.C. 302301; 302303; 36 C.F.R. 800;
Eff. February 1, 1985;
Amended Eff. June 1, 1989;
Readopted Eff. June 1, 2017.

07 NCAC 04R .0204 UNDERWATER ARCHAEOLOGICAL REVIEW
07 NCAC 04R .0205 ARCHITECTURAL REVIEW

History Note: Authority G.S. 113-229(e); 113A-4(2); 121-4(13); 121-22 through 121-28; 136-42.1; 143B-62(1)(f)(3); 143B-62(2)g; 16 U.S.C. 470; 36 C.F.R. 63; 36 C.F.R. 800.
Eff. February 1, 1985;
Amended Eff. June 1, 1989;
Repealed Eff. June 1, 2017.

07 NCAC 04R .0206 PROCEDURES FOR STATE UNDERTAKINGS AFFECTING A NATIONAL REGISTER-LISTED PROPERTY

(a) This Rule shall apply to State-involved undertakings affecting property listed in the National Register of Historic Places. National Register-listed properties may be identified through use of the HPO's Geographic Information System HPOWEB located at <http://gis.ncdcr.gov/hpweb> or use of the North Carolina Listings in the National Register located at <http://www.hpo.ncdcr.gov/NR-PDFs.html>.

(b) For purposes of this Rule, the "agency concerned" means the State agency, commission, or entity responsible for issuing the grant, funding, license, or other approval required for the undertaking.

(c) Prior to the approval of any State funds and prior to any approval, license, or permit for any State-involved undertaking the head of the agency concerned shall:

- (1) submit a statement to the SHPO that the undertaking will have no adverse effect upon a property listed in the National Register of Historic Places; or
 - (2) submit a statement that the undertaking will have an adverse effect upon a property listed in the National Register of Historic Places, describe the proposed undertaking, and invite review and comment from the SHPO.
- (d) Based on the application and the statement submitted in Paragraph (c) of this Rule, the SHPO shall determine whether the undertaking creates an adverse effect requiring review by the Historical Commission. For purposes of this Rule, an undertaking shall be deemed to have an adverse effect requiring review by the Historical Commission when the undertaking creates an effect which meets the definition of "adverse effect" in Rule .0202 of this Section or when the undertaking includes the transfer or sale of a State-owned property listed in the National Register without conditions or restrictions regarding preservation, maintenance, or use of the National Register property.
- (e) Review by the Historical Commission shall be required if any repair does not comply with the Standards of Rehabilitation in 36 C.F.R. 67.7. Replacement of existing windows shall be subject to review under this Rule.
- (f) If the SHPO finds that an undertaking will have an adverse effect which requires review by the Historical Commission, he or she shall transmit a notice of the next regularly scheduled meeting of the Historical Commission to the agency head. From the time of receipt of the notice until the conclusion of the Historical Commission meeting, the agency shall take no action which would affect a property listed in the National Register of Historic Places without the approval of the SHPO acting for and on behalf of the Historical Commission. Such approval shall only be granted in the case a building inspector determines the National Register property poses a threat to public safety because of an unsafe or dangerous condition. Requests for emergency approval shall be emailed to environmental.review@ncdcr.gov. Emergency requests shall contain a copy of the original application as required in Rule .0203 of this Section and a copy of the building inspection.
- (g) Members of the public who have knowledge of any undertaking that would have an adverse effect upon a property listed in the National Register of Historic Places may comment in writing to the SHPO, Department of Natural and Cultural Resources, MSC 4617, Raleigh, North Carolina 27699.
- (h) The Historical Commission shall provide its recommendation(s) on the undertaking to the agency head within 30 days following the Commission's meeting.
- (i) The agency head shall respond to the Historical Commission's recommendation in writing and inform the Historical Commission of what action the agency will take with regard to the historic property.

History Note: Authority G.S. 121-12(a); 143B-62;
 Eff. February 1, 1985;
 Amended Eff. June 1, 1989;
 Readopted Eff. June 1, 2017.

SECTION .0300 - NATIONAL REGISTER: PLAN

07 NCAC 04R .0301 NATIONAL REGISTER ADVISORY COMMITTEE

- (a) The SHPO shall appoint 12 members to the National Register Advisory Committee (NRAC), which serves as the State historic preservation review board required by 54 U.S.C. 302301(2). The NRAC's membership shall include five members of the North Carolina Historical Commission and seven members of the general public. The following professions shall be represented in the membership, with a majority of members being professionals as required by 54 U.S.C. 300318:
- (1) architect;
 - (2) architectural historian;
 - (3) professional historian;
 - (4) prehistoric archaeologist; and
 - (5) historic archaeologist.
- (b) The NRAC reviews North Carolina nominations to the National Register of Historic Places (Register). The NRAC shall make a recommendation to the SHPO on whether the property nominated meets the National Register criteria for nomination as set forth in 36 C.F.R. 60.4.
- (c) Mail for the NRAC shall be addressed to the HPO, Attention National Register Coordinator, 4617 Mail Service Center, Raleigh, NC 27601.

History Note: Authority G.S. 143B-62; 54 U.S.C. 300318, 302104, 302301; 36 C.F.R. 60.3(o), 60.4, 60.6.
 Eff. February 1, 1985;
 Amended Eff. June 1, 1989;

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. June 1, 2017.*

07 NCAC 04R .0302 PUBLIC SUGGESTIONS FOR NATIONAL REGISTER

*History Note: Authority G.S. 121-8(b); 143B-62(1),(3);
Eff. February 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Repealed Eff. June 1, 2017.*

07 NCAC 04R .0303 NATIONAL REGISTER STUDY LIST

(a) The Study List process is a formal screening process used to determine a property's likelihood of qualifying for the National Register. Placement on the Study List means the further study of the property's integrity and significance is recommended to prepare a National Register nomination form as provided in Rule .0304 of this Section.

(b) Study List applications are available upon request by contacting the HPO's Survey and National Register Branch. Contact information is available at www.hpo.ncdcr.gov/hpostaff.htm. To apply for inclusion on the Study List, an applicant shall submit a Study List application to the address in Rule .0301(c) of this Section. Applications may be submitted by HPO staff, a professional consultant, a governmental agency, the property owner, or any person. Applications for inclusion on the Study List shall include the following information and documentation:

- (1) property name;
- (2) property location;
- (3) ownership information;
- (4) applicant contact information;
- (5) reason for the request;
- (6) physical description and history of the property;
- (7) map or site plan; and
- (8) photographs of the property.

(c) Study List applications shall be reviewed at a meeting of the NRAC. The NRAC shall review Study List applications pursuant to 36 C.F.R. 60.4 and 60.6(j) and provide a recommendation to the SHPO as to whether the property should be placed on North Carolina's Study List. The SHPO shall review the applications pursuant to 36 C.F.R. 60.4 and 60.6(k) and (l). The SHPO shall make a determination whether the property shall be placed on North Carolina's Study List.

(d) The SHPO shall notify the site owner or, if a district, the executive officer of the municipality or affected area, by mail of his or her opinion regarding the property's eligibility for the National Register. If the SHPO determines the property may be eligible for nomination to the National Register upon further study, the SHPO shall place the property on the Study List. The SHPO shall also notify the owner or executive officer of the effects of listing the property in the National Register in accordance with the applicable rules and statutes.

*History Note: Authority G.S. 121-8(b); 143B-62; 54 U.S.C. 302104; 36 C.F.R. 60.5, 60.6, 60.9;
Eff. February 1, 1985;
Amended Eff. June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. June 1, 2017.*

07 NCAC 04R .0304 NATIONAL REGISTER NOMINATIONS

(a) An applicant who wishes to have a property nominated to the National Register shall submit a draft nomination in writing by mail to the address in Rule .0301(c) of this Section. Nomination forms are available at www.nps.gov/nr/publications/forms.htm. Forms 10-900, 10-900a, and 10-900b are hereby incorporated by reference, including subsequent amendments and editions. The forms are available online at no cost.

(b) Upon request, the HPO shall provide nomination applicants with an electronic copy of the National Register Bulletin "How to Apply the National Register Criteria for Evaluation," available at <https://www.nps.gov/nr/publications/bulletins/nrb15/> and the National Register Bulletin "How to Complete the National Register Form" available at www.nps.gov/nr/publications/bulletins/nrb16a/. Both Bulletins are hereby incorporated by reference, including subsequent amendments and editions. The Bulletins are available online at no cost. Applicants shall use the Bulletins as a guide when completing the National Register nomination form.

- (c) The HPO shall review draft nomination forms using the standards in the Bulletins incorporated in Paragraph (b) of this Rule. The HPO shall provide written guidance to the applicant on necessary revisions to ensure the nomination meets the standards set forth in the Bulletins.
- (d) When the HPO determines the nomination form is complete and in compliance with the Bulletins incorporated in subsection (b) of this Rule, the HPO shall send the application to the NRAC for consideration.
- (e) The HPO shall provide written notice to the owner or owners of the nominated property in accordance with 36 C.F.R. 60.6. The HPO shall notify owners listed in the official land recordation records or tax records. The owner or owners shall have the opportunity to object to the nomination by submitting a written and notarized statement in accordance with 36 C.F.R. 60.6(g) to the address in Rule .0301(c) of this Section. If a majority of the owners of private property submit objections to its nomination, the SHPO shall follow the procedure set forth in 36 C.F.R. 60.6(n).
- (f) Individuals and local government entities may provide comments on a proposed nomination as provided in 36 C.F.R. 60.6(g).
- (g) The NRAC shall review nominations pursuant to 36 C.F.R. 60.4 and 60.6(j). The NRAC shall provide a recommendation to the SHPO as to whether the property meets the National Register Criteria for Evaluation in 36 C.F.R. 60.4 and should be forwarded to the Keeper of the National Register for listing in the National Register.
- (h) The SHPO shall review the nomination and the NRAC's recommendation along with any public comments. The SHPO may, in his or her discretion, submit the nomination and comments to the Keeper of the National Register, Department of the Interior, National Park Service, Washington, D.C. 20240. The SHPO shall notify the property owner or owners and applicant of his or her final decision regarding the nomination.
- (i) Following review by the Keeper of the National Register and receipt by the SHPO from that office of notice of approval or rejection of the nomination, the SHPO shall send to the property owner and chief executive officer of the local governmental unit notification of the disposition of the nomination and, if approved, a certificate signed by the SHPO stating that the property is listed in the National Register of Historic Places.

History Note: Authority G.S. 121-8(b); 143B-62; 36 C.F.R. 60.6, 60.11;
 Eff. February 1, 1985;
 Amended Eff. June 1, 1989;
 Readopted Eff. June 1, 2017.

07 NCAC 04R .0305 NATIONAL REGISTER NOMINATION PRIORITIES

History Note: Authority G.S. 121-8(b); 143B-62(3); 36 C.F.R. 60.11;
 Eff. February 1, 1985;
 Amended Eff. June 1, 1989;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
 Repealed Eff. June 1, 2017.

SECTION .0400 - POLICIES REGARDING GRANTS-IN-AID FOR HISTORIC PRESERVATION PROJECTS AND NONSTATE MUSEUMS

- 07 NCAC 04R .0401 MONEY FOR GRANTS-IN-AID**
07 NCAC 04R .0402 CONDITIONS OF GRANT
07 NCAC 04R .0403 SOURCE OF QUALIFYING FUNDS
07 NCAC 04R .0404 CERTIFICATION OF NONSTATE FUNDS
07 NCAC 04R .0405 LOCAL FUNDS RAISED FIRST: EXCEPTIONS
07 NCAC 04R .0406 QUALIFIED PURPOSES
07 NCAC 04R .0407 EXCLUSIONS
07 NCAC 04R .0408 HISTORICAL RESEARCH/ARCHAEOLOGICAL INVESTIGATION
07 NCAC 04R .0409 SPONSORING ORGANIZATION TO CONTRACT
07 NCAC 04R .0410 STATEMENT OF MAINTENANCE: VISITATION: NONDISCRIMINATION

History Note: Authority G.S. 121-11; 121-12(c); 143B-62(1)e; 143B-62(2)f;
 Eff. February 1, 1985;

Repealed Eff. March 1, 1987.

SECTION .0500 - HISTORIC PRESERVATION COMMISSIONS

07 NCAC 04R .0501 REVIEW OF COMMISSION REPORTS

Local governments, municipal governing boards, local preservation commissions, historic district commissions, and landmark commissions shall submit requests for review of reports pursuant to G.S. 160A-400.4(b) and G.S. 160A-400.6(2)-(3) to the State Historic Preservation Officer (SHPO) in care of the State Historic Preservation Office (HPO), North Carolina Department of Natural and Cultural Resources, 4617 MSC, Raleigh, NC 27699 or emailed to the HPO's Local Government Coordinator. The Local Government Coordinator's contact information is available at www.hpo.ncdcr.gov/hpostaff.htm.

*History Note: Authority G.S. 121-8(e); 160A-400.4(b)(2); 160A-400.6 (2,3);
Eff. February 1, 1985;
Amended Eff. June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. June 1, 2017.*

07 NCAC 04R .0502 CERTIFICATES OF APPROPRIATENESS

(a) Local preservation commissions, in their discretion, may seek the advice of the Department of Natural and Cultural Resources when reviewing applications for Certificates of Appropriateness pursuant to G.S. 160A-400.9. Local preservation commissions shall submit such requests in writing to the HPO, North Carolina Department of Natural and Cultural Resources, 4617 MSC, Raleigh, NC 27699, or by email to the HPO's Local Government Coordinator. The Local Government Coordinator's contact information is available at www.hpo.ncdcr.gov/hpostaff.htm. The review will be completed within 30 days of receipt. Comments in response to the request will be conveyed in writing to the commission requesting the review.

- (b) Requests for review of applications for Certificates of Appropriateness shall include a copy of the Certificate of Appropriateness application.
- (c) Local preservation commission decisions regarding Certificates of Appropriateness may be appealed as provided in Rule .0503 of this Section.

*History Note: Authority G.S. 121-8(e); 160A-400.9(d);
Eff. February 1, 1985;
Amended Eff. June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. June 1, 2017.*

07 NCAC 04R .0503 REVIEW OF APPEALS

(a) The State of North Carolina and its agencies may appeal decisions of local preservation commissions to the North Carolina Historical Commission. Agencies shall submit requests for appeals to the Chairman, North Carolina Historical Commission c/o HPO, North Carolina Department of Natural and Cultural Resources, 4617 MSC, Raleigh, NC 27699. Agencies shall submit a copy of the record and decision from the local preservation commission as well as an explanation of the grounds for appeal. The Historical Commission shall consider appeals according to the standards set forth in G.S. 160A-400.9. The Historical Commission may reverse, sustain, or modify the decision of the local preservation commission.

*History Note: Authority G.S. 143B-62; 160A-400.9(f);
Eff. February 1, 1985;
Amended Eff. June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. June 1, 2017.*

07 NCAC 04R .0504 ADEQUATE INFORMATION

*History Note: Authority G.S. 160A-395(2); 160A-397; 160A-398.1; 160A-399.5(2); 160A-399.6;
Eff. February 1, 1985;
Amended Eff. June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;*

Repealed Eff. June 1, 2017.

SECTION .0600 – DESIGNATION OF HISTORIC PROPERTIES UNDER THE STATE BUILDING CODE

07 NCAC 04R .0601 STATEMENT OF PURPOSE

History Note: Authority G.S. 121-8; Building Code Authority Chapter 10, Sec. 1009.1(a)(1), 1010.1(a)(1); Eff. February 1, 1985; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015; Repealed Eff. June 1, 2017.

07 NCAC 04R .0602 GENERAL APPLICATION PROCESS; CRITERIA FOR DESIGNATION

(a) Applications for designation of buildings as "historic buildings" as provided in 2012 North Carolina Rehab Code, Sec. 1.33 and 2015 North Carolina Existing Building Code, Chapter 2, Sec. 202 may be obtained from the State Historic Preservation Officer (SHPO), Attention Survey and National Register Branch, State Historic Preservation Office (HPO), North Carolina Department of Natural and Cultural Resources, 4617 MSC, Raleigh, N. C. 27699, or by email to the Supervisor of the Survey and National Register Branch of the Historic Preservation Office. The Supervisor's contact information is available at www.hpo.ncdcr.gov/hpostaff.htm. Applications shall include the contents required by Rule .0605 of this Section.

(b) The SHPO or designee shall sign the application form deeming the property historic for the purposes of either the North Carolina Rehab Code or the 2015 North Carolina Existing Building Code if it meets one or more of the following criteria:

- (1) It is listed in the North Carolina or National Registers of Historic Places either individually or as a contributing building to a historic district;
- (2) It has been issued a Determination of Eligibility pursuant to 36 C.F.R. part 63 by the Keeper of the National Register of Historic Places;
- (3) It is identified as a contributing building to a local historic district under 36 C.F.R. 67.5; or
- (4) It is certified by the State Historic Preservation Officer using criteria set forth in 36 C.F.R. 60.4, as eligible to be listed on the National Register of Historic Places either individually or as a contributing building to a historic district. Properties "eligible to be listed on the National Register" include properties listed on the National Register Study list as provided in Rule .0303 of this Subchapter.

(c) The SHPO shall forward the application with a determination of whether the property has been deemed historic to the property owner, with copies to the local building inspector and the HPO's Restoration Branch.

(d) Any building determined by the SHPO to be individually eligible for listing in the National Register of Historic Places pursuant to Paragraph (b)(4) of this Rule shall be presented for addition to the State Study List at the next meeting of the National Register Advisory committee as provided in Rules .0301–.0304 of this Subchapter.

History Note: Authority G.S. 121-8; 54 U.S.C. 302303; Eff. February 1, 1985; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015; Amended Eff. June 1, 2017.

