§ 14.07 State register of historic places; inventory of historic property; statewide comprehensive historic preservation plan. 1. State register of historic places.

(a) The commissioner, in consultation with the board, shall establish a listing of sites, districts, structures, buildings, areas or objects above or below the surface of the earth whether on land or in the waters of the state, together with any designated improvements thereon, significant in the history, architecture, archeology or culture of the state, its communities or the nation. Such listing shall constitute the New York state register of historic places. All historic places within the state listed on or nominated by the commissioner for inclusion on the national register of historic places before or after this article becomes law shall be deemed to be listed on the state register.

(b) The commissioner, with the advice of the board, shall establish the procedures and the criteria for listing on the state register consistent with the criteria established for listing on the national register and for classifying whether such places are primarily of national, state or local significance. The criteria for listing on the national register which shall be used as a guide for listing on the state register are as follows:

The quality of significance in American history, architecture, archeology, 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. that are associated 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

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

D. that have yielded, or may be likely to yield, information important in prehistory or history. Such procedures shall include opportunity for the public to make proposals for listing on the state register, the notification in advance of the listing to the agency preservation officers and/or municipal official having jurisdiction over the property and for the mailing of notification of pending action to the owner or owners of record of the property, if privately owned, at their last known address; provided however, that if one listing affects more than one property owner or where the owner or owners cannot be ascertained, the publishing of notice of pending listing in a newspaper of general circulation in the area where the property is located shall constitute adequate notice. Such procedures shall also provide for timely review and consideration of listing places on the state register which the United States Secretary of the Interior has designated as eligible for the national register. When a proposal for listing with sufficient supporting documentation is made by a municipal official, local historic preservation board or commission or a member of the public, a decision on listing the proposed property with an appropriate finding supporting the decision shall be issued in writing by the commissioner not more than one hundred eighty days after such proposal is received by the commissioner.

(c) If the municipal official of any municipality with jurisdiction over any property or the owner or owners of such property, other than that included upon or nominated for inclusion upon the national register of historic places prior to the effective date of this article, advises the commissioner in writing within fifteen days of mailing or publishing of notification that the municipality or owner questions the eligibility of the proposed property, the commissioