Exhibit 4.3: **National Register and California Register Comparison**

The National Register of Historic Places criteria and guidance in National Register Bulletin #15 are very similar to the California Register of Historical Resources criteria and regulations, which Caltrans uses to determine whether a resource is a historical resource under CEQA. There are some differences between the federal and state criteria. They are enumerated on the chart below. **Boldfaced** sections are for emphasis.

CALIFORNIA REGISTER LAW AND REGULATIONS	NR BULLETIN 15 – HOW TO APPLY THE NATIONAL REGISTER CRITERIA FOR EVALUATION
CRITERIA Law States that the California Register criteria are the same as the National Register criteria. [PRC 5024.1(c)] Regulations "These criteria **are consistent with National Register criteria**, but have been modified for state use in order to include a range of historical resources which better reflect the history of California." (CCR 4852)	**CRITERIA** Law No criteria are included in the law.[Public Law 89-665, 16 USC 470 et seq.] Regulations "The quality of significance-in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that **possess integrity** of location, design, setting, materials, workmanship, feeling, and association, **and**:
"A resource **may be listed** as an historical resource in the California Register **if it meets** any of **the following National Register** of Historic Places **criteria**: (1) Is associated with *EVENTS* that have made a significant contribution to the broad patterns of California's history and cultural heritage. (2) Is associated with the lives of ***PERSONS*** important in our past.	(A) That are associate with ***EVENTS*** that have made a significant contribution to the broad patterns of our history; or (B) That are associated with the lives of ***PERSONS*** significant in our past; or
(3) Embodies the distinctive characteristics of a ***TYPE, PERIOD, REGION, OR METHOD OF CONSTRUCTION***, or represents the ***WORK OF AN IMPORTANT CREATIVE INDIVIDUAL***, or possess ***HIGH ARTISTIC VALUES.***	(C) That embody the distinctive characteristics of a ***TYPE, PERIOD, OR METHOD OF CONSTRUCTION***, or that represent the ***WORK OF A MASTER***, or that possess ***HIGH ARTISTIC VALUES***, or that represent a significant and ***DISTINGUISHABLE ENTITY WHOSE COMPONENTS MAY LACK INDIVIDUAL DISTINCTION***; or
(4) Has yielded, or may be likely to yield, ***INFORMATION IMPORTANT*** in prehistory or history." [PRC 5024.1(c)]	(D) That have yielded, or may be likely to yield, ***INFORMATION IMPORTANT*** in prehistory or history. [36 CFR 60.4]

Copyright © 2014 California Department of Transportation. All rights reserved.

CALIFORNIA REGISTER LAW AND REGULATIONS	NR BULLETIN 15 – HOW TO APPLY THE NATIONAL REGISTER CRITERIA FOR EVALUATION
INTEGRITY Law There is no mention of integrity in the legislation. Regulations The California Register regulations do address integrity. But, they do not state that the California Register is more inclusive or has a lower threshold of significance than the National Register. "Integrity is the **authenticity** of an historical resource's **physical identity evidenced by the survival of characteristics that existed during the resources' period of significance**. Historical resources eligible for listing in the California Register **must**: -meet one of the criteria of significance described in CCR 4852(b) of this chapter **and** - retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. Historical resources that have been rehabilitated or restored may be evaluated for listing." [CCR 4852 (c)]	**INTEGRITY** Law There is no mention of integrity in the legislation. Regulations "The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects **that possess integrity of location, design, setting, materials, workmanship, feeling, and association**…[36 CFR 60.4] "Integrity is the **ability of a property to convey its significance**. . . . Historic properties either retain their integrity or they do not." Guidance for assessing integrity is in National Register Bulletin 15, Section VIII. "**Integrity is based on significance: why, where and when a property is important**. Only after significance is fully established can you proceed to the issue of integrity. . . Ultimately the question of integrity is answered by whether or not the property retained the identify for which it is significant." [Section VIII] "All properties change over time. It is not necessary for a property to retain all its historic physical features or characteristics. **The property must retain**, however, the **essential physical features that enable it to convey its historic identity.** These **essential physical features** are those features that **define both *why* a property significant** (Applicable criteria and Areas of Significance) **and *when* it was significant** (Periods of Significance). They are features without which a property can no longer be identified as, for instance, a late 19th century dairy barn or an early 20th century commercial district." [Section VIII]
"Integrity is evaluated with regard to the retention of - location - workmanship - design - feeling - setting - association - materials	"The quality of significance...is present in districts, sites, buildings, structures, and objects that possess integrity of: - location - workmanship - design - feeling - setting - association - materials

Copyright © 2014 California Department of Transportation. All rights reserved.