07 NCAC 04R .0603 CRITERIA FOR DESIGNATION

07 NCAC 04R .0604 DESIGNATING BUILDINGS AS HISTORIC FOR BUILDING CODE PURPOSES

History Note: Authority G.S. 121-8(a),(c), and (f); Building Code Authority Chapter 1009.1(a)(1), 1010.1(a)(1); Eff. February 1, 1985; Amended Eff. June 1, 1989; Pursuant to G.S. 150B-21.3A, rules are necessary without substantive public interest Eff. July 26, 2015; Repealed Eff. June 1, 2017.

07 NCAC 04R .0605 DOCUMENTATION REQUIRED

Applicants for "historic building" determinations shall include the following information and documentation in addition to the applicant's contact information:

- (1) An application for a building individually listed in the National Register or the National Register Study List shall include the following:

- (a) a photograph of the building; and
- (b) a citation to the National Register nomination by name and county.
- (2) An application for a building individually designated by local historic properties commissions shall include the following:
 - (a) a photograph of the building;
 - (b) a copy of the local designation report; and
 - (c) a letter from the local designating authority certifying that the property is designated as a local historic landmark or is in a local historic district.
- (3) An application for a building in a historic district that is listed in the National Register, listed on the State Study List, or in a locally designated historic district, shall include the following:
 - (a) the name of the district and shall indicate whether the building is designated in the National Register, on the State Study List, or locally;
 - (b) a photograph of the building;
 - (c) the address of the building;
 - (d) a statement of the building's significance as a contributing building in the district, pursuant to 36 C.F.R. 60.4, 36 C.F.R. 67.5, G.S. 160A-400.4 or G.S. 160A-400.5;
 - (e) a map of the district showing the location of the building; and
 - (f) for a building in a locally designated district, the applicant shall also provide a copy of the ordinance designating the district and the material required by Items (1) and (2) of this Rule relating to the property. The certification letter from the local designating authority required by Item (2) of this Rule shall certify that the property lies within the boundary of a locally designated district.
- (4) An application for a building not falling into any of the above categories shall include the following:
 - (a) photographs of the building (including interior features);
 - (b) a statement of the historical associations and significance of the building;
 - (c) an architectural description of the building; and
 - (d) a statement of the National Register criteria under 36 C.F.R. 60.4 it meets and how.

History Note: Authority G.S. 121-8; 54 U.S.C. 302303;
 Eff. February 1, 1985;
 Amended Eff. June 1, 1989;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
 Amended Eff. June 1, 2017.

07 NCAC 04R .0606 APPEALS PROCEDURE

History Note: Authority G.S. 121-8(a),(c), and (f); 143B-62; Building Code Authority Chapter 1009.1(a)(1), 1010.1(a)(1);
 Eff. February 1, 1985;
 Amended Eff. June 1, 1989;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
 Repealed Eff. June 1, 2017.

SECTION .0700 - ARCHAEOLOGICAL RESOURCES PROTECTION ACT

07 NCAC 04R .0701 PURPOSE

History Note: Authority G.S. 70-10 through 70-20;
 Eff. February 1, 1985;
 Repealed Eff. June 1, 1989.

- 07 NCAC 04R .0702 DEFINITIONS**
- 07 NCAC 04R .0703 ARCHAEOLOGICAL INVESTIGATIONS ON STATE LANDS**
- 07 NCAC 04R .0704 EMERGENCY ARCHAEOLOGICAL INVESTIGATIONS**
- 07 NCAC 04R .0705 APPLICATION FOR ARCHAEOLOGICAL PERMITS**

07 NCAC 04R .0706	QUALIFICATIONS FOR PERMITS
07 NCAC 04R .0707	ISSUANCE OF PERMITS
07 NCAC 04R .0708	TIME LIMITS OF PERMITS
07 NCAC 04R .0709	TERMS AND CONDITIONS OF PERMITS
07 NCAC 04R .0710	PERMIT DENIAL: SUSPENSION AND REVOCATION
07 NCAC 04R .0711	APPEALS RELATING TO PERMITS
07 NCAC 04R .0712	REPORTING REQUIREMENTS FOR SPECIFIC PERMITS
07 NCAC 04R .0713	REPORTING REQUIREMENTS FOR GENERAL PERMITS
07 NCAC 04R .0714	REPORT REVIEW FOR SPECIFIC PERMITS
07 NCAC 04R .0715	REPORT REVIEW FOR GENERAL PERMITS
07 NCAC 04R .0716	CUSTODY OF RESOURCES UNDER THE TERMS OF A SPECIFIC PERMIT
07 NCAC 04R .0717	CUSTODY/ARCHAEOLOGICAL RESOURCES UNDER/TERMS: GENERAL PERMIT
07 NCAC 04R .0718	CONFIDENTIALITY

History Note: Authority G.S. 70-12; 70-13; 70-14; 70-15(a); 70-18; 150B-23 through 150B-37;
 Eff. February 1, 1985;
 Amended Eff. June 1, 1989;
 Repealed Eff. June 1, 2017.

07 NCAC 04R .0719 ADDITIONAL REQUIREMENTS FOR A GENERAL PERMIT

History Note: Authority G.S. 70-13(c); 70-14;
 Eff. February 1, 1985;
 Repealed Eff. June 1, 1989.

SECTION .0800 – ARCHAEOLOGY SERVICES

07 NCAC 04R .0801 OPERATING HOURS

History Note: Authority G.S. 121-5(b); 121-8(b),(f);
 Eff. February 1, 1985;
 Amended Eff. April 1, 2001;
 Repealed Eff. June 1, 2017.

07 NCAC 04R .0802 DISPOSITION OF ARTIFACTS; LOANS

(a) Accessioned archaeological artifacts shall not be deaccessioned unless they have been certified by the North Carolina Historical Commission to have no further value for scientific research and reference purposes. The Commission must consider:

- (1) whether the artifacts possess any new or undiscovered historical or archaeological information to add to the scientific community; and
- (2) whether other comparable artifacts exist, so that there is no reason to retain the artifacts for future scientific research and reference purpose.

(b) Artifacts in the custody of the Office of State Archaeology shall be loaned only for:

- (1) museum or research purposes;
- (2) non-museum public display by local, state, or federal agencies; or
- (3) to institutions for the purpose of public education.

(c) Loaned artifacts, specimens, documents, and records shall be maintained in the condition in which they were delivered. The borrower shall insure the articles against loss or damage for two times the amount of its fair market value as of the date the artifact was delivered. The artifacts shall be packaged in a manner that protects them from damage.

(d) The artifacts, specimens, documents, and records shall remain the property of the State of North Carolina and may be removed by the State with 10 days' written notice to the borrower. An item may be removed if the item has been damaged in any way or if there is a threat of theft or damage to the item. Notwithstanding any other provision of this Rule, an item may be immediately removed if requested by the borrower in writing to the State Archaeologist.

(e) Written authorization may be issued by the Office of State Archaeology to permit photography or duplication of any artifact of any kind. Requests shall be made in writing to the State Archaeologist and include: the name, address, and

telephone number of the requestor, a description of the item being photographed or duplicated, and a statement describing the need for photographing or duplicating the items. An acknowledgment credit shall identify each artifact image with the Office of State Archaeology, North Carolina Division of Archives and History. The Office of State Archaeology may deny authorization if:

- (1) photography or duplication would degrade the quality of the item, such as fading or cracking from overexposure to light, air or moisture; or
- (2) handling of the item during photography or duplication would increase risk of damage to the item, such as accidental dropping, theft, or vandalism.

(f) All requests for loans of artifacts shall be submitted in writing to the State Archaeologist at least 30 days before the requested loan period. All requests shall include:

- (1) the requestor's name and address;
- (2) a statement describing the purpose for the loan, such as an exhibit, study, conservation;
- (3) a description of the requested object(s); and
- (4) the proposed loan period.

Requests shall be submitted to State Archaeologist, North Carolina Office State Archaeology, 4619 Mail Service Center, Raleigh NC 27699.

(g) A written contract between the borrower and the Division of Archives and History containing the period and conditions of the loan shall be signed prior to the lending of any artifact.

History Note: Authority G.S. 121-2(8); 121-4(12); 121-5(b); 121-7; 121-8(c); 143B-62; Eff. February 1, 1985; Amended Eff. April 1, 2001; June 1, 1989; Readopted Eff. June 1, 2017.

07 NCAC 04R .0803 CURATION OF ARCHAEOLOGICAL COLLECTIONS

(a) All requests to store archaeological, archival, and photographic collections at OSA curation facilities shall be submitted in writing to the State Archaeologist. All requests shall include:

- (1) a declaration or statement of ownership of the collection;
- (2) the name, address, phone number, and email address of the person or agency submitting the collection;
- (3) the provenience information for the collection;
- (4) the storage size of the collection in cubic feet or by archival boxes measuring 12 x 15 x 10 inches or 6 x 15 x 10 inches; and
- (5) the number of items to be stored.

Requests shall be submitted to State Archaeologist, North Carolina Office State Archaeology, 4619 Mail Service Center, Raleigh NC 27699.

(b) Decisions on storage requests shall be provided in writing by the State Archaeologist, in consultation with the Director of the Office of Archives and History, North Carolina Department of Natural and Cultural Resources, based on the following factors:

- (1) confirmation of the information submitted in the request under Paragraph (a) of this Rule;
- (2) the condition of the materials contained in the collection, such as fragility, rarity, or other conservation needs; and
- (3) the availability of storage space.

(c) Fees may be charged for curation and conservation services in the amount of two hundred dollars (\$200.00) per cubic foot of materials.

History Note: Authority G.S. 70-11; 121-4(8),(9),(13),(14); 121-4(14); 121-8(b),(c),(f); 143B-62; Eff. February 1, 1985; Amended Eff. April 1, 2001; June 1, 1989; Readopted Eff. June 1, 2017.

07 NCAC 04R .0804	DEACCESSIONS
07 NCAC 04R .0805	ACCESS TO ARCHAEOLOGICAL COLLECTIONS
07 NCAC 04R .0806	ARCHAEOLOGICAL SITE FILES
07 NCAC 04R .0807	PUBLIC ACCESS TO EXCAVATIONS
07 NCAC 04R .0808	ARCHAEOLOGICAL SURVEY AND EVALUATION REPORT GUIDELINES

History Note: Authority G.S. 70-18; 121-8(b),(d),(e),(f); 121-4(9); 132-1(a); 132-2; 132-9; 132-3(a); 143B-62(2)d; 143B-62(2)(g);
Eff. February 1, 1985;
Amended Eff. April 1, 2001; June 1, 1989;
Repealed Eff. June 1, 2017.

SECTION .0900 - TAX ACT CERTIFICATION REVIEW

07 NCAC 04R .0901 PURPOSE

The State Historic Preservation Officer (SHPO) is responsible for making substantive judgments as to whether a structure meets the criteria for listing in the National Register of Historic Places or the "Secretary's Standards for Evaluating Structures within Registered Historic Districts" and whether the rehabilitation of a certified historic structure meets the "Secretary's Standards for Rehabilitation" and for forwarding the recommendations to the Secretary of the Interior within the prescribed time period.

History Note: Authority G.S. 121-8; 26 U.S.C. 46-48; 26 U.S.C. 170; 26 U.S.C. 191; 26 C.F.R. Part 1; 36 C.F.R. 67;
Eff. February 1, 1985;
Amended Eff. June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04R .0902 DEFINITIONS

- (a) "Certified Historic Structure" means a structure which is of a character subject to the allowance for depreciation provided in Section 167 of the Internal Revenue Code of 1954, as amended, which is either listed in the National Register or located in a registered historic district and certified by the Secretary as being of historic significance to the district. For purposes of the charitable contribution provisions only of the Internal Revenue Code, properties need not be depreciable to qualify as certified historic structures. For purposes of the demolition expense provisions of the Internal Revenue Code, any structure located in a registered historic district is considered a "certified historic structure" unless the secretary has determined, prior to the demolition of the structure, that it is not of historic significance to the district.
- (b) "Certified Rehabilitation" means any rehabilitation of a certified historic structure within the time frame specified by the law, which the secretary has certified to the Secretary of the Treasury as being consistent with the historic character of the property and, where applicable, with the district in which the property is located.
- (c) "Historic District" means a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects which are united by past events or aesthetically by plan or physical development.
- (d) "Inspection" means a visit by an authorized representative of the SHPO or the secretary to a historic structure for the purpose of reviewing and evaluating the significance of the structure and the completed rehabilitation work.
- (e) "National Register of Historic Places" means the national listing of districts, sites, buildings, or structures and objects significant in American history, architecture, archaeology, engineering, and culture that the secretary is authorized to expand and maintain pursuant to Section 101(a)(1) of 16 U.S.C. 470.
- (f) "Owner" means a person who holds a fee simple interest in a structure; a holder of a life estate in property; a holder of a life estate in property with remainder to another person; or a lessee whose lease term without regard to renewal periods extends beyond the useful life of the improvements or for 15 years, whichever is greater.
- (g) "Registered Historic District" means any district listed in the National Register or any district designated under a state or local statute which has been certified by the secretary as containing criteria which will substantially achieve the purpose of preserving and rehabilitating buildings of significance to the district and which has been certified by the secretary as meeting substantially all of the requirements for the listing of districts in the National Register.
- (h) "Rehabilitation" means the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values. Seventy-five percent or more of the existing external walls must be retained in place as external walls in the rehabilitation process to qualify for the investment tax credit.
- (i) "Secretary" means the Secretary of the Interior or the designee authorized to carry out his responsibilities.

(j) "Secretary's Standards for Evaluating Structures within Registered Historic Districts" means the criteria for judging whether or not a structure is contributing to the historic significance of a district and the eligibility of structures less than 50 years old. See 36 CFR 67.5.

(k) "Secretary's Standards for Rehabilitation" means the ten broadly worded statements to guide the rehabilitation of all historic buildings. They are used by the SHPO and the Secretary in reviewing and evaluating all projects requesting certification. See 36 CFR 67.7.

(l) "State or Local Statute" means a law of the state or local government designating, or providing a method for the designation of, a historic district or districts.

(m) "State Historic Preservation Officer" means the official within each state, designated by the governor at the request of the secretary, or the designee authorized to carry out his responsibilities, who acts as liaison for purposes of implementing historic preservation programs within the state.

(n) "Substantial Rehabilitation" means that the expenditures must exceed the greater of the taxpayer's adjusted basis in the structure (cost of the structure plus capital improvements minus depreciation) or five thousand dollars (\$5,000), within a 24-month period ending on the last day of the taxable year. A 60-month alternative is available only if there is a written set of architectural plans and specifications for all phases of the rehabilitation.

(o) "Tax Act Coordinator" means the designee of the SHPO authorized to carry out his responsibilities for Tax Act certification reviews and coordination of information concerning the Tax Acts and the preservation of historic structures.

History Note: Authority G.S. 121-8; 26 U.S.C. 46-48; 26 U.S.C. 170; 26 U.S.C. 191; 26 C.F.R. Part 1; 36 C.F.R. 62.2; 36 C.F.R. 67; Eff. February 1, 1985; Amended Eff. June 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04R .0903 APPLICATIONS FOR CERTIFICATIONS

(a) The owner of the property in question may apply for:

- (1) an evaluation of significance of rehabilitation work;
- (2) a determination whether or not a particular structure located within a registered historic district qualifies as a certified historic structure;
- (3) a preliminary determination as to whether structures which appear to meet National Register criteria but are not yet individually listed in the National Register, or listed as part of a historic district, may qualify as certified historic structures when and if the properties or district in which the properties are located are listed in the National Register or the state or local district in which the properties are located is certified by the secretary. The owner is responsible for initiating the process of nomination of the property to the National Register. The property will be considered by the SHPO and the secretary for actual certification at the time the individual property or district is listed in the National Register or the state or local district is certified by the secretary.

(b) The owner's request for certifications of historic significance and of rehabilitation shall be made on "Historic Preservation Certification Application" forms (approved OMB form No. 42R-1765). Part 1 of the application shall be used in requesting an evaluation and certification (or decertification) of historic significance or a preliminary determination of historic significance, while Part 2 shall be used in requesting an evaluation of proposed rehabilitation work or a certification of completed rehabilitation work. Owners are encouraged to submit Parts 1 and 2 together to the SHPO. Owners may obtain Historic Preservation Certification Applications from the SHPO.

History Note: Authority G.S. 121-8; 26 U.S.C. 46-48; 26 U.S.C. 170; 26 U.S.C. 191; 26 C.F.R. Part 1; 36 C.F.R. 62.2; 36 C.F.R. 67; Eff. February 1, 1985; Amended Eff. June 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04R .0904 REVIEW ASSISTANCE AND PROCEDURES

(a) The SHPO through the Tax Act Coordinator reviews all certification applications and makes comments and recommendations to the secretary through the regional office of the National Park Service.

(b) Survey specialists will review Part 1 applications (Certification of Significance), and restoration specialists will review Part 2 applications (Certification of Rehabilitation) and provide written comments to the Tax Act Coordinator.

(c) The Tax Act Coordinator will assist owners with their problems in preparing Parts 1 and 2 of the forms, examine forms when received for errors and omissions in documentation, request and receive additional information or clarification, coordinate application reviews, and transmit the reviewed applications to the SHPO for forwarding to the regional office of the National Park Service for the secretary to adjudge. A copy of the letter of transmittal will be sent to the owner and will include the SHPO's comments.

*History Note: Authority G.S. 121-8;
Eff. February 1, 1985;
Amended Eff. June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.*

07 NCAC 04R .0905 CERTIFICATION

(a) Requests for evaluation of historic significance should be made by the owner to determine whether or not a structure located within a registered historic district contributes to the significance of the district.

