

Brittany Gillia

From: Thompson, Michelle (DAHP) <Michelle.Thompson@dahp.wa.gov>
Sent: Tuesday, April 14, 2026 11:28 AM
To: Brittany Gillia
Cc: Gant, Kim (DAHP)
Subject: DAHP CLG Register Review Guidance

Good morning, Brittany. DAHP has created the official guidance below with review from our State Attorney General’s Office. We hope Olympia finds this helpful.

“Guidance for Certified Local Governments: National Register

The CLG Program was created by the National Historic Preservation Act (NHPA). It is administered at the federal level by the Department of the Interior and at the state level by the WA Department of Archaeology & Historic Preservation. The intent of the CLG Program is to provide local governments with a framework for the identification, designation, and protection of historic properties in their jurisdiction. Local governments that participate in the CLG program agree to abide by the terms of the CLG agreement, which includes aligning their preservation activities with the National Historic Preservation Act.

Department of the Interior guidance is very clear that federal National Register listing must remain separate from local designation and regulation. The National Register of Historic Places, also created by the National Historic Preservation Act, is an honorary designation bestowed on a property through the federal National Register listing process. Designation does not result in any restrictions or design review on private property owners ^[1]. To preserve this intent and remain in alignment with the NHPA, CLGs must adopt and follow a separate and distinct local designation and regulation process. Placing local regulations of any kind on a property based solely on National Register listing is contrary to the intent of National Register listing.

In addition, Section 101(c)(1)(D) of the National Historic Preservation Act (54 U.S.C. 302503) states that for a local government to be a Certified Local Government (CLG) it must provide "for adequate public participation in the local historic preservation program..." The public participation associated with the National Register nomination is not sufficient for local designation because the effects of the designation/listing are different. Automatically adding National Register-listed properties to the local register or applying other means of regulating a property solely because it is on the National Register, does not meet the public participation requirements for the CLG program.

DAHP provides a model ordinance that contains the necessary elements for compliance with the CLG program requirements. We understand that ordinances may change over time and we recommend that local governments reach out to us for guidance to ensure that CLG activities remain in alignment with the NHPA.

^[1] Note that the use of public funding, incentive programs, or conservation easements may place conditions on a property per the requirements of the particular program. However, absent any of these circumstances, the designation is strictly honorary. “

Best,
Michelle

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“How will we know it's us without our past?” -John Steinbeck

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