CALIFORNIA REGISTER LAW AND REGULATIONS	NR BULLETIN 15 – HOW TO APPLY THE NATIONAL REGISTER CRITERIA FOR EVALUATION
INTEGRITY (continued) **It must also be judged with reference to the particular criteria under which a resource is proposed for eligibility**." [CCR 4852 (c)] "**Alterations** over time to a resource **or historic changes in its use may themselves have historical, cultural, or architectural significance**." [CCR 4852 (c)]	**INTEGRITY (continued)** "To retain historic integrity a property will always possess several, and usually most, of the aspects. The retention of specific aspects of integrity is paramount for a property to convey its significance. **Determining which of these aspects are most important to a particular property requires knowing why, where, and when the property is significant**." [Section VIII] Provides guidance for evaluating integrity under each of the four eligibility criteria. As with the California Register regulations, the National Register recognizes that alterations and changes in a property's use over time may themselves have significance. This is expressed most clearly under Criterion C "A **property can be significant** not only for the way it was originally constructed or created, but **also for the way it was adapted at a later period, or for the way it illustrates changing tastes attitudes, and uses over a period of time**." [Section VI]
ELIGIBILITY FOR INFORMATION POTENTIAL - when Integrity Lacking <u>Law</u> Eligibility under Criterion 4 when integrity is lacking is not mentioned in the law. California Register law states under criterion 4, a resource may be listed if it: "Has yielded, or may be likely to yield, **information <u>important</u> in prehistory or history**." [PRC 5024.1(c)(4)] Language between the law and the regulations is different. The language in PRC 5024.1 is closer to the National Register language. <u>Regulations</u> Language is similar to the guidance in *National Register Bulletin 15* regarding eligibility under National Register Criterion D when there is a lack of integrity under the other criteria. [CCR Title 14 Chapter 11.5 Section 4852(c)]	**ELIGIBILITY FOR INFORMATION POTENTIAL - when Integrity Lacking** <u>Law</u> Eligibility under Criterion D when integrity is lacking is not mentioned in the law. <u>Regulations</u> "The assessment of integrity for properties considered for information potential depends on the data requirements of the applicable research design.

Copyright © 2014 California Department of Transportation. All rights reserved.

CALIFORNIA REGISTER LAW AND REGULATIONS	NR BULLETIN 15 – HOW TO APPLY THE NATIONAL REGISTER CRITERIA FOR EVALUATION
ELIGIBILITY FOR INFORMATION POTENTIAL – when Integrity Lacking (continued) "It is possible that historical resources **may not retain sufficient integrity to meet the criteria for listing in the National Register, but they may still be eligible for listing in the California Register**. A resources that has lost its historic character or appearance **may still have sufficient integrity** for the California Register if it maintains the **potential to yield <u>significant</u>** scientific or historical **information or specific data**." [CCR 4852 (c)] The California Register Regulations uses the term "**significant** scientific or historical **information** or **specific data**," but does not define it.	**ELIGIBILITY FOR INFORMATION POTENTIAL – when Integrity Lacking (continued)** A property possessing **information potential does not need to recall *visually*** an event, person, process, or construction technique. It is important that the **significant data contained in the property remain sufficiently intact** to yield the expected important information, if the appropriate study techniques are employed." [Criterion D – Section VI] "For **properties eligible under Criterion D**, including archeological sites and standing structures studied for their information potential, **less attention is given to their overall condition, than if they were being considered under criteria A, B, or C**." [Section VIII] "Criterion D has two requirements which must both be met for a property to qualify, "The property must have, or have had, **information** to contribute to our understanding of human history or prehistory, **and** the **information must be considered important**." [Section VI] NRB 15 uses the term "important information potential" and provides definitions and guidance in Section VI.
SPECIAL CONSIDERATIONS **RELIGIOUS PROPERTIES, BIRTHPLACES, GRAVES, CEMETERIES & COMMEMORATIVE PROPERTIES** <u>Law</u> Not mentioned in the law. <u>Regulations</u> These resources fall under the category of "Special Considerations" in the regulations.	**CRITERIA CONSIDERATIONS** **RELIGIOUS PROPERTIES, BIRTHPLACES, GRAVES, CEMETERIES & COMMEMORATIVE PROPERTIES** <u>Law</u> Not mentioned in the law. <u>Regulations</u> These resources are considered "**Criteria considerations.**" *Criteria considerations are usually expressed in lower case letters in parentheses. For Example, "Criteria Consideration (a)."*

Copyright © 2014 California Department of Transportation. All rights reserved.