(b) If the property is individually listed in the National Register, and of a character subject to the allowance for depreciation provided in Section 167 of the Internal Revenue Code of 1954, it automatically is considered a certified historic structure.

- (1) To determine whether or not a property is individually listed in the National Register, the owner should consult the listing of National Register properties, which identifies the structures in a registered historic district that are of historic significance to the district.
- (2) If the property is individually listed in the National Register and the owner believes it has lost the characteristics which caused it to be nominated and therefore wishes it delisted, the owner should consult the SHPO and refer to the delisting procedures outlined in 36 CFR 60.
- (3) Many individual properties in the National Register include more than one structure. In these cases, the SHPO and the secretary will consider the property listing as a registered historic district for the purpose of determining which of the structures encompassed by the property are of historic significance to the property.
- (4) If it is proposed that a structure individually listed in the National Register be moved as a part of a request for certification of rehabilitation, the owner must follow the procedures outlined in 36 CFR 60.8. When a property is moved, every effort should be made to reestablish its historic orientation, immediate setting, and general environment.

(c) If the property is located within the boundaries of a registered historic district and the owner wishes the secretary to certify as to whether the structure contributes to the significance of the district, the owner must complete Part 1 of the Historic Preservation Certification Application and submit it to the SHPO. The following minimum documentation is required:

- (1) name of owner;
- (2) name and address of structure;
- (3) name of historic district;
- (4) current photographs of structure; photographs of the structure prior to alteration if rehabilitation has been completed; photographs showing the structure along with adjacent structures on the street; and, where applicable, photographs of significant interior features and spaces;
- (5) brief description of appearance including alterations, distinctive features and spaces, and dates of construction;
- (6) brief statement of significance summarizing how the building reflects the values that give the district its distinctive historical and visual character, and explaining any significance attached to the building itself (i.e., unusual building techniques, important events that took place there, etc.);
- (7) sketch map showing structure's location within the district; and
- (8) signature of property owner requesting the evaluation.

(d) For purposes of the 15 and 20 percent tax credits under 26 U.S.C. 46, structures within registered historic districts are presumed to contribute to the significance of such districts unless certified as non-significant by the secretary. Owners of non-historic structures within registered historic districts must obtain certification of non-significance in order to qualify for either the 15 percent (buildings 30-39 years old) or the 20 percent (buildings 40 years or older) investment tax credit. If an owner begins or completes demolition or substantial alteration of a structure in a registered historic district without knowledge of requirements for certification of non-significance, he may request certification that the structure was not of historic significance to the district prior to substantial alteration or demolition in the same manner as stated in Paragraph (c) of this Rule.

(e) If an owner wishes to obtain certified rehabilitation status for a building which has been moved (or is proposed to be moved) into a registered historic district or which is within a registered historic district and which has been moved (or will be moved) elsewhere in the district, he must complete Part 1 of the Historic Preservation Certification Application and, in addition to the minimum documentation outlined in this Rule, should submit documentation which discusses:

- (1) the effect of the move on the property's appearance (any proposed demolition, proposed changes in foundations, etc.);
- (2) the new setting and general environment of the proposed site;
- (3) the effect of the move on the distinctive historical and visual character of the district.

Photographs showing the proposed location must be sent with the documentation. When a property is moved, every effect should be made to reestablish its historic orientation, immediate setting, and general environment.

(f) Structures within registered historic districts will be evaluated for conformance with the Secretary's Standards for Evaluating Structures within Registered Historic Districts.

(g) The SHPO will sign Part 1 indicating his recommendation as to the significance of the structure and forward Part 1, the photographs, and the map to the secretary within 45 days after the owner has submitted the required information.

(h) A preliminary certification of significance may be requested by the owner by filling out Part 1 of the Historic Preservation Certification Application and sending it to the SHPO. The SHPO will review preliminary certification requests for conformance with the National Register criteria (36 CFR 60.4) and the Secretary's Standards for Evaluating Structures within Registered Historic Districts. The SHPO shall forward the application with recommendations to the secretary for review. The secretary shall notify the applicant and the SHPO of the preliminary certification decision. The time periods applicable to other certification of significance requests shall apply to preliminary certification requests also.

(i) In cases where it is difficult to make a determination of significance because it is impossible to determine the amount of remaining historic fabric, such as where metal screening obscures facades, or where a substantial question exists about the degree of physical deterioration and structural damage, but an owner wishes to attempt certified rehabilitation, it may be necessary to make a certification of significance conditional upon approval of the completed rehabilitation. A conditional certification indicates that the property appears to have the potential to meet National Register criteria for listing or to contribute to a district but will not be considered a certified historic structure until such time as the property is individually listed or, in the case of a building within a registered historic district, a certification of rehabilitation is issued.

(j) Once the significance of a structure located within a registered historic district has been determined by the secretary, the property owner and the SHPO will receive written notification in the form of a certification of significance or conditional certification or as a notice that the structure does not contribute to the historic significance of the district. Written notification will be made within 30 days of receipt of Part 1 of a Historic Preservation Certification Application, with documentation as specified in this Rule. In cases where Parts 1 and 2 are submitted together, review of Part 1 will be completed within 30 days, but notification to the owner for both Parts 1 and 2 will generally be made within 45 days.

(k) When a preliminary certification of significance has been made for a building proposed for individual listing in the National Register or for inclusion within a district proposed for listing or certification, the preliminary certification will be considered as completed as of the date of individual listing on the National Register or the date of listing or certification of the historic district. If information included in the nomination or district documentation differs substantially from that reviewed with the preliminary certification request, however, the SHPO and the secretary will review the preliminary request a second time prior to a final decision on listing the district and the secretary will make a judgment as to whether a structure should be treated as a certified historic structure.

History Note: Authority G.S. 121-8; 26 U.S.C. 46-48; 26 U.S.C. 170; 26 U.S.C. 191; 26 C.F.R. Part 1; 36 C.F.R. 67; Eff. February 1, 1985; Amended Eff. June 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04R .0906 CERTIFICATION OF REHABILITATION

Property owners desirous of having rehabilitations of certified historic structures qualified as "certified rehabilitations" shall comply with the following procedures:

- (1) Complete Part 2 of the Historic Preservation Certification Application and submit it to the SHPO. The application may describe a proposed rehabilitation project, work in progress, or a completed rehabilitation. In all cases, photographs showing the appearance of the structure prior to rehabilitation, both on the exterior and on the interior, must accompany the application. Other documentation, such as sketch plans and elevation drawings, may be necessary to evaluate certain rehabilitation projects. Plans for any attached

or adjacent new construction also must accompany the application and will be reviewed as part of the overall project. Where such documentation is not provided, review and evaluation cannot in some cases be completed. Owners who undertake rehabilitation projects without prior approval from the SHPO or secretary do so at their own risk. Review of rehabilitation work for certification purposes extends to the significant features of historic structures as defined by the secretary. For projects involving the rehabilitation of more than one structure where the structures are under single ownership and are judged by the secretary to have been functionally related historically to serve an overall purpose, such as a mill complex or an industrial plant, certification will be issued on the merits of the overall project rather than individual components. The addition of a new structure or the demolition of portions or all of a structure as part of the rehabilitation will also be reviewed as part of the overall project. In situations involving a rehabilitated structure in a historic district, the SHPO and the secretary will review the work both as it affects the historic building and the district and make a certification decision accordingly.

- (2) If the work described in Part 2 of the application form is not completed the following procedures shall apply:
- (a) The SHPO shall review the overall proposed project as to whether or not the project is likely to meet the Secretary's Standards for Rehabilitation and forward the application and written recommendations to the secretary. This shall be done within 45 days of receipt of the documentation.
 - (b) Upon receipt of the application describing the proposed project and the recommendation of the SHPO, the secretary will determine within 45 days if the proposed project is consistent with the Secretary's Standards for Rehabilitation. If the proposed project does not meet the Secretary's Standards for Rehabilitation, the owner will be advised of necessary revisions to meet such standards and encouraged to work with the SHPO to bring the project into conformance. These notifications will be made in writing.
 - (c) Once a project has been approved, substantive changes in the work as described in the application should be promptly brought to the attention of the SHPO and the secretary to ensure continued conformance to the Standards; these changes do not require a new Historic Preservation Certification Application.
- (3) When the overall rehabilitation project has been completed the following procedures shall apply:
- (a) The owner shall notify the SHPO in writing of the project completion date and shall sign a statement that, in the owner's opinion, the completed rehabilitation meets the Secretary's Standards for Rehabilitation and is consistent with the work described in Part 2 of the Historic Preservation Certification Application. At this time the owner will be requested to provide photographs of the completed rehabilitation project; other documentation that the SHPO believes is necessary to make a recommendation to the secretary; and his social security or taxpayer identification number. Certifications will be issued to rehabilitations which have been carried out in accordance with proposed plans previously approved by the secretary.
 - (b) The SHPO shall forward recommendations as to certification to the secretary within 45 days of receipt of the project completion date and documentation.
 - (c) The completed project may be inspected by an authorized representative of the SHPO or the secretary to determine if the work meets the Secretary's Standards for Rehabilitation. The SHPO and the secretary reserve the right to make inspections at any time up to three years after completion of the rehabilitation and to withdraw certification upon determining that rehabilitation work was not undertaken as represented by the owner in his application and support documentation, or, the owner, upon obtaining certification, undertook additional work as part of the overall rehabilitation project in violation of the Secretary's Standards for Rehabilitation.
 - (d) Notification as to certification will be in writing and will normally be made by the secretary within 15 days of receipt of the SHPO's recommendations if the proposed rehabilitation had been previously approved by the secretary. Otherwise notification will normally be made within 45 days.
 - (e) If the completed rehabilitation project does not meet the secretary's standards, an explanatory letter will be sent to the owner. An appeal from this decision may be made by the owner. A rehabilitated structure not in conformance with the secretary's standards and which is determined to have lost those qualities which caused it to be nominated to the National Register, will be removed from the Register in accord with 36 CFR 60.15, or, if it has lost those qualities which

caused it to be designated a certified historic structure, it will be certified as non-significant. In either case, the delisting or decertification is considered effective as of the date of issue and is not considered to be retroactive. In these situations, the Internal Revenue Service will be notified of the substantial alteration. The tax consequences regarding sections of the code will be determined by the Secretary of the Treasury.

- (4) A preliminary determination that a rehabilitation project is consistent with the secretary's standards may be made for structures not yet designated certified historic structures, although issuance of a certification of rehabilitation will be made only for certified historic structures. Such a determination may be requested by the owner by completing Parts 1 and 2 of a Historic Preservation Certification Application. A determination that rehabilitation of a structure not yet designated a certified historic structure meets the secretary's standards does not constitute a certification of rehabilitation but does provide an owner with guidance as to the appropriateness of the rehabilitation. A preliminary determination may be requested for a property which is not yet listed in the National Register or for a property located in a state or local district which has not yet been certified.
- (5) The SHPO will be notified in writing of all rehabilitation certification decisions made by the secretary.

History Note: Authority G.S. 121-8; 26 U.S.C. 46-48; 26 U.S.C. 170; 26 U.S.C. 191; 26 C.F.R. Part 1; 36 C.F.R. 67; Eff. February 1, 1985; Amended Eff. June 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04R .0907 APPEALS

(a) Except as otherwise noted in this Rule, an appeal by the owner or duly authorized representative, as appropriate, may be made from any of the certifications or denials of certification made pursuant to this Section. Such appeals must be in writing and received by the Associate Director for Archeology and Historic Preservation, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240, within 30 days of receipt of the decision which is the subject of the appeal. The denial of a preliminary certification of significance for an individual structure or for a building within a historic district may not be the subject of an appeal by the owner because the denial itself does not exhaust the administrative remedy that is available. The owner instead must seek recourse by consulting with the SHPO and undertaking the usual nomination process (36 CFR Part 60). Similarly, the denial of rehabilitation certification for a structure that is not a certified historic structure may not be appealed. The owner must seek a final certification of significance as the next step, rather than appealing the denial of rehabilitation certification. The appellant may request an opportunity for a meeting with the Associate Director to discuss the appeal. The Associate Director, or his designee, will review such appeals and the written record of the decision in question, and notify the appellant of his decision within 30 days of its receipt unless the appellant is required to submit additional information.

(b) In reviewing such appeals, the Associate Director shall consider:

- (1) alleged errors in professional judgment;
- (2) alleged substantial procedural errors; and
- (3) any additional information provided.

(c) The decision of the Associate Director shall be the final administrative decision on the matter. No person shall be considered to have exhausted his administrative remedies with respect to the certifications described in this Section until the Associate Director has issued a final administrative decision.

History Note: Authority G.S. 121-8; 26 U.S.C. 46-48; 26 U.S.C. 170; 26 U.S.C. 191; 26 C.F.R. Part 1; 36 C.F.R. 67; Eff. February 1, 1985; Amended Eff. June 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04R .0908 TIME PERIODS

If for any reason the review periods for the SHPO have expired without recommendations being made and the request forwarded to the secretary, the owner may notify the secretary directly of this fact. The secretary in turn will consult with the SHPO and ensure that a review of the application is completed in a timely manner. The time periods for review of

applications will be adhered to as closely as possible. These time periods are not considered to be legally binding, and the failure to complete review within the designated periods does not waive or alter any certification requirement.

History Note: Authority G.S. 121-8; 26 U.S.C. 46-48; 26 U.S.C. 170; 26 U.S.C. 191; 26 C.F.R. Part 1; 36 C.F.R. 67; Eff. February 1, 1985; Amended Eff. June 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04R .0909 SCOPE OF RULES AND OVERVIEW OF STATUTORY AUTHORITY

(a) Rules .0901 - .0908 of this Section relate to recommendations made by the State Historic Preservation Officer (SHPO) to the Secretary of the Interior in connection with federal tax incentives involving the rehabilitation of income-producing historic properties.

(b) The SHPO makes certifications of historic significance and certifications of rehabilitation in connection with state tax incentives involving the rehabilitation of non-income-producing historic properties. The rules .0909 - .0915 of this Section are applicable to these certifications.

(c) The procedures for obtaining certifications are set forth in Rules .0909 - .0915 of this Section. Owners wishing certifications shall provide sufficient documentation to the SHPO to make certification decisions. These procedures shall be applicable to future and pending certification requests except as otherwise provided herein.

(d) Requests for certifications and approvals of proposed rehabilitation work shall be sent by an owner to the SHPO for review. All certification decisions shall be made by the SHPO based upon review by HPO staff of the application and supporting documentation.

(e) Rule .0916 of this Section relates to fees charged for reviewing income-producing and nonincome-producing rehabilitation certification requests.

(f) The SHPO makes certifications of rehabilitation in connection with state tax incentives involving the rehabilitation of income-producing historic properties. Rule .0917 of this Section is applicable to the coordination with the Federal Certified Historic Rehabilitation Program for these rehabilitation certification requests.

History Note: Authority G.S. 105-129.35; 105-129.36A; 105-130.42; 105-151.23; Temporary Adoption Eff. January 1, 1998; Eff. August 1, 1998; Amended Eff. November 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015; Temporary Amendment Eff. January 1, 2016; Temporary Amendment Expired Eff. October 11, 2016.

07 NCAC 04R .0910 DEFINITIONS

For purposes of Rules .0909 through .0916 of this Section, the following definitions shall apply:

- (1) "Certification" means the process established by these Rules to determine the historic significance of properties within National Register or certified historic districts as well as to approve proposed and completed rehabilitation work.
- (2) "Certified Historic District" means any district which is:
 - (a) designated under a local ordinance which has been certified by the Secretary of the Interior as containing criteria which will substantially achieve the purpose of preserving and rehabilitating buildings of historic significance to the district; and
 - (b) certified by the Secretary of the Interior as meeting substantially all of the requirements for the listing of districts in the National Register of Historic Places.
- (3) "Certified Historic Structure" means a structure which is either:
 - (a) individually listed in the National Register of Historic Places; or
 - (b) located in a National Register or certified historic district and certified by the SHPO as being of historic significance to the district.

Portions of larger buildings, such as single condominium apartment units, shall not be considered to be individual structures. Rowhouses, even with abutting or party walls, shall be considered as separate buildings. For purposes of the certification decisions set forth in these Rules, a certified historic structure encompasses the historic building and its site, landscape features, and environment, generally referred to herein as a "property" as defined in this Rule.

- (4) "Department of the Interior" means the United States Department of the Interior.
- (5) "Historic District" means a geographically definable area, urban or rural, possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united historically or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.
- (6) "Inspection" means a visit by the HPO to a historic structure for the purposes of reviewing and evaluating the significance of the structure and the proposed, ongoing, or completed rehabilitation work.
- (7) "National Park Service" (NPS) means the division within the United States Department of the Interior responsible for administering national parks and historic preservation programs.
- (8) "National Register Historic District" means any district listed in the National Register of Historic Places.
- (9) "National Register Nomination" means the documentation for a resource that includes the National Register Nomination Form NPS 10-900 with accompanying continuation sheets, maps, and photographs and that is prepared in accord with requirements and guidance in the NPS publication How to Complete the National Register Registration Form: Bulletin 16A and in other NPS technical publications on the subject.
- (10) "National Register of Historic Places" means the official federal roster of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture that the Secretary of the Interior is authorized to expand and maintain pursuant to the National Historic Preservation Act of 1966, as amended (often referred to as the "National Register").
- (11) "Owner" means a person, partnership, corporation, or public agency holding a fee-simple interest in a property or any other person or entity recognized by the North Carolina Department of Revenue for purposes of the applicable tax benefits.
- (12) "Property" means a building(s) and its site and landscape features.
- (13) "Rehabilitation" means the process of returning a building or buildings to a state of utility, through repair or alteration, which makes possible an efficient use while preserving those portions and features of the building and its site and environment which are significant to its historic, architectural, and cultural values as determined by the SHPO.
- (14) "Secretary of the Interior" means the Secretary of the United States Department of the Interior or the designee authorized to carry out his/her responsibilities.
- (15) "Standards for Rehabilitation" means the Secretary of the Interior's "Standards for Rehabilitation" as cited in the Code of Federal Regulations, 36 CFR 67.
- (16) "State Historic Preservation Office" (HPO) means the section within the North Carolina Division of Archives and History responsible for administering historic preservation programs.
- (17) "Structure" means something built or constructed such as a building or dam. However, sites, landscapes, and objects do not qualify as structures.

*History Note: Authority G.S. 105-130.42; 105-151.23;
 Temporary Adoption Eff. January 1, 1998;
 Eff. August 1, 1998;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.*

07 NCAC 04R .0911 INTRODUCTION TO HISTORIC PRESERVATION CERTIFICATIONS AND INFORMATION COLLECTION

(a) Ordinarily, only the fee-simple owner of the property in question may apply for the historic preservation certifications described in Rules .0912 and .0914 in this Section. If an application for a certification is made by someone other than the fee-simple owner, however, the application must be accompanied by a written statement from the fee-simple owner indicating that he or she is aware of the application and has no objection to the request for certification.

(b) Owners of properties which are not yet individually listed in the National Register of Historic Places or which are in areas that are not yet National Register or certified historic districts may obtain certifications from the SHPO on whether or not rehabilitation proposals meet the "Standards for Rehabilitation" and proceed with the rehabilitation prior to the listing of the individual property or district in the National Register. Because final certifications of rehabilitation will be issued only to owners of certified historic structures, properties must be individually listed in the National Register or be located within National Register or certified historic districts by the time a request for final certification is submitted to the SHPO. Similarly, if a property is located in a National Register or certified historic district but outside the district's period of significance, the National Register nomination or certification report for the district must be amended to expand the period of significance by the time a request for final certification is submitted to the SHPO.

(c) Applications for certifications of proposed rehabilitation, historic significance, and completed rehabilitation shall be submitted on the Historic Preservation Certification Application. Two copies of the application and supporting documentation such as photographs and plans are required. The applicant may obtain a preliminary and non-binding determination of a property's historic significance within a National Register or certified historic district prior to undertaking a rehabilitation project.

(d) Applications are available from the HPO.

(e) Requests for certifications and approvals of proposed rehabilitation projects shall be sent to the HPO.

(f) Where adequate documentation is not provided, the owner will be notified in writing of the additional information needed to undertake or complete the review. At such time the application shall be placed on hold pending the receipt of complete information. If complete information is not received within 30 days from the date of the request to the owner, the application shall be returned to the owner due to insufficient documentation.

(g) Approval of applications and amendments to applications shall be conveyed to the owner only in writing by the SHPO or his/her duly authorized representative. Decisions with respect to certifications shall be made on the basis of the descriptions contained in the application forms and other available information. In the event of any discrepancy between the application and other supplementary material submitted with it (such as architectural plans, drawings, specifications, etc.), the applicant shall be requested to resolve the discrepancy in writing. In the event the discrepancy is not resolved, the description in the application shall take precedence.

*History Note: Authority G.S. 105-130.42; 105-151.23;
Temporary Adoption Eff. January 1, 1998;
Eff. August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.*

07 NCAC 04R .0912 CERTIFICATIONS OF HISTORIC SIGNIFICANCE

(a) Requests for determinations of historic significance for properties within National Register or certified historic districts shall be made by the owner to determine:

- (1) that a property located within a National Register or a certified historic district contributes to the historic significance to the district and is, therefore, a "certified historic structure"; or
- (2) that a property located within a National Register or certified historic district is not of historic significance to the district.

(b) The owner may contact the HPO to determine whether or not a property is individually listed in the National Register of Historic Places or is located within a National Register or certified historic district.

(c) If a property is located within the boundaries of a National Register or certified historic district and the owner seeks certification by the SHPO that the property contributes to the historic significance of the district, the owner must provide the following documentation for determination of historic significance and submit it with the request for final certification:

- (1) Name and address of property.
- (2) Current photographs of property including photographs of the building and its site and landscape features; photograph(s) showing the property along with adjacent properties and structures on the street; and photographs of interior features and spaces adequate to document significance.
- (3) Brief written description of physical appearance including distinctive features and spaces, any alterations, and date(s) of construction.
- (4) Brief statement of significance summarizing how the property does or does not reflect the values that give the district its distinctive historical and visual character, and explaining any significance attached to the property itself (e.g., unusual building techniques, important event that took place there, etc.).
- (5) Map of the historic district clearly delineating property's location within the district.

(d) Properties in National Register or certified historic districts containing more than one building where the buildings are judged by the SHPO to have been functionally related historically to serve an overall purpose, such as a mill complex or a residence and carriage house, shall be treated as a single certified historic structure when rehabilitated as part of an overall project. Buildings that are functionally related historically are those which have functioned together to serve an overall purpose during the property's period of significance. An evaluation shall be made to determine whether the component buildings contribute to the historic significance of the property and whether the property contributes to the significance of the historic district.

(e) If a building is to be moved as part of a rehabilitation for which certification is sought, the owner must follow the procedures outlined in this Paragraph. When a building is moved, every effort shall be made to re-establish its historic

orientation, immediate setting, and general environment. Moving a building within a National Register or certified historic district may result in denial of a certification of historic significance.

- (1) Documentation must be submitted that demonstrates:
 - (A) the effect of the move on the building's integrity and appearance (any demolition, changes in foundations, etc.);
 - (B) photographs of the original site and general environment of the new site;
 - (C) evidence that the new site does not possess historical significance that would be adversely affected by the moved building;
 - (D) the effect of the move on the distinctive historical and visual character of the district, where applicable; and
 - (E) the method of moving the building.
- (2) If an owner moves a building into a National Register or certified historic district or moves a building elsewhere within a district, the required information described in Subparagraph (e)(1) of this Rule shall be included. The moved building shall be evaluated to determine if it contributes to the historic significance of the district both before and after the move as in Paragraph (f) of this Rule. The owner may obtain a preliminary and non-binding determination that a building proposed to be moved will contribute to the historic significance of the district after the move.

(f) Properties within National Register or certified historic districts shall be evaluated to determine if they contribute to the historic significance of the district by application of the "Standards for Evaluating Significance within National Register or Certified Historic Districts" as set forth in Rule .0913 of this Section.

(g) Once the significance of a property located within a National Register or certified historic district has been determined by the SHPO, written notification shall be sent to the owner.

*History Note: Authority G.S. 105-130.42; 105-151.23;
Temporary Adoption Eff. January 1, 1998;
Eff. August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.*

07 NCAC 04R .0913 STANDARDS FOR EVALUATING SIGNIFICANCE WITHIN NATIONAL REGISTER OR CERTIFIED HISTORIC DISTRICTS

(a) Properties located within National Register or certified historic districts shall be reviewed by the SHPO to determine if they contribute to the historic significance of the district by applying the following Standards for Evaluating Significance within National Register or Certified Historic Districts.

- (1) A building contributing to the historic significance of a district is one which by location, design, setting, materials, workmanship, feeling, and association adds to the district's sense of time and place and historical development.
- (2) A building not contributing to the historic significance of a district is one which does not add to the district's sense of time and place and historical development; or one where the location, design, setting, materials, workmanship, feeling, and association have been so altered or have so deteriorated that the overall integrity of the building has been irretrievably lost.
- (3) Ordinarily buildings that have been built within the past 50 years do not meet the National Register Criteria for Evaluation and are not considered to contribute to the significance of a district. Buildings less than 50 years old are considered to contribute to the significance of a district if the period of significance specified in the National Register nomination (or Certified Historic District designation report) includes the date of the building, or if the nomination (or designation report) establishes that the building individually meets the National Register Criteria Exception for properties less than 50 years old.

(b) If non-historic surface material obscures a facade, it may be necessary for the owner to remove the surface material as part of the rehabilitation so that a determination of significance can be made. If the previously obscured facade has retained substantial historic integrity and the property otherwise contributes to the historic district, it will be determined to be a certified historic structure.

*History Note: Authority G.S. 105-130.42; 105-151.23;
Temporary Adoption Eff. January 1, 1998;
Eff. August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.*

07 NCAC 04R .0914 CERTIFICATIONS OF REHABILITATION

(a) Owners who want rehabilitation projects for certified historic structures to be certified by the SHPO as being consistent with the "Standards for Rehabilitation" shall comply with the procedures listed in this Rule.

- (1) The proposed project work must be approved by the SHPO prior to undertaking rehabilitation work. To initiate review of a rehabilitation project for certification purposes, an owner shall submit an application to the SHPO. In all cases, documentation, including photographs adequate to document the appearance of the structure(s), both on the exterior and on the interior, and its site and environment prior to rehabilitation must accompany the application. The social security or taxpayer identification number(s) of all owners must be provided in the application. Other documentation, such as cleaning specifications, surveys of window conditions, or documentation of deterioration, may be required by the SHPO to evaluate rehabilitation projects. Plans for any attached, adjacent, or related new construction must also accompany the application. Because the circumstances of each rehabilitation project are unique to the particular certified historic structure involved, certifications that may have been granted to other rehabilitations are not specifically applicable and may not be relied on by owners as applicable to their projects.
- (2) A project does not become a certified rehabilitation until it is completed by the owner and certified by the SHPO. The owner shall submit the request for final certification and provide the project completion date and a signed statement that the completed rehabilitation project meets the "Standards for Rehabilitation" and is consistent with project work previously approved. Also required in requesting certification of a completed rehabilitation project are costs attributed to the rehabilitation, photographs adequate to document the completed rehabilitation, and the social security or taxpayer identification number(s) of all owners.

(b) A rehabilitation project for certification purposes encompasses all work on the interior and exterior of the certified historic structure(s) and its site and environment as determined by the SHPO, as well as related demolition, new construction or rehabilitation work which may affect the historic qualities, integrity or landscape features, and environment of the certified historic structure(s). More specific considerations in this regard are as follows:

- (1) In order to receive certification, all elements of the rehabilitation project must meet the "Standards for Rehabilitation." Portions of the rehabilitation project not in conformance with the "Standards for Rehabilitation" shall not be exempted and certification shall be denied. An owner undertaking a rehabilitation project shall not be held responsible for prior work not part of the current project and undertaken prior to January 1, 1998. An owner undertaking a rehabilitation project shall not be held responsible for work that was undertaken by previous owners or third parties, who have no business or immediate family relationship to the owner either at the time of the previous work or at the time the application is made.
- (2) If the SHPO has reason to believe that a project submitted for certification does not include the entire rehabilitation project subject to review hereunder, the SHPO may choose to withhold a decision on such a certification until such time as the proper scope of the rehabilitation project to be reviewed has been determined. Factors to be taken into account by the SHPO in this regard include, but are not limited to, the facts and circumstance of each application and:
 - (A) whether previous demolition, construction, or rehabilitation work irrespective of ownership or control at the time was in fact undertaken as part of the rehabilitation project for which certification is sought, and
 - (B) whether property conveyances, reconfigurations, ostensible ownership transfers, or other transactions were transactions which purportedly limit the scope of a rehabilitation project for the purpose of review by the SHPO without substantially altering beneficial ownership or control of the property. The fact that a property may still qualify as a certified historic structure after having undergone inappropriate rehabilitation, construction, or demolition work does not preclude the SHPO from determining that such inappropriate work is part of the rehabilitation project to be reviewed.
- (3) Conformance to the "Standards for Rehabilitation" shall be determined on the basis of the application documentation and other available information by evaluating the property as it existed prior to the commencement of the rehabilitation project.
- (4) For rehabilitation projects involving more than one certified historic structure where the structures are judged by the SHPO to have been functionally related historically to serve an overall purpose, such as a mill complex or a residence and carriage house, rehabilitation certification shall be issued on the merits of

the overall project rather than for each structure or individual component. For rehabilitation projects where there is no historic functional relationship among the structures, the certification decision shall be made for each separate certified historic structure regardless of how they are grouped for ownership or development purposes.

- (5) Demolition of a building as part of a rehabilitation project involving multiple buildings may result in denial of certification of the rehabilitation. In projects where there is no historic functional relationship among the structures being rehabilitated, related new construction which physically expands one certified historic structure undergoing rehabilitation and, therefore, directly causes the demolition of an adjacent structure will generally result in denial of certification of the rehabilitation unless a determination has been made that the building to be demolished is not a certified historic structure. In rehabilitation projects where the structures have been determined to be functionally related historically, demolition of a component may be approved, in limited circumstances, when:
 - (A) the component is outside the period of significance of the property;
 - (B) the component is so deteriorated or altered that its integrity has been irretrievably lost; or
 - (C) the component is a secondary one that generally lacks historic, engineering, or architectural significance or does not occupy a major portion of the site and persuasive evidence is present to show that retention of the component is not technically or economically feasible.
- (6) In situations involving the rehabilitation of a certified historic structure in a historic district, the SHPO shall review the rehabilitation project first as it affects the certified historic structure and second as it affects the district and make a certification decision accordingly.
- (7) In the event that an owner of a portion of a certified historic structure requests certification for a rehabilitation project related only to that portion of the structure, but there is or was a larger related rehabilitation project(s) occurring with respect to other portions of the certified historic structure, the SHPO's decision on the requested certification shall be based on review of the overall rehabilitation project(s) for the certified historic structure.

(c) Upon receipt of a complete application describing the rehabilitation project, the SHPO shall determine if the project is consistent with the "Standards for Rehabilitation." If the proposed project does not meet the "Standards for Rehabilitation," the owner shall be advised of that fact in writing and, where possible, shall be advised of necessary revisions, in the form of conditions, that will bring the proposed rehabilitation project into compliance with the Standards.

(d) Once a proposed project has been approved, substantive changes in the work as described in the application must be brought promptly to the attention of the SHPO by written statement to ensure continued conformance to the Standards. The SHPO shall notify the owner in writing whether the revised project continues to meet the Standards. Oral approvals of revisions are not authorized or valid.

(e) Completed projects may be inspected by the HPO to determine if the work meets the "Standards for Rehabilitation."

(f) If a completed rehabilitation project does not meet the "Standards for Rehabilitation," an explanatory letter from the SHPO or his/her duly authorized representative shall be sent to the owner. If a property was not rehabilitated in conformance with the "Standards for Rehabilitation" and the nonconforming work appears to have resulted in the loss of the qualities for which the property or the district in which it is located was listed in the National Register, the SHPO, as administrator of the National Register program in North Carolina, shall notify the National Register of Historic Places in accord with the Code of Federal Regulations.

*History Note: Authority G.S. 105-130.42; 105-151.23;
Temporary Adoption Eff. January 1, 1998;
Eff. August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.*

07 NCAC 04R .0915 STANDARDS FOR REHABILITATION

(a) The North Carolina Historical Commission interprets the "Standards for Rehabilitation" to require that the quality of materials and craftsmanship used in a rehabilitation project must be commensurate with the quality of materials and craftsmanship of the historic building in question. Certain treatments, if improperly applied, or certain materials by their physical properties, may cause or accelerate physical deterioration of historic buildings. Inappropriate physical treatments include, but are not limited to: damaging masonry repointing techniques; exterior cleaning methods such as sandblasting or damaging water pressure; or the introduction of sealers or "non-breathable" materials on masonry surfaces, insulation, storm windows, and epoxy where the application of such treatments or materials does not conform to NPS Guidelines for Rehabilitating Historic Buildings and NPS "Preservation Briefs." Nonconforming use of these materials and treatments may

result in denial of certification. Similarly, exterior additions that duplicate the form, material, and detailing of the structure to the extent that they compromise the historic character of the structure shall result in denial of certification.

Other typical denial issues in which the historic integrity of the structure is compromised include but are not limited to the following: removal of character defining historic exterior/interior materials and features such as doors, windows, woodwork, and significant landscape features; excessive site paving; installing undocumented or non-period features; excessive alteration of exterior/interior features or spaces; removal of plaster from interior masonry walls to expose underlying masonry surface; installation of inappropriate replacement doors and windows such as metal or vinyl clad windows in place of wood windows; replacement of non-deteriorated or repairable materials such as windows or millwork; painting unpainted masonry surfaces; installation of artificial siding.

(b) In limited cases, it may be necessary to dismantle and rebuild portions of a certified historic structure to stabilize and repair weakened structural members and systems. In such cases, the SHPO shall consider such extreme intervention as part of a certified rehabilitation if:

- (1) the necessity for dismantling is justified in supporting documentation;
- (2) significant architectural features and overall design are retained; and
- (3) adequate historic materials are retained to maintain the architectural and historic integrity of the overall structure. The "Standards for Rehabilitation" require retention of distinguishing historic materials of external and internal walls as well as structural systems. In limited instances, rehabilitations involving removal of existing external walls, i.e., external walls that detract from the historic character of the structure such as in the case of a nonsignificant later addition or walls that have lost their structural integrity due to deterioration, may be certified as meeting the "Standards for Rehabilitation."

*History Note: Authority G.S. 105-130.42; 105-151.23;
 Temporary Adoption Eff. January 1, 1998;
 Eff. August 1, 1998;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.*

07 NCAC 04R .0916 FEES FOR PROCESSING REHABILITATION CERTIFICATION REQUESTS

(a) The North Carolina Department of Cultural Resources shall charge fees for reviewing income-producing and nonincome-producing rehabilitation certification requests in accordance with the schedule below.