CALIFORNIA REGISTER LAW AND REGULATIONS	NR BULLETIN 15 – HOW TO APPLY THE NATIONAL REGISTER CRITERIA FOR EVALUATION
RELIGIOUS PROPERTIES, BIRTHPLACES, GRAVES, CEMETERIES & COMMEMORATIVE PROPERTIES (continued) The following properties **may** be listed in the California Register: - religious properties - birthplaces - graves - cemeteries - commemorative resources California Register criteria have no exceptions for these types of properties. As long as they meet the criteria in CCR 4852 (b)(1) through (4) and have integrity, they can be listed.	**RELIGIOUS PROPERTIES, BIRTHPLACES, GRAVES, CEMETERIES & COMMEMORATIVE PROPERTIES (continued)** The following properties **are not normally eligible** unless they met some very specific measurements: [National Register Criteria Considerations a, c, d, f] - religious properties [Consideration (a)] - birthplaces [Consideration (c)] - graves [Consideration (c)] - cemeteries [Consideration (d)] - commemorative properties [Consideration (f)] - properties achieving significance within the past 50 years [Consideration (g)] For **religious properties**, it is to "avoid any appearance of judgment by government about the validity of any religion or belief." (Section VII) **Birthplaces and graves** may be "temporally and geographically far removed from the person's significant activities, and therefore are not usual considered eligible." (Section VII) "**Cemeteries** serve as a primary means of an individual's recognition of family history and as expressions of collective religious and/or ethnic identity." However, if cemeteries "embody values beyond personal or family-specific emotions, the national Register criteria allow for listing of cemeteries under certain conditions." (Section VII) **Commemorative properties** are "not directly associated with the event or with the person's productive life but serve as evidence of a later generation's assessment of the past… [and] generally must be over fifty years old and must possess significance based on [their] own value, not on the value of the event or person being memorialized. " (Section VII)
MOVED BUILDING & STRUCTURES <u>Law</u> Not mentioned in the law. <u>Regulations</u> These resources fall under the category of "Special Considerations" in the regulations.	**MOVED BUILDING & STRUCTURES** <u>Law</u> Not mentioned in the law. <u>Regulations</u> These resources fall under the category of "Special Considerations" in the regulations.

Copyright © 2014 California Department of Transportation. All rights reserved.

CALIFORNIA REGISTER LAW AND REGULATIONS	NR BULLETIN 15 – HOW TO APPLY THE NATIONAL REGISTER CRITERIA FOR EVALUATION
MOVED BUILDING & STRUCTURES (continued) A **moved** building, structure or object that is otherwise eligible "**may** be listed in the California Register if: - it was **moved to prevent its demolition** at its former location **and** - if the **new location is compatible with the original character and use** of the historical resource. An historical resource **should retain its historic features and compatibility in orientation, setting, and general environment**." [CCR 4852 (d)(1)] [See also the definition of object under CCR 4852(a)(4).]	**MOVED BUILDING & STRUCTURES (continued)** A **moved** building, structure or object under National Register criteria consideration (b) **is usually not considered eligible** for the National Register unless: - it is was **moved prior to its period of significance** (**and is significant at its new site**), - is **significant primarily for architectural value**, or - is the **surviving structure most importantly associated with a historic person or event**. Guidance for applying criteria consideration (b) is in Section VII.
PROPERTIES LESS THAN 50 YEARS OLD <u>Law</u> Not mentioned in the law. <u>Regulations</u> These resources fall under the category of "Special Considerations" in the regulations. A resource that is **less than fifty years old** "**may be considered for listing** in the California Register if - it can be demonstrated that **sufficient time has passed to understand its historical importance**" - it **does not have to be exceptionally important**. [CCR 4852 (d)(2)] This section states that "in order to understand the historical importance of a resource, **sufficient time must have passed to obtain a scholarly perspective** on the events or individuals associated with the resources."	**PROPERTIES LESS THAN 50 YEARS OLD** <u>Law</u> Not mentioned in the law. <u>Regulations</u> A property that is less than fifty years old under National Register criteria consideration (g) **is usually not considered eligible for the National Register unless it is of exceptional importance**, a phrase that may be applied to the extraordinary importance of an event or to an entire category of resources so fragile that survivors of any are unusual. Guidance for applying criteria consideration (g) is in NRB 15, Section VII. "Fifty years is a **general estimate of the time needed to develop historical perspective and to evaluate significance**." [NRB 15 Section VII] "The **necessary perspective can be provided by scholarly research and evaluation**, and must consider both the historic context and the specific property's role in that context." [NRB 15 Section VII]

Copyright © 2014 California Department of Transportation. All rights reserved.

CALIFORNIA REGISTER LAW AND REGULATIONS	NR BULLETIN 15 – HOW TO APPLY THE NATIONAL REGISTER CRITERIA FOR EVALUATION
RECONSTRUCTED BUILDINGS Law Not mentioned in the law. Regulations These resources fall under the category of "Special Considerations" in the regulations. A reconstructed **building (as opposed to structure or object)** is not listed in the California Register under CCR 4852 (b)(1)-events, (2)-lives, (3)-distinctive characteristics, etc. A **reconstructed building that is less than fifty years old "may be eligible if it embodies traditional building methods and techniques that play an important role in a community's historically rooted beliefs, customs, and practices**, e.g., a Native American roundhouse." [CCR 4852 (d)(3)] This is a broader interpretation than for reconstructions under the National Register, but it only applies to buildings, not structures, objects or districts.	**RECONSTRUCTED BUILDINGS** Law Not mentioned in the law. Regulations A **reconstructed property** under National Register criteria consideration (e) is usually **not considered eligible** for the National Register **unless it is accurately executed in a suitable environmental and presented in a dignified manner as part of a restoration master plan and when no other building or structure with the same association has survived**. This applies mainly to reconstructions that are less than fifty years old because when they attain fifty years of age, they may qualify in their own right under any of the National Register criteria. Guidance for applying criteria consideration (e) is in NRB 15, Section VII.

Copyright © 2014 California Department of Transportation. All rights reserved.