(b) Payment shall be made payable to: North Carolina Department of Cultural Resources. A certification decision by the State Historic Preservation Office shall not be issued on an application until the appropriate remittance is received by the department. Fees are nonrefundable.

(c) No fee shall be charged for rehabilitations under twenty five thousand dollars (\$25,000).

(d) The fee for review of proposed rehabilitation projects over twenty five thousand dollars (\$25,000) is two hundred fifty dollars (\$250.00). The initial fee for review of a proposed rehabilitation project shall be deducted from the final review fee.

(e) The fees for review of completed rehabilitation projects are based on the dollar amount of the costs attributed solely to the rehabilitation of the certified historic structure as provided by the owner in the Historic Preservation Certification Application, Request for Certification of Completed Work, in accordance with the schedule below.

Completed Qualifying Rehabilitation Expenditures	Fee
\$25,000 - \$49,999	\$250
\$50,000 - \$99,999	\$500
\$100,000 - \$149,999	\$750
\$150,000 - \$199,999	\$1,000
\$200,000 - \$299,999	\$1,250
\$300,000 - \$399,999	\$1,750
\$400,000 - \$499,999	\$2,250
\$500,000 - \$999,999	\$2,750
\$1,000,000 - \$4,999,999	\$5,250
\$5,000,000 or more	\$7,750

(f) In the following cases the fee for preliminary review is two hundred fifty dollars (\$250.00) and the fee for final review is computed on the basis of the total completed qualifying rehabilitation expenditures.

- (1) In the case of a rehabilitation project which includes more than one certified historic structure where the structures are judged by the reviewing authority to have been functionally related historically to serve an overall purpose; or
- (2) In the case of multiple building projects where
 - (A) there is no historic functional relationship among the structures and which are under the same ownership;
 - (B) are located in the same historic district;
 - (C) are adjacent or contiguous;
 - (D) are of the same architectural type (e.g., rowhouses, loft buildings, commercial buildings); and
 - (E) are submitted by the owner for review at the same time.

History Note: Authority G.S. 105-129.35; 105-129.36A;
 Eff. November 1, 2004;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04R .0917 COORDINATION WITH THE FEDERAL INCOME-PRODUCING HISTORIC PRESERVATION REHABILITATION PROGRAM

- (a) A taxpayer is not required to apply for or pay the state fee for reviewing an income-producing rehabilitation certification request if the taxpayer is not going to utilize the state tax incentive.
- (b) National Park Service certification of a property as historically significant shall be deemed to be certification of a property as historically significant by the State Historic Preservation Officer.
- (c) The State Historic Preservation Officer shall certify and forward income-producing rehabilitation projects to the National Park Service for review, and National Park Service review shall constitute final certification. The National Park Service certification shall not be deemed to be project certification by the State Historic Preservation Officer.
- (d) Taxpayers are cautioned that deadlines and requirements for state certifications may differ from deadlines and requirements for federal certifications.

History Note: Authority G.S. 105-129.35; 105-129.36A;
 Eff. November 1, 2004;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04R .0918 PURPOSE

- (a) Rules .0918 - .0925 of this Section set forth the procedures for obtaining certifications for the state historic rehabilitation tax credits for qualifying rehabilitation expenditures and rehabilitation expenses incurred on or after January 1, 2016 pursuant to Article 3L of G.S. 105.

History Note: Authority G.S. 105-129.105; 105-129.106; 105-129.107;
 Temporary Adoption Eff. January 1, 2016;
 Temporary Adoption Expired Eff. October 11, 2016;
 Eff. December 1, 2016.

07 NCAC 04R .0919 DEFINITIONS

- (a) For purposes of Rules .0918 through .0925 of this Section:
 - (1) "Certified historic district" is defined in 36 C.F.R. 67.2 and 26 USCS 47.
 - (2) "Certified historic structure" is defined in 36 C.F.R. 67.2 and 26 U.S.C. Section 47.
 - (3) "Certified rehabilitation" is defined in:
 - (A) 36 C.F.R. 67.2 for income-producing structures; and
 - (B) G.S. 105-129.106(c)(1) for non-income-producing structures.
 - (4) "C.F.R." means the Code of Federal Regulations.
 - (5) "Department of the Interior" means the United States Department of the Interior.
 - (6) "Discrete property parcel" is defined in G.S. 105-129.106(c)(2).
 - (7) "Historic district" is defined in 36 C.F.R. 67.2.
 - (8) "Income-producing" refers to a certified historic structure that qualifies a taxpayer for a federal income tax credit under Section 47 of the Internal Revenue Code.

- (9) "Inspection" is defined in 36 C.F.R. 67.2. For purposes of this definition, "Authorized Representative of the Secretary" means a representative of the State Historic Preservation Officer.
- (10) "Integrity" means "historic integrity" as defined in NPS publication How to Apply the National Register Criteria for Evaluation: Bulletin 15. How to Apply the National Register Criteria for Evaluation: Bulletin 15 is hereby incorporated by reference, including subsequent amendments and editions. The Historical Commission has copies of the Bulletin available for inspection or it can be accessed online at no charge at <https://www.nps.gov/nr/publications/bulletins/nrb15/>.
- (11) "National Park Service" (NPS) means the division within the United States Department of the Interior responsible for administering national parks and historic preservation programs.
- (12) "National Register Historic District" means any historic district listed in the National Register of Historic Places.
- (13) "National Register Nomination" means the documentation for a resource that includes the National Register Nomination Form NPS 10-900 with accompanying continuation sheets, maps, and photographs, prepared in accord with requirements and guidance in the NPS publication How to Complete the National Register Registration Form: Bulletin 16A. How to Complete the National Register Registration Form: Bulletin 16A is hereby incorporated by reference, including subsequent amendments and editions. The Historical Commission has copies of the Bulletin available for inspection or it can be accessed online at <https://www.nps.gov/nr/publications/bulletins/nrb16a/>.
- (14) "National Register of Historic Places" is defined in 36 C.F.R. 67.2.
- (15) "Non-income-producing" refers to a certified historic structure that does not qualify a taxpayer for a federal income tax credit under Section 47 of the Internal Revenue Code.
- (16) "Owner" means a person, partnership, corporation, or public agency holding a fee-simple interest in a property or any other person or entity recognized by the North Carolina Department of Revenue for purposes of the applicable tax benefits.
- (17) "Period of significance" is defined in NPS publication How to Complete the National Register Registration Form: Bulletin 16A. How to Complete the National Register Registration form is incorporated by reference as provided in Subparagraph (a)(13) of this Rule.
- (18) "Property" is defined in 36 C.F.R. 67.2.
- (19) "Rehabilitation" is defined in 36 C.F.R. 67.2.
- (20) "Secretary of the Interior" means the Secretary of the United States Department of the Interior or the designee authorized to carry out his or her responsibilities.
- (21) "Standards for Rehabilitation" means the Secretary of the Interior's "Standards for Rehabilitation" as cited in the Code of Federal Regulations, 36 C.F.R. 67.
- (22) "State Historic Preservation Office (HPO)" means the section within the North Carolina Office of Archives, History, and Parks responsible for administering historic preservation programs.
- (23) "State Historic Preservation Officer (SHPO)" is defined in G.S. 105-129.105(c)(7) for income-producing rehabilitation projects, and G.S. 105-129.106(c)(6) for non-income-producing rehabilitation projects.
- (24) "State-certified historic structure" is defined in G.S. 105-129.106(c)(5).
- (25) "Structure" means "building" as defined by 36 C.F.R. 60.3(a), and includes houses, barns, churches, hotels, warehouses, and mills. Objects and sites as defined in 36 C.F.R. 60.3(j) and (l) shall not qualify as structures.

(b) Whenever reference is made to the Code of Federal Regulations in this Section, the definition in the Code of Federal Regulations shall apply unless specifically stated otherwise in a particular rule.

History Note: Authority G.S. 105-129.105; 105-129.106; 105-129.107; 121-4(13); 121-8;
 Temporary Adoption Eff. January 1, 2016;
 Temporary Adoption Expired Eff. October 11, 2016;
 Eff. December 1, 2016.

07 NCAC 04R .0920 APPLICATIONS

(a) An owner, or a person with the owner's consent in accordance with 36 CFR 67.3(a)(1), (4), and (5), may apply for a state historic tax credit. Tax credits for rehabilitating income-producing historic structures shall only be available to applicants who qualify for a federal historic rehabilitation tax credit in accordance with 36 CFR 67 and Rules .0901-.0908 of this Section. Tax credits for rehabilitating non-income-producing historic structures shall not be conditioned on qualification for the federal historic rehabilitation tax credits.

(b) Application forms are available upon request from the HPO. Applicants shall include the following information and documentation in Part A of their application:

- (1) Name and address of the property;
- (2) Whether the property is income-producing or non-income-producing;
- (3) Whether the property is listed on the National Register of Historic Places or located within a National Register District or a Certified Local Historic District;
- (4) Date of building construction;
- (5) Estimated rehabilitation expenses;
- (6) Use of building prior to rehabilitation and proposed use after rehabilitation;
- (7) Floor area before and after rehabilitation;
- (8) Estimated rehabilitation start and end dates;
- (9) Owner name and contact information
- (10) If different from the owner, the name and contact information of a person who is available to answer questions related to the rehabilitation project;
- (11) A description of the rehabilitation work;
- (12) Photographs of the structure and its surroundings before rehabilitation, documenting both interior and exterior features along with a description of each photograph;
- (13) Drawings or sketches of proposed work; and
- (14) Floor plans.

(c) Applicants may amend their applications at any time after submission by providing the following:

- (1) Name and address of the property;
- (2) A description of the original proposed rehabilitation plan; and
- (3) A description of the amended rehabilitation plan.

(d) Upon completion of a rehabilitation project, an applicant shall submit Part B of the application which shall contain the following information and documentation:

- (1) Name and address of the property;
- (2) Rehabilitation start and end dates;
- (3) Rehabilitation expenses;
- (4) Photographs of the structure and its surroundings after the rehabilitation, documenting both interior and exterior features along with a description of each photograph; and
- (5) If applicable, a fee as provided in Rule .0925 of this Section.

(e) Upon completion of a non-income-producing rehabilitation project on a property not listed in the National Register of Historic Places as an individual property, an applicant shall provide the following in addition to the requirements in Paragraph (d) of this Rule:

- (1) Name of the National Register Historic District or Certified Local Historic District in which the property is located;
- (2) Date of construction;
- (3) Dates of alterations to the structure;
- (4) Whether the building has been moved from its original location;
- (5) Description of physical appearance of the structure;
- (6) Summary of how the building contributes to the significance of the historic district;
- (7) Map of the historic district; and
- (8) If available, a copy of Section 7 of the National Register of Historic Districts nomination form. The nomination forms for most properties are available on the HPO's website at <http://hpo.ncdcr.gov/NR-PDFs.html>.

(f) Applicants shall submit two copies of the application along with required documentation via mail addressed to Tax Credit Coordinator, State Historic Preservation Office, 4617 Mail Service Center, Raleigh, NC 27699-4617.

(g) If the application is incomplete in accordance with this Rule, the applicant will be notified in writing of the information necessary to complete the review. The application shall be placed on hold pending the receipt of complete information. If complete information is not received within 30 days from the date of the request to the applicant, the application shall be returned due to insufficient documentation.

(h) Approval of applications shall be conveyed to the applicant in writing by the SHPO or his or her representative. Certification decisions shall be made on the basis of the application in accordance with the applicable Rules of this Section. In the event of any discrepancy between the application and other supplementary material submitted with it (such as architectural

plans, drawings, specifications, etc.), the applicant shall resolve the discrepancy in writing. In the event the discrepancy is not resolved, the description in the application shall take precedence.

(i) Reviews of State historic tax credit projects shall not be undertaken if the owner has objected to the listing of the property in the National Register of Historic Places.

History Note: Authority G.S. 105-129.105; 105-129.106; 105-129.107;
Temporary Adoption Eff. January 1, 2016;
Temporary Adoption Expired Eff. October 11, 2016;
Eff. December 1, 2016.

07 NCAC 04R .0921 CERTIFICATIONS OF HISTORIC SIGNIFICANCE

(a) Part A of applications provided in accordance with Rule .0920 of this Section shall be evaluated by the SHPO and the HPO to determine if the property qualifies for a certification of historic significance. In accordance with 36 C.F.R. 67.4(a), a property shall qualify for a certification of historic significance if it meets one of the following requirements:

- (1) The individual property is located on the National Register of Historic Places in accordance with 54 U.S.C. Chapter 3021. Income-producing properties not listed on the National Register shall be considered if they meet the criteria in 36 C.F.R. 67.4. Non-income-producing properties must be listed on the National Register prior to the issuance of a certification of historic significance. A list of North Carolina properties on the National Register of Historic Places is available at <http://www.hpo.ncdcr.gov/NR-PDFs.html>; or
- (2) The property is a historically significant property located within a National Register District or a Certified Local Historic District.

(b) Certifications of historic significance for properties containing more than one structure shall be reviewed in accordance with 36 C.F.R. 67.4(d)(2) and (e).

(c) If a structure is to be moved as part of a rehabilitation for which certification is sought, the owner shall follow the procedures outlined in 36 C.F.R. 60 and 36 C.F.R. 67.4(h), or risk denial of a certification of historic significance.

(d) The SHPO shall send written notification to the applicant issuing a certification of historic significance or denying the application in accordance with this Rule and Rule .0922 of this Section.

History Note: Authority G.S. 105-129.105; 105-129.106; 105-129.107;
Temporary Adoption Eff. January 1, 2016;
Temporary Adoption Expired Eff. October 11, 2016;
Eff. December 1, 2016.

07 NCAC 04R .0922 STANDARDS FOR EVALUATING SIGNIFICANCE WITHIN NATIONAL REGISTER OR CERTIFIED HISTORIC DISTRICTS

(a) A property shall be determined to be historically significant by the SHPO if it meets one of the following requirements:

- (1) The property is located within a National Register Historic District as provided in 36 C.F.R. 60 and contributes to the historical significance of the district as provided in 36 C.F.R. 67.5 by adding to the district's sense of time, place, and historical development. References in the cited C.F.R. sections to the "Secretary" shall mean "SHPO". A list of the National Register Historic Districts in North Carolina is available at <http://www.hpo.ncdcr.gov/NR-PDFs.html>; or
- (2) The property is located within a Certified Local Historic District as provided in G.S. 160A, Article 19, Part 3C and contributes to the historical significance of the district by the standards set forth in 36 C.F.R. 67.5 by adding to the district's sense of time, place, and historical development. The local historic district shall also be certified as a Registered Historic District by the Secretary of the Interior as provided in 36 C.F.R. 67.2.

(b) If a property is located in a National Register Historic District or Certified Local Historic District, but outside the district's time period of significance, the time period associated with the historic district shall be amended in accord with National Register amendment procedures set forth in NPS publication How to Complete the National Register Registration Form: Bulletin 16A to expand the time period of significance before a request for final certification is submitted to the SHPO. Bulletin 16A is incorporated by reference in Rule .0919(a)(13) of this Section.

History Note: Authority G.S. 105-129.105; 105-129.106; 105-129.107;
Temporary Adoption Eff. January 1, 2016;
Temporary Adoption Expired Eff. October 11, 2016;

Eff. December 1, 2016.

07 NCAC 04R .0923 CERTIFICATIONS OF REHABILITATION

(a) A taxpayer shall obtain a certification of rehabilitation to claim a tax credit for rehabilitating an income-producing historic structure or a non-income producing historic structure. Applicants seeking certifications of rehabilitation shall submit an application in accordance with Rule .0920 of this Section.

- (1) Submission of Part A of the application initiates review of a rehabilitation project. Upon receipt of a completed Part A application, the SHPO shall determine if the project meets the "Standards for Rehabilitation" as outlined in Rule .0924 of this Section. If the proposed project does not meet the Standards for Rehabilitation, the SHPO shall notify the applicant in writing of a way to bring the proposed project into compliance with the Standards of Rehabilitation.
- (2) Upon completion of a rehabilitation project and submission of Part B of the application in accordance with Rule .0920 of this Section, the SHPO shall review the completed project to determine if it complies with the Standards for Rehabilitation in accordance with Rule .0924 of this Section.
- (3) If the project obtained a certification of historical significance and meets the Standards for Rehabilitation upon completion, then the SHPO shall issue a certification of rehabilitation.

(b) A rehabilitation project for certification purposes shall encompass all work on the interior and exterior of the certified historic structure(s) and its site and environment, including related demolition, new construction or rehabilitation work consistent with the standards set forth in 36 C.F.R. 67.6(b)(1) through (7). For purposes of this Rule, references in these cited C.F.R. sections to the "Secretary" shall mean "SHPO", and to "Internal Revenue Service" shall mean "Department of Revenue". For certification purposes, the SHPO shall only consider work related to the rehabilitation project described in the application.

(c) Once a proposed project has been approved, changes in the work as described in the application shall be brought to the attention of the SHPO in writing to ensure continued conformance to the Standards of Rehabilitation. The SHPO shall notify the applicant in writing whether the revised project continues to meet the Standards.

(d) To facilitate project review, the SHPO, by and through HPO staff, reserves the right to conduct on-site inspections of completed or pending projects to confirm matters represented in applications, to review any alterations, and to determine if the work meets the "Standards for Rehabilitation." The SHPO shall determine which projects to inspect based on Parts A and B of the application as provided in Rule .0920 of this Section and the applicable rules, statutes, and federal regulations.

(f) If a completed rehabilitation project does not meet the "Standards for Rehabilitation," the SHPO or his or her representative shall send a letter to the applicant enumerating the reasons for the project's failure to obtain a certification of rehabilitation.

*History Note: Authority G.S. 105-129.105; 105-129.106; 105-129.107;
Temporary Adoption Eff. January 1, 2016;
Temporary Adoption Expired Eff. October 11, 2016;
Eff. December 1, 2016.*

07 NCAC 04R .0924 STANDARDS FOR REHABILITATION

(a) The SHPO shall evaluate applications for certifications of rehabilitation pursuant to the Standards of Rehabilitation as provided in 36 C.F.R. 67.7(a) – (d) and (f). For purposes of this Rule, references in these C.F.R. sections to the "Secretary" shall mean "SHPO." The Standards shall apply to interior and exterior features, related landscape features, the building's site and environment, as well as attached, adjacent, or related new construction. The SHPO shall also consult the NPS Guidelines for Rehabilitating Historic Building and the NPS Preservation Briefs during review of applications. The NPS Guidelines for Rehabilitating Historic Buildings are incorporated by reference, including subsequent amendments and editions, and can be found at no cost at <https://www.nps.gov/tps/standards/rehabilitation/rehab>. The NPS Preservation Briefs are incorporated by reference, including subsequent amendments and editions, and can be found at no cost at <https://www.nps.gov/tps/how-to-preserve/briefs.htm>. Both publications are available for inspection with the North Carolina Historical Commission. The SHPO shall also consider the economic and technical feasibility of application of the Standards to the project under consideration.

(b) Prior approval of a project by local agencies and organizations shall not ensure certification by the SHPO for State tax credit purposes.

*History Note: Authority G.S. 105-129.105; 105-129.106; 105-129.107;
Temporary Adoption Eff. January 1, 2016;*

*Temporary Adoption Expired Eff. October 11, 2016;
Eff. December 1, 2016.*

07 NCAC 04R .0925 FEES FOR PROCESSING REHABILITATION CERTIFICATION REQUESTS

- (a) Upon submission of the application for a certification of rehabilitation, applicants for income-producing and non-income-producing rehabilitation certificates shall pay a fee in accordance with this Rule.
- (b) Payment shall be made payable to: North Carolina Department of Natural and Cultural Resources. A certification decision by the State Historic Preservation Office shall not be issued on an application until the appropriate remittance is received by the department. Fees are nonrefundable.
- (c) Applicants submitting proposed rehabilitation projects of over twenty-five thousand dollars (\$25,000) shall submit an application fee of two hundred fifty dollars (\$250.00) with Part A of their application as described in Rule .0920 of this Section.
- (d) Upon completion of a rehabilitation project and submission of Part B of the application as described in Rule .0920 of this Section, applicants shall submit an additional fee for review of the completed rehabilitation project in accordance with the schedule below. The fees for review of completed rehabilitation projects are based on the dollar amount of the costs attributed to the rehabilitation of the certified historic structure. The schedule below sets forth the total fee owed, including the initial two hundred and fifty-dollar (\$250.00) application fee as described in Paragraph (c) of this Rule:

Completed Qualifying Rehabilitation Expenditures	Fee
\$5,000 - \$25,000	\$0
\$25,001 - \$50,000	\$250
\$50,001 - \$75,000	\$500
\$75,001 - \$100,000	\$750
\$100,001 - \$150,000	\$1,000
\$150,001 - \$200,000	\$1,500
\$200,001 - \$300,000	\$1,750
\$300,001 - \$400,000	\$2,000
\$400,001 - \$500,000	\$2,250
\$500,001 - \$1,000,000	\$2,750
\$1,000,001 - \$5,000,000	\$5,750
\$5,000,001 or more	\$8,750

- (e) The total fee for application and review of non-income-producing projects shall be capped at one thousand dollars (\$1,000) per discrete property parcel every five years.

*History Note: Authority G.S. 105-129.105; 105-129.106; 105-129.107;
Temporary Adoption Eff. January 1, 2016;
Temporary Adoption Expired Eff. October 11, 2016;
Eff. December 1, 2016.*

07 NCAC 04R .0926 COORDINATION WITH THE FEDERAL INCOME-PRODUCING HISTORIC PRESERVATION REHABILITATION PROGRAM

*History Note: Authority G.S. 105-129.100; 105-129.102;
Temporary Adoption Eff. January 1, 2016;
Temporary Rule Expired Eff. October 11, 2016.*

SECTION .1000 - EXPLORATION: RECOVERY: AND SALVAGE

07 NCAC 04R .1001 OWNERSHIP BY STATE

*History Note: Authority G.S. 121-22; 121-23; 143B-62(1)g,(3);
Eff. February 1, 1985;*

Repealed Eff. June 1, 1989.

07 NCAC 04R .1002	DEFINITIONS
07 NCAC 04R .1003	DEPARTMENT AUTHORIZED TO GRANT PERMITS AND LICENSES
07 NCAC 04R .1004	EXCEPTIONS
07 NCAC 04R .1005	PERMIT FOR EXPLORATION: RECOVERY OR SALVAGE
07 NCAC 04R .1006	TERMS AND CONDITIONS OF PERMITS
07 NCAC 04R .1007	APPEALS RELATING TO PERMITS
07 NCAC 04R .1008	OWNERSHIP AND DIVISION OF RECOVERED ITEMS
07 NCAC 04R .1009	PROTECTED AREAS
07 NCAC 04R .1010	SPECIAL AREAS FOR SPORT AND HOBBY OPERATIONS
07 NCAC 04R .1011	REPORTING REQUIREMENTS
07 NCAC 04R .1012	REPORT REVIEW
07 NCAC 04R .1013	TERMINATION OF PERMIT

*History Note: Authority G.S. 121-22; 121-23; 121-24; 121-25; 150B;
Eff. February 1, 1985;
Amended Eff. June 1, 1989;
Repealed Eff. June 1, 2017.*

SECTION .1100 - HIGHWAY HISTORICAL MARKER PROGRAM

07 NCAC 04R .1101	DEFINITIONS
07 NCAC 04R .1102	ERECTION OF HIGHWAY MARKERS
07 NCAC 04R .1103	CRITERIA
07 NCAC 04R .1104	PLACEMENT OF MARKERS
07 NCAC 04R .1105	INSCRIPTION AND ERECTION
07 NCAC 04R .1106	CORRECTIONS TO MARKERS

*History Note: Authority G.S. 100-8; 121-4(7); 136-42.1,,2,,3; 136-43.1; 150B-11(1);
Eff. February 1, 1985;
Amended Eff. February 1, 1987;
Repealed Eff. June 1, 1989.*

SECTION .1200 - LOCAL HISTORICAL MARKER PROGRAM

07 NCAC 04R .1201	PURPOSE
07 NCAC 04R .1202	LOCAL MARKER ADVISORY COMMITTEES
07 NCAC 04R .1203	CRITERIA
07 NCAC 04R .1204	MARKERS
07 NCAC 04R .1205	PLACEMENT AND MAINTENANCE

*History Note: Authority G.S. 100-2; 100-3; 121-4(7); 143B-62(1)g,(3);
Eff. February 1, 1985;
Repealed Eff. June 1, 1989.*

SECTION .1300 - STAGVILLE PRESERVATION CENTER

07 NCAC 04R .1301	PURPOSE
07 NCAC 04R .1302	OPERATION

*History Note: Authority G.S. 121-4(8),(9); 143B-62(2)d;
Eff. February 1, 1985;
Amended Eff. February 1, 1987;
Repealed Eff. June 1, 1989.*

SECTION .1400 - HISTORIC PRESERVATION AND CONSERVATION AGREEMENTS

07 NCAC 04R .1401 GRANTOR-GRANTEE SPECIFICATIONS

(a) The grantor of a preservation or conservation agreement may be any individual, public or private agency, institution, or organization owning an archaeologically, historically, or architecturally significant property.

(b) The State of North Carolina and any of its governmental departments and agencies may purchase or accept and hold a preservation or conservation agreement and may actively participate, upon request, in its negotiation between the grantor and any other group, agency, institution, or organization whose purpose includes the preservation and conservation of significant archaeological, historical, and architectural properties.

*History Note: Authority G.S. 121-2(4),(5); 121-9(b)(c); 121-35; 121-37;
Eff. February 1, 1985;
Amended Eff. June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.*

07 NCAC 04R .1402 AGREEMENT CONDITIONS

(a) The specific conditions, clauses, specifications, and terms of a preservation or conservation agreement shall be determined through negotiation between the grantor and grantee.

(b) If the state is a party to the agreement, terms addressing the appropriate and long term preservation of the property shall include:

- (1) duration of the agreement;
- (2) specific methods and techniques for maintaining and administering the property;
- (3) public access or denial thereof;
- (4) provisions for seeking changes or alterations in the property and the agreement;
- (5) provisions for inspection of the property by the grantee;
- (6) provisions for seeking restitution of and remedies for breach of the terms of agreement by either the grantor or grantee;
- (7) procedures for seeking and granting consent or disapproval for proposed changes or alterations in the property or the agreement and for appealing any such actions;
- (8) any special provisions necessary for the effective and long term preservation of the property.

*History Note: Authority G.S. 121-2(4),(5); 121-9(b)(c); 121-35; 121-38; 121-39;
Eff. February 1, 1985;
Amended Eff. June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.*

07 NCAC 04R .1403 SPECIAL PROVISIONS FOR ARCHAEOLOGICAL SITES

Preservation or conservation agreements entered into by the state for sites or landscapes containing or encompassing archaeological materials shall also address the following:

- (1) procedures, limitations, and processes for permitting the collection and analysis of cultural materials or artifacts from the ground surface of the sites;
- (2) permitting the excavation and analysis of all or a portion of the archaeological deposits at the sites;
- (3) determining curatorial and possession responsibilities and rights for all materials recovered through surface collection or excavation.

*History Note: Authority G.S. 121-9; 121-35; 121-38;
Eff. February 1, 1985;
Amended Eff. June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.*

07 NCAC 04R .1404 TRANSFERRAL OF PRESERVATION OR CONSERVATION AGREEMENTS

(a) A preservation or conservation agreement may be transferred from the original grantee to subsequent grantees with the written consent of the grantor and grantee.

(b) Alterations, modifications, or additions to the agreement during or after the transfer cannot be made without the written consent of the original grantee and grantor, and shall not modify in any manner the original intent and purpose of the agreement.

History Note: Authority G.S. 121-9(d); 121-37; 121-38;
Eff. February 1, 1985;
Amended Eff. June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

SECTION .1500 - SURVEY AND NATIONAL REGISTER BRANCH

07 NCAC 04R .1501 OPERATING HOURS

07 NCAC 04R .1502 HISTORIC STRUCTURE SITE FILES AND MAPS

History Note: Authority G.S. 70-18; 121-4; 121-2(8); 121-4(13),(14); 121-4.1(a); 121-5(d); 121-8(b),(c),(f); 143B-62(2b); 143B-62(2d); 150B-2(8a);
Eff. April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Repealed Eff. June 1, 2017.

07 NCAC 04R .1503 VISITATION POLICY

(a) The Survey and National Registry Branch is the repository of photographs, field notes, research reports, drawings, National Register of Historic Places nominations, maps, computer databases, and other materials related to the North Carolina inventory of historic structures. Visitors seeking access to the Survey and National Register Branch files shall make an appointment through the branch supervisor or his or her designee at least 24 hours in advance of the time of the proposed appointment. Information on how to contact the Survey and National Register Branch may be found at <http://www.hpo.dcr.state.nc.us/spbranch.htm>.

(b) When multiple visitors seek access to the files on the same day, the branch supervisor or his or her designee may limit duration of visits and limit the number of visitors using the file collection. The branch supervisor or his or her designee may limit access based upon the following factors:

- (1) the files are in use by the Department;
- (2) space is unavailable to view the files;
- (3) the files would be damaged or harmed by exposure to environmental elements, such as air, light, or moisture; and
- (4) any other circumstances that will ensure the preservation of the files, as determined by the branch supervisor or his or her designee. "Other circumstances" include those that may result in theft or damage during use.

(c) Visitors shall switch off cell phones, pagers, and other electronic devices in the office area.

(d) Survey and National Register Branch staff shall have priority in using the copy machine.

History Note: Authority G.S. 121-4(13); 121-8(b),(c),(f); 143B-62(3);
Eff. April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. June 1, 2017.

SECTION .1600 – ARCHAEOLOGICAL PERMITS

07 NCAC 04R .1601 DEFINITIONS

The following definitions, as well as the definitions set forth in G.S. 70-12, shall apply to Section .0800 and this Section, unless otherwise indicated:

- (1) "Abandoned shipwrecks" means sunken vessels, ships, boats, and other watercraft and their associated cargoes, tackle, and materials that have remained unclaimed for 10 years as set forth in G.S. 121-22.
- (2) "Applicant" means a person or entity applying for a permit or license to conduct any archaeological investigations on State lands or archeological sites, or any type of exploration, recovery, or salvage operations of any part of an Abandoned shipwreck or its contents.

- (3) "Emergency archaeological investigation" means any surface collection, subsurface test, excavation, or other activity that results in the disturbance or removal of archaeological resources occurring on State lands or Abandoned shipwrecks undertaken because of:
 - (a) the accidental discovery of archaeological resources during construction or other ground disturbing activities; or
 - (b) threat of damage or destruction to archaeological resources caused by events including vandalism, fire, erosion, land clearing, road construction, dredging, flood, or hazardous contamination.
- (4) "Ground disturbance" means any activity that compacts or disturbs the ground including disturbance upon State lands or Abandoned shipwrecks related to the construction, alteration, trenching or expansion of dikes, borrow pits, utility lines, airports, bridges, housing developments, boat basins and channels, and the placement of fill or spoil dirt.
- (5) "Land controlling agency" means the State agency with management responsibilities for State land.
- (6) "Permit" means written authorization in accordance with these Rules to conduct archaeological investigation on State lands or Abandoned shipwrecks.
- (7) "Protected Area" means an area identified by the Department of Natural and Cultural Resources as having scientific, archaeological, or historical value, as evaluated by criteria set forth in 36 C.F.R. 60.4.
- (8) "Principal Investigator Archaeologist" means a person possessing the following:
 - (a) a postgraduate degree or equivalent training and experience in archaeology, anthropology, history, or another related field with a specialization in archaeology;
 - (b) a minimum of one year's experience in conducting archaeological field research; and
 - (c) a minimum of five years' experience in theoretical and methodological design and in collecting, handling, analyzing, evaluating, and reporting archaeological data.
- (9) "Risk of harm" means any disclosure of the nature or location of any archaeological resource that results or may result in the loss or destruction of archaeological context or information or the loss of historical, scientific, environmental, monetary, or religious attributes and values attributable to in archeological sites and artifacts.
- (10) "State Archaeologist" means the head of the Office of State Archaeology (Archaeology Section), Division of Historical Resources, Office of Archives and History, Department of Natural and Cultural Resources.
- (11) "State lands" shall mean "land" as defined in G.S. 70-12.
- (12) "Archaeological artifacts" means those materials showing human workmanship or modification or having been used or intended to be used or consumed by humans, including relics, monuments, tools and fittings, utensils, instruments, weapons, ammunition, and treasure trove and precious materials including gold, silver, bullion, pottery, ceramic, and similar or related materials.

History Note: Authority G.S. 70-12; 70-13; 70-14; 121-4; 121-22; 121-23; 143B-62(1)(h);
Eff. June 1, 2017.

07 NCAC 04R .1602 ARCHAEOLOGICAL INVESTIGATIONS ON STATE LANDS

- (a) Any person conducting archeological investigations on State lands or Abandoned shipwrecks shall obtain a permit. Upon consultation with the Department of Administration and subject to the criteria and discretion set forth in this Section, Article 2 of G.S. 70 and Article 3 of G.S. 121, the State Archaeologist, as designee of the Secretary of the Department of Natural and Cultural Resources, may grant permits to any person wishing to conduct terrestrial or underwater archaeological investigations on State lands, the exploration, recovery, or salvage of abandoned shipwrecks, and of underwater archaeological artifacts of state-owned bottoms in navigable waters.
- (b) No archaeological investigation, exploration, recovery, or salvage operations shall be conducted on State lands or Abandoned shipwrecks without a permit from the Department of Natural and Cultural Resources.
- (c) After issuance, no permit or any part thereof shall be assigned or sublet.
- (d) Permits shall be either General or Specific, as follows:
 - (1) General Permits shall be issued to those land controlling agencies that employ Principal Investigator Archaeologists on a full time permanent basis to conduct archaeological investigations on State lands or Abandoned shipwrecks under the agency's control in accordance with the rules in this Section; and
 - (2) Specific Permits shall be issued to Principal Investigator Archaeologists and shall include all permits other than General Permits.
- (e) No permit shall be required for employees of the Department of Natural and Cultural Resources to conduct investigations being conducted as part of the Department's responsibilities.

History Note: Authority G.S. 70-13; 70-14; 121-23; 121-25; 143B-10; 143B-62(1)(h); Eff. June 1, 2017.

07 NCAC 04R .1603 APPLICATION FOR ARCHAEOLOGICAL PERMITS

(a) General Permit. Applications for a land controlling agency shall include the following information:

- (1) a written description of the lands controlled by the agency, including the county and township;
- (2) a description of the nature and objectives of the investigation(s);
- (3) the name, address, telephone number, and qualifications of the principal investigator archaeologist;
- (4) evidence that the requirements of Rule .1604 of this Section are met;
- (5) the facility for curation of all artifacts, records, data, photographs, and other documents or information resulting from the investigations;
- (6) written protocols and procedures for access to records and artifacts of the facility where such records and artifacts are to be curated;
- (7) facilities and plans for stabilization and preservation of perishable or unstable artifacts;
- (8) the person or position in the institution or agency with responsibility for curation of artifacts and records and other documentation or information as to who shall determine access to this material; and
- (9) the principal investigator archaeologist's plans, if any, for dissemination of the results of the investigation in addition to the reporting requirements of Rule .1611 of this Section.

(b) Specific Permit. Applicants for Specific Permits shall submit applications to the State Archaeologist at least 30 days prior to the proposed start date of the archaeological investigations. Each Specific Permit application shall include:

- (1) a written description of the location of the proposed investigation, including the county and township;
- (2) a 1: 24,000 or larger scale map depicting the location of the proposed investigation;
- (3) a description of the nature, objectives and scope of the proposed investigation, including the methods to be employed and the requirements for clearing of vegetation;
- (4) the schedule for the investigation, including hours of the day and days of the week, as well as beginning and completion dates. The schedule shall include 60 days for review and comment of the draft report by the State Archaeologist and the land-controlling agency and a maximum of 30 days for response, revisions, and submittal of the final report by the applicant;
- (5) the name, address, telephone number, institutional affiliation, and qualifications of the principal investigator archaeologist;
- (6) the name, address, telephone number, and qualifications of the field director, if different from the principal investigator;
- (7) the approximate number of people proposed to carry out the investigation;
- (8) evidence of the applicant's capability to initiate, conduct, and complete the proposed investigations, such as prior training or participation in the type of investigation proposed in the application;
- (9) written criteria for evaluation of requests for access to records and artifacts at the facility where the records and artifacts are to be curated;
- (10) the facility identified for curation of all artifacts, records, data, photographs, and other documents or information resulting from the investigation;
- (11) written concurrence from the land-controlling agency regarding the applicant's proposed curatorial arrangements;
- (12) facilities and plans for stabilization and preservation of perishable or unstable artifacts;
- (13) the person or position in the institution or agency with responsibility for curation of artifacts and records, and other documentation or information as to who will determine access to this material;
- (14) a description of the type and timing of all access needs on State property, vehicular or otherwise, required to conduct the investigations;
- (15) a description of how the project will be coordinated with the site-specific land manager, including the applicant's documentation that initial contact has been made and the name of the person contacted;
- (16) a description of the provisions to be made to secure the permit area to assure the safety of non-project personnel who may visit the permit area during and after project hours;
- (17) an indication of the length of time each excavation unit will be open and a schedule for reclaiming all areas disturbed by any aspect of the archaeological investigations; and
- (18) the applicant's plans, if any, for dissemination of the results of the investigations in addition to the reporting requirements noted in Rule .1612 of this Section.

(c) Applications shall be sent to the State Archaeologist, Office of State Archaeology, 4619 MSC, Raleigh, NC 27699-4619, via U.S. Mail.

History Note: Authority G.S. 70-13; 70-14; 121-4(13); 121-23; 121-25; 143B-10; 143B-62(1)(h); Eff. June 1, 2017.

07 NCAC 04R .1604 REQUIREMENTS FOR AND ISSUANCE OF PERMITS

- (a) Applicants for permits to conduct archaeological investigations shall certify on the application that they:
- (1) have a postgraduate degree, or equivalent training and experience, in archaeology, anthropology, history, or another related field with a specialization in archaeology;
 - (2) have a minimum of one year's experience in conducting archaeological field research;
 - (3) have obtained and submitted for review by the State Archaeologist a criminal record check by the State Bureau of Investigation as set forth in G.S. 70-13.1 and G.S. 121-25.1;
 - (4) have funds, equipment, and facilities to undertake and complete the operation, provide supervision of all phases of the operation, and demonstrate the ability to carry out acceptable investigations that meet current professional standards, like those established by the Society for Historical Archaeology, the Conference on Underwater Archaeology, or the American Museum Association;
 - (5) will undertake the proposed activity for the purpose of furthering archaeological knowledge;
 - (6) will employ accepted techniques of survey, excavation, recovery, recording, preservation, and analysis used in investigations as follows:
 - (A) for investigations on State lands, the Secretary of Interior's Standards for Archaeology and Historic Preservation which is incorporated by reference, including subsequent amendments and editions, available for free at https://www.nps.gov/history/local-law/arch_stnds_0.htm, and available for inspection at no cost in the Office of State Archaeology; and
 - (B) for Abandoned shipwrecks, applicants shall use the Abandoned Shipwreck Act Guidelines which is incorporated by reference, including subsequent amendments and editions, available for free at https://www.nps.gov/history/local-law/arch_stnds_0.htm, and available for inspection at no cost in the Office of State Archaeology; and
 - (7) will conserve the archaeological artifacts recovered during the proposed project and ensure that those artifacts and all original archaeological records and data associated with the undertaking shall be conserved and curated in accordance with the National Park Service Standards as set forth in 36 CFR.
- (b) General Permits shall be issued or denied to a land-controlling agency within 90 days following submission of the completed application provided the terms and requirements of the rules in this Section pertaining to General Permits are fulfilled.
- (c) The Specific Permit shall be issued or denied within 90 days following submission of the completed application provided the terms and requirements of the rules in this Section pertaining to Specific Permits are fulfilled.
- (d) A Specific Permit shall not be issued to any person or entity conducting an Emergency archaeological investigation until the State Archaeologist receives and accepts a final report in accordance with Rules .1611 and .1612 of this Section.
- (e) No General or Specific Permit shall be considered valid until a signed and dated original copy is returned to the State Archaeologist by the permittee.

History Note: Authority G.S. 70-11; 70-13; 70-13.1; 121-4(13); 121-23; 121-25; 121-25.1; 143B-10; 143B-62(1)(h); Eff. June 1, 2017.

07 NCAC 04R .1605 DURATION, EXTENSION, AND RENEWAL OF PERMITS

- (a) A Permit issued under this Section shall be extended or renewed in accordance with this Rule. Requests to extend or renew a Permit shall be submitted in writing to the State Archaeologist. The requests shall include:
- (1) the permittee's name, address, and telephone number;
 - (2) a copy of the original permit;
 - (3) whether the request is for an extension or renewal;
 - (4) the time limit requested for an extension, not to exceed six months;
 - (5) a statement describing the need for the extension or renewal; and
 - (6) a statement certifying compliance with Rule .1604 of this Section.

(b) General Permits shall be valid for a period of five years from the date of issuance. General Permits may be extended for up to six months as requested by the permittee or renewed for five additional years. General Permits shall be extended only once, but may be renewed any number of times.

(c) Specific Permits shall be valid for a period of three years from the date of issuance. Specific Permits may be extended for up to six months as requested by the permittee or renewed for three additional years. Specific Permits may be extended only once, but may be renewed any number of times.

(d) Requests shall be approved or denied by the State Archaeologist based on:

- (1) the information submitted in the request under Paragraph (a); and
- (2) evaluation of past performance under the permit, such as compliance with the terms and conditions under the Permit and the progress of work completed under the Permit.

*History Note: Authority G.S. 70-13; 70-14; 121-23; 121-25; 143B-62(1)(h);
Eff. June 1, 2017.*

07 NCAC 04R .1606 TERMS AND CONDITIONS OF PERMITS

(a) All permits shall specify:

- (1) the nature and extent of the investigations allowed under the permit, including the time, duration, scope, location, and purpose of the investigations;
- (2) the name of the individual responsible for conducting the investigations and, if different, the name of the individual responsible for carrying out the terms and conditions of the permit;
- (3) the name of the land-controlling agency, university, museum, or other scientific or educational institution in which any collected materials and data will be deposited; and
- (4) the reporting requirements and schedule as set forth in Rules .1611 and .1612; and
- (5) other terms and conditions as determined by the Department to be necessary to ensure public safety, protect natural and cultural resources, safeguard land uses, and limit activities to investigations authorized under the permit.

(b) Inspections may occur at the archeological investigation site to ensure that the terms and conditions of the permit are being met.

(c) The permittee shall obtain and submit evidence of liability insurance upon acceptance of the terms and conditions of the permit.

(d) Archeological investigations conducted under a permit shall comply with all applicable state, federal, and local rules and regulations.

(e) All access to State-owned lands during permitted investigations shall be controlled by and coordinated with the land-controlling agency and the site-specific land manager, such as superintendents, wardens, or facilities managers.

(f) Applicants shall restore all project lands to their pre-project condition by the conclusion of the field investigations.

(g) The land-controlling agency shall report in writing to the Secretary of the Department of Administration and State Archaeologist any change the Principal Investigator Archaeologist named in a General Permit within 10 days of that change.

*History Note: Authority G.S. 70-13; 70-14; 121-23; 121-25; 143B-62(1)(h);
Eff. June 1, 2017.*

07 NCAC 04R .1607 PERMIT DENIAL, SUSPENSION AND REVOCATION

(a) A permit may be denied if the State Archeologist finds that:

- (1) the proposed investigations would represent an adverse effect, as defined in 36 C.F.R. 800.5(a)(1), to a unique or fragile natural resource, such as endangered plant or animal species;
- (2) the proposed investigations would interfere with the operation and management of an area;
- (3) the proposed investigations would pose a threat to public safety;
- (4) the applicant has not completed the terms and conditions of a previous permit; or
- (5) the results of the required criminal record check reveal one or more convictions listed in G.S. 70-13.1 or G.S. 125-25.1.

(b) A permit may be suspended or revoked if the State Archaeologist, in consultation with the Department of Administration, finds that:

- (1) the terms and conditions of the permit have been or are being violated;
- (2) the permit applicant is convicted of a crime enumerated in G.S. 70-13.1 or G.S. 125-25.1;
- (3) the permit holder fails to comply with the rules in this Section or applicable State or federal laws; or

- (4) disclosure of information that the Department has determined would create a risk of harm in accordance with G.S. 70-18.

History Note: Authority G.S. 70-13; 70-14; 121-23; 121-24; 121-25; 143B-10; 143B-62(1)(h);
Eff. June 1, 2017.

07 NCAC 04R .1609 EMERGENCY ARCHAEOLOGICAL INVESTIGATIONS

- (a) Emergency archaeological investigations on State lands or Abandoned shipwrecks shall not require a Permit. Emergency archaeological investigations shall include any unforeseen discovery of artifacts or records found during any land disturbing activity, whether or not through a permit issued under this Section, conducted on State lands or Abandoned shipwrecks.
- (b) Upon discovery or the need for an Emergency archaeological investigation, the State Archaeologist shall be notified. The State Archaeologist shall oversee the administration of Emergency archaeological investigations. The State Archaeologist shall designate a Principal investigator archaeologist to lead the investigation. Reporting requirements for emergency archaeological investigations shall be those set forth in Rule 1611 and .1612.
- (c) All artifacts and associated records recovered during emergency archaeological investigations shall remain the property of the State of North Carolina and shall be maintained in a repository approved by the State Archaeologist. Facilities where State-owned collections are maintained shall comply federal curation standards as set forth at 36 C.F.R. 79.

History Note: Authority G.S. 70-13; 70-14; 121-23; 123-25; 143B-10; 143B-62(1)(h);
Eff. June 1, 2017.

07 NCAC 04R .1611 REPORTING REQUIREMENTS FOR GENERAL PERMITS; REVIEW

- (a) Reports of archaeological investigations conducted under the terms of a General Permit shall be submitted to the State Archaeologist (OSA).
- (b) Final reports concerning archaeological investigations and emergency archaeological investigations shall be submitted by the end of the calendar year that follows the year in which the archaeological investigations were completed.
- (c) The principal investigator archaeologist may request to extend the submission of the final report as set forth in Paragraph (d) of this Rule. The request shall be in writing to the State Archaeologist and include a copy of the permit. The State Archaeologist may extend the date to submit the final report based on the following factors:
 - (1) environmental changes;
 - (2) changes in the project specifications by the project sponsor; or
 - (3) unforeseen discoveries of complex or fragile archaeological materials, including human remains.
- (d) The principal investigator archaeologist shall provide in the report to OSA:
 - (1) information concerning the physical location of artifacts, records, and all other documentation for all archaeological investigations;
 - (2) itemized list of all recovered archaeological resources by type, variety, material, or other description and a list of accession numbers or other identifiers applied to the recovered resources;
 - (3) an itemized list of records, photographs, and other documents and a list of accession numbers or other identifiers applied to the records and data; and
 - (4) a summary of the results of all archaeological investigations as part of the report(s) required by the permit.
- (e) The State Archaeologist and head of the land-controlling agency shall review at least once a year the permittee's performance under any General Permit issued for a period greater than one year. The State Archaeologist shall review the final reports for General Permits to ensure that the reports meet the federal Secretary of the Interior's Standards for Archaeology and Historic Preservation and may request revisions of the final report if said standards are not met.
- (f) The State Archaeologist shall have 60 days following receipt of any report to review and return written comments on the report to the land-controlling agency and the principal investigator archaeologist.
- (g) The principal investigator shall revise and submit the final report, in accordance with the State Archaeologist written comments, within 30 days of receipt of review and comments by the State Archaeologist.

History Note: Authority G.S. 70-13; 70-14; 121-4; 121-23; 121-25; 143-10; 143B-62(1)(h);
Eff. June 1, 2017.

07 NCAC 04R .1612 REPORTING REQUIREMENTS FOR SPECIFIC PERMITS; REVIEW

- (a) Permittees shall prepare and submit to the State Archaeologist and the head of the land-controlling agency reports for all archaeological investigations conducted under Specific Permits in accordance with this Rule.

- (b) The permittee shall maintain a daily log of all project activities, including the types of equipment used and site conditions. The permittee shall provide copies of the daily log to the State Archaeologist upon request.
- (c) The permittee shall submit a letter to the State Archaeologist within 60 days after completion of the on-site archaeological investigation describing the activities conducted under the investigation. The letter to the State Archaeologist shall include the date for submission of the draft report as required by Paragraph (d) of this Rule.
- (d) The permittee shall submit draft reports according to the schedule established in the permit or, in the case of emergency archaeological investigations, by the date specified in the in the letter as required in Paragraph (c) of this Rule. Draft reports submitted for emergency archaeological investigations shall include information on storage and curation of artifacts, records, and other data in accordance with the specifications in Rule .1603(b)(9) through (13) of this Section.
- (e) The permittee shall submit final reports no later than 90 days after submission of the draft report.
- (f) If the specified submission date for a draft report of emergency archaeological investigations extends beyond one year from the date of submission a letter, as set forth in Paragraph (c) of this Rule, shall be submitted a year from the issuance date of the permit.
- (g) The permittee or, in the case of an emergency archaeological investigation, the the Principal Investigator Archaeologist, shall provide in the final report the following information:
- (1) the physical location of artifacts, records, and all other documentation;
 - (2) an itemized list of all recovered archaeological resources by type, variety, material, or other description and a list of accession numbers or other identifiers applied to the recovered resources; and
 - (3) an itemized list of records, photographs, and other documents and a list of accession numbers or other identifiers applied to the records and data.
- (h) The permittee shall be responsible for the accuracy and validity of the data contained in the final report submitted to the Department of Natural and Cultural Resources.
- (i) Permits issued for a period greater than one year shall be reviewed at least once a year through interim reports submitted by the permittee and by compliance inspections conducted at the investigation location. The review shall be conducted with the State Archaeologist and the head of the land-controlling agency or his or her designee. The interim report shall include: the name of the permittee, the location where the investigation is being conducted, the permit number, the name of the Principal Investigator Archaeologist, a description of the project goals, a description of the methods of research, all archaeological findings, and the project schedule.
- (j) The State Archaeologist and the land-controlling agency shall review all draft and final reports for Permits to ensure that the investigations serve the public interest and the reports meet the federal Secretary of Interior's Standards for Archaeology and Historic Preservation which are incorporated by reference, including subsequent amendments and editions, for free at https://www.nps.gov/history/local-law/arch_stnds_0.htm, and available for inspection at no cost at the Office of State Archaeology. The State Archaeologist may request revisions of the draft or final reports. Terms and conditions of a Permit shall be considered satisfied only after report revisions have been completed and the report has been accepted by the State Archaeologist.
- (k) The State Archaeologist and the land-controlling agency have 60 days after receipt to review and comment on draft reports and return written comments to the permittee.
- (l) The Principal Investigator Archaeologist shall revise and submit the final report, in accordance with the State Archaeologist written comments, within 30 days of receipt of review and comments by the State Archaeologist.

History Note: Authority G.S. 70-13; 70-14; 121-4; 121-23; 121-25; 143B-10; 143B-62(h);
Eff. June 1, 2017.

07 NCAC 04R .1613 CUSTODY OF RESOURCES UNDER TERMS OF PERMITS

- (a) The archaeological resources that are collected, excavated, or removed from State lands or Abandoned shipwrecks and related records and data shall remain the property of the State of North Carolina.
- (b) The location of all records, artifacts, or other materials shall not be changed from that approved in the permit without prior approval of the State Archaeologist and, in the case of Specific Permits, the land-controlling agency. This restriction shall not apply to the temporary removal and relocation of artifacts or records for the purposes of scientific, historical, or educational research or for purposes of public display or education, so long as the artifacts or records remain:
- (1) In the case of General Permits, under the custody or control of the Principal Investigator Archaeologist or the land-controlling agency; or
 - (2) In the case of Specific Permits, under the custody or control of the museum, university, or scientific or educational institution approved in the permit.

(c) Transfers of records and artifacts between universities, museums, and scientific or educational institutions shall be approved by the State Archaeologist. In the case of General Permits this Paragraph shall not apply to the movement of artifacts in the custody of a land-controlling agency so long as the artifacts remain under the control of the Principal Investigator Archaeologist and the land-controlling agency.

(d) All requests to relocate or transfer records, artifacts, or other materials related to a permit issued under this Section shall be in writing to the State Archaeologist. The requests shall include:

- (1) the permittee's name, address, and telephone number;
- (2) a copy of the permit;
- (3) a statement specifying whether the request is for relocation or transfer;
- (4) a description of items being relocated or transferred;
- (5) a statement describing the reason needed for the relocation or transfer;
- (6) the name, address, and telephone number of the institution where the items will be relocated or transferred; and
- (7) a letter from the permittee certifying that the receiving institution meets the qualifications for curation and preservation of the items as set forth in 36 C.F.R. 79

(e) Following a review of the application materials, the State Archaeologist shall notify the permittee in writing of its decision to approve or deny the request. Requests for relocation or transfer may be denied by the State Archaeologist if it:

- (1) would harm the safety of the item, such as by theft, vandalism, or risk of accidental damage; or
- (2) result in damage to the item, such as fading, breaking or, cracking due to overexposure from light, air, moisture, or additional movement.

History Note: Authority G.S. 70-13; 70-14; 121-23; 121-25; 143B-10; 143B-62(1)(h);
Eff. June 1, 2017.

SUBCHAPTER 04S - TRYON PALACE HISTORIC SITES AND GARDENS

SECTION .0100 – TRYON PALACE HISTORICE SITES AND GARDENS

07 NCAC 04S .0101 STATEMENT OF PURPOSE

The purpose of the Tryon Palace Section is to preserve, operate, and maintain the Tryon Palace Restoration for public benefit, to present a program whereby citizens have maximum opportunity to learn and appreciate their history and heritage as represented through the exhibition facilities, and to maintain the collections in keeping with the best conservation practices. It is also the section's purpose to increase visitation through wider promotion and publicity and through expanded crafts programs and special educational tours.

History Note: Authority G.S. 121-4(8),(9); 143B-62(2)d.;
Eff. February 1, 1985;
Amended Eff. November 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04S .0102 VISITING HOURS

(a) Tryon Palace Historic Sites and Gardens will be open Monday through Saturday from 9:00 a.m., with the last ticket purchased to be no later than 4:00 p.m. and on Sunday from 1:00 p.m., with the last ticket to be purchased no later than 4:00 p.m. From Memorial Day weekend through Labor Day weekend the last time to purchase a ticket to begin a tour is extended to 5:00 p.m. The Gardens will close at 7:00 p.m. during this period.

(b) Tryon Palace Historic Sites and Gardens will be closed on New Year's Day, Thanksgiving Day, and December 24, 25, and 26.

History Note: Authority G.S. 121-4(8),(9); 143B-62(2)d.;
Eff. February 1, 1985;
Amended Eff. April 1, 2001; November 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04S .0103 ADMISSION PRICES

- (a) Visitors to Tryon Palace shall choose from among the following set of options:
- (1) One Day Pass which costs twenty dollars (\$20.00) for adults and ten dollars (\$10.00) for children in grades 1 through 12 and admits the ticketholders to all attractions at Tryon Palace including Palace and Gardens, Museums, and Historic Houses;
 - (2) Galleries and Gardens Pass which costs twelve dollars (\$12.00) for adults and six dollars (\$6.00) for children in grades 1 through 12 and admits the ticketholders to the Gardens and Museum Galleries.
 - (3) Gardens Pass which costs six dollars (\$6.00) for adults and three dollars (\$3.00) for children in grades 1 through 12.
- (b) Children in Kindergarten/Preschool and ages 5 and under are free.
- (c) Discounts on tickets are available for pre-booked group tours of 10 or more participants. The discounted adult and student One Day Pass are fifteen dollars (\$15.00) and six dollars (\$6.00) respectively. The discounted Galleries and Gardens Pass for adults and students on group tours are ten dollars (\$10.00) and three dollars (\$3.00) respectively.
- (d) Families with three or more children grades 1 through 12 are charged for only two children and the others are admitted with a complimentary pass.
- (e) The discount rate for AAA members, Senior Citizens 62 and older, active duty military personnel, and full time college students is 10 percent off the One Day Pass or the Galleries & Gardens Pass.
- (f) A Special Event Ticket which costs six dollars (\$6.00) for adults and three dollars (\$3.00) for students in grades 1 through 12 is available for lectures, performances, and fee-based living history programs;
- (g) Fees for Special Exhibitions, Programs, and Performances supported partially or totally by gate receipts shall be based on the amount of receipts required to fund the costs of the exhibition, program, or performance calculated per attendee.
- (h) Current members of the Tryon Palace Foundation are admitted free to daily tours and programs when they display their current membership card.
- (i) The New Bern Academy Museum is free to all visitors.

*History Note: Authority G.S. 121-4(8); 143B-10(j);
Eff. February 1, 1985;
Amended Eff. April 1, 2011; August 1, 2000; November 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff. September 1, 2015.*

07 NCAC 04S .0104 VISITATION RULES

- (a) Eating and chewing gum are not permitted in the Tryon Palace Restoration exhibition buildings. With prior approval of the Chief, Tryon Palace Section, refreshments may be served within the exhibition area for special events and meetings.
- (b) Pets are not permitted in the buildings or on the grounds of the restoration, except guide dogs for legally blind persons.
- (c) Photography is permitted inside the exhibition buildings with advance approval of the Chief, Tryon Palace Section. A staff member must accompany the photographer at all times. Requirements for special lighting or wiring must be cleared through the technical services director.
- (d) Teachers or sponsors accompanying school or other groups will be responsible for the conduct of the group.
- (e) Groups will stay together. One teacher or adult should accompany each student group for the entire tour.
- (f) Teachers or sponsors will be responsible for controlling their groups when using restrooms or visiting the Tryon Palace shops.
- (g) All tours of the Tryon Palace exhibition buildings are conducted by guides. The general public is not allowed to go through the buildings without a guide.

*History Note: Authority G.S. 121-4(8),(9); 143B-62(2)d.;
Eff. February 1, 1985;
Amended Eff. November 1, 1989; June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.*

07 NCAC 04S .0105 USE OF THE AUDITORIUM

- (a) All use of the auditorium by outside groups needs the approval of the Chief, Tryon Palace Historic Sites and Gardens Section.
- (b) Application for use must be presented to and approved by the Chief, Tryon Palace, Historic Sites and Gardens, according to the following regulations:
- (1) Reservations must be submitted at least two weeks prior to requested date;

- (2) The using organization will designate one person who is responsible for the meeting and the use of auditorium. This person will sign the application signifying this responsibility;
- (3) No smoking is permitted in the building;
- (4) Priority for use will be given to governmental agencies and non-profit organizations whose aim and activities relate to the activities of the Division of Archives and History; and
- (5) Microphones and any state-owned audiovisual equipment must be operated by a member of the Tryon Palace Historic Sites and Gardens staff.

History Note: Authority G.S. 121-4(8),(9); 143B-62(2)d;
 Eff. February 1, 1985;
 Amended Eff. April 1, 2001; November 1, 1989; June 1, 1989;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04S .0106 RESEARCH

With written permission of the Chief, Tryon Palace Historic Sites and Gardens, research may be conducted during regular hours of operation. The Chief, Tryon Palace Historic Sites and Gardens, shall grant permission if the research is conducted by academic researchers engaged in professional research or persons in the museum field utilizing items in the libraries and collections of the Tryon Palace Historic Sites and Gardens. Research materials shall not be taken out overnight.

History Note: Authority G.S. 121-4(8),(9); 143B-62(2)d;
 Eff. February 1, 1985;
 Amended Eff. April 1, 2001; November 1, 1989; June 1, 1989;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04S .0107 AUDIOVISUAL AIDS

Slide sets of Tryon Palace Historic Sites and Gardens are available on a loan basis through the Group Sales Coordinator of the Tryon Palace Historic Sites and Gardens. The website address is www.tryonpalace.org.

History Note: Authority G.S. 121-4(8),(9); 143B-62(2)d;
 Eff. February 1, 1985;
 Amended Eff. April 1, 2001; June 1, 1989;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04S .0108 PHOTOGRAPHIC SERVICES

Duplicates of photographs from the Tryon Palace Historic Sites and Gardens accessioning files are available at cost. Photos may be taken by a member of the Tryon Palace staff on written order at cost. Inquiries may be addressed to the Curator of Collections.

History Note: Authority G.S. 121-4(8),(9); 143B-62(2)d.;
 Eff. February 1, 1985;
 Amended Eff. April 1, 2001; November 1, 1989;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04S .0109 ACQUISITION OF ARTIFACTS

Furniture, art objects, artifacts, or other objects within the period of the Tryon Palace Historic Sites and Gardens buildings shall be accepted on behalf of the state by the Tryon Palace Commission to further interpret the history and life styles of the appropriate periods. Offers of gifts or loans of furniture, art objects, and artifacts to Tryon Palace Historic Sites and Gardens must be directed to the Chief, Tryon Palace Historic Sites and Gardens. The Chief shall present all such offers to the Chairman of the Tryon Palace Commission with a recommendation of which artifacts shall be accepted. The Chairman shall refer the recommendation to the Tryon Palace Commission.

History Note: Authority G.S. 121-20; 143B-71;
 Eff. February 1, 1985;
 Amended Eff. April 1, 2001; November 1, 1989; June 1, 1989;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04S .0110 OPERATION

Rules 07 NCAC 04N .0101-.0108 shall apply to the operation of the Tryon Palace Historic Sites and Gardens, unless otherwise covered in Subchapter 04S.

*History Note: Authority G.S. 121-4(8),(9); 143B-62(2)d;
Eff. November 1, 1989;
Amended Eff. April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.*

SUBCHAPTER 04T - HIGHWAY HISTORICAL MARKER PROGRAM

SECTION .0100 – HIGHWAY HISTORICAL MARKER PROGRAM

07 NCAC 04T .0101 DEFINITIONS

The following definitions apply in this Subchapter:

- (1) "Committee" means the Highway Historical Marker Advisory Committee. The committee establishes criteria for highway historical markers and approves or disapproves proposed markers.
- (2) "Statewide historical significance" means events, persons, or sites of prominence over and above those of local or regional note.

*History Note: Authority G.S. 121-4(7);
Eff. June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.*

07 NCAC 04T .0102 MEMBERSHIP AND OFFICERS OF COMMITTEE

(a) The committee is composed of ten members of the academic community in four-year colleges or universities who are expert North Carolina historians. Committee members meet generally twice a year. They are appointed by the Secretary of Cultural Resources for terms of five years; the terms of two committee members expire each year. One year must elapse before any member can be reappointed. The committee shall recommend candidates for membership to the Secretary of Cultural Resources.

(b) At its last meeting of each calendar year, the committee shall elect a chairman to serve a one-year term; no person may serve more than two consecutive years as chairman. The Director of the Division of Archives and History shall be ex officio secretary, and the Research Supervisor, Division of Archives and History, shall be acting secretary.

*History Note: Authority G.S. 121-4(7);
Eff. June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.*

07 NCAC 04T .0103 ERECTION OF HIGHWAY MARKERS

(a) No state highway historical marker under the North Carolina Highway Historical Marker Program shall be erected without the approval of the committee.

(b) All proposals for new markers shall be submitted in writing to:

Research Supervisor
Division of Archives and History
109 East Jones Street
Raleigh, North Carolina 27611

Proposals shall include supportive documentary evidence and a suggested site or location. The suggested site is not binding on the committee.

(c) Based upon availability of funds, several months may elapse from the time a marker is approved by the committee until its actual erection.

*History Note: Authority G.S. 121-4(7); 136-42.3;
Eff. June 1, 1989;*

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04T .0104 CRITERIA

- (a) All highway historical markers shall designate places, events, or persons of statewide historical significance. Historical Significance shall mean any person, place, or event of the past that has been recorded, documented, or recognized in a primary or secondary source, such as in books, diaries, journals, newspaper articles, speeches, documentaries, textbooks, artifacts, or other items, as having a lasting contribution to North Carolina history. Subjects of local or regional importance shall not be approved for highway historical markers. Statewide historical significance must be documented by the applicant. Applications shall be submitted to determine historical significance as set forth in this Rule.
- (b) Applications shall be requested from and submitted in writing to the Historical Research Office of the Division of Archives and History, 4610 Mail Service Center, Raleigh, North Carolina 27699-4610, and include the following:
- (1) the subject to be marked;
 - (2) the location associated with the subject;
 - (3) a detailed statement describing the subject's significance and its impact on the North Carolina's history; and
 - (4) copies of primary and secondary sources detailing the subject's historical significance to North Carolina.
- (c) An individual shall be eligible for consideration of a historical marker 25 years following his or her death.
- (d) Statewide historical significance shall be determined by the Highway Historical Marker Advisory Committee based on the following factors:
- (1) the relationship of the subject to North Carolina's history;
 - (2) the relationship of the subject to existing markers, such as whether the subject is included on an existing marker;
 - (3) the subject's contributions to North Carolina; and
 - (4) consequence of the subject on North Carolina's history.
- (e) If a person is named in the text of a marker, that individual will not be approved as the subject of a separate marker.

*History Note: Authority G.S. 100-8; 121-4(7);
Eff. June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015;
Amended Eff June 1, 2017.*

07 NCAC 04T .0105 PLACEMENT OF MARKERS

- (a) Highway historical markers shall be placed at the authentic site where possible, or placed to direct travelers to the site.
- (b) The committee may reject a proposed marker because of unsuitability of the site, or choose an alternate location.
- (c) The Department of Transportation shall determine the exact location of a marker, at a site selected by the Department of Cultural Resources.
- (d) No markers will be approved on interstate highways. Markers will only be approved on paved and numbered state or federal highways.

*History Note: Authority G.S. 121-4(7); 136-42.2,.3;
Eff. June 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.*

07 NCAC 04T .0106 INSCRIPTION AND ERECTION

- (a) The title or heading of the highway historical marker shall consist of one or two lines with approximately 16 letters and spaces per line. The text will consist of not more than five lines, each line to be approximately 23 letters and spaces.
- (b) The inscription for the marker will be selected by the committee and consist of only undisputed historical facts set forth in concise statements. The words "great," "outstanding," or "important" will not be used.
- (c) Upon approval by the committee and the Secretary of Cultural Resources, local governments will be notified of the inscription and site selection, and given an opportunity for a hearing. If a local government objects to the erection and placement of a marker, the North Carolina Historical Commission shall hold a hearing at a regular meeting to make a final determination; the inscription will not be changed without the concurrence of the committee. If no objection is made within 30 days, or if the Historical Commission approves the marker, it will be ordered.
- (d) Once cast, the marker will be sent to the Department of Transportation.

- (e) Unless otherwise specified by the committee, plans for the unveiling or dedication shall be made by the person or group requesting the marker. Local officials should be informed of the ceremony. The Division of Archives and History may assist, upon request, by sending a representative, helping plan the program, or furnishing a special cloth for the unveiling.
- (f) Only markers authorized by the committee may display the Great Seal of North Carolina.

History Note: Authority G.S. 121-4(7); 136-42.2.,.3;
 Eff. June 1, 1989;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

07 NCAC 04T .0107 CORRECTIONS TO MARKERS

- (a) The committee shall correct or update markers which are outdated because of new information, disappearance of structures, or relocation of highways. The Department of Cultural Resources shall arrange for the relocation or correction.
- (b) Any person submitting the proposed correction must have knowledge or information of the erroneous marker or mistaken site, and must submit historical data to show such error or mistake. The person submitting the proposed correction, upon written request, may appear before the Committee and present documentation of the error at its next scheduled meeting. Proposed corrections may be submitted to:

Research Supervisor
 Division of Archives and History
 109 East Jones Street
 Raleigh, North Carolina 27611

History Note: Authority G.S. 121-4(7); 136-42.1.,.3; 136-43.1;
 Eff. June 1, 1989;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 26, 2015.

SUBCHAPTER 04U - STAGVILLE CENTER

SECTION .0100 – STAGVILLE CENTER

- 07 NCAC 04U .0101 PURPOSE**
07 NCAC 04U .0102 OPERATION

History Note: Authority G.S. 121-4(8),(9); 143B-62(2)d.;
 Eff. June 1, 1989;
 Amended Eff. October 1, 1989;
 Expired Eff. August 1, 2015 pursuant to G.S. 150B-21.3A.

CHAPTER 04 - DIVISION OF ARCHIVES AND HISTORY

SUBCHAPTER 04V - OUTER BANKS HISTORY CENTER

SECTION .0100 - OUTER BANKS HISTORY CENTER: USE AND SERVICES

- 07 NCAC 04V .0101 STATEMENT OF PURPOSE**
07 NCAC 04V .0102 OUTER BANKS HISTORY CENTER SEARCH ROOM HOURS
07 NCAC 04V .0103 OUTER BANKS HISTORY CENTER REFERENCE AND TECHNICAL SERVICES
07 NCAC 04V .0104 ADMISSION TO OUTER BANKS HISTORY CENTER STACKS

History Note: Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a.;
 Eff. March 1, 1990;
 Repealed Eff. June 1, 2014.

- 07 NCAC 04V .0105 OUTER BANKS HISTORY CENTER SEARCH ROOM REGULATIONS**

History Note: Authority G.S. 121-4(3); 121-4(14); 121-5(d); 143B-62(2)a.;
Eff. June 1, 1990;
Repealed Eff. June 1, 2014.

SECTION .0200 - PUBLIC HISTORY GALLERY USE

07 NCAC 04V .0201 PUBLIC HISTORY GALLERY HOURS
07 NCAC 04V .0202 PUBLIC HISTORY GALLERY REGULATIONS

History Note: Authority G.S. 121-4(3); 121-5(d); 143B-62(2)a.;
Eff. March 1, 1990;
Repealed Eff. June 1, 2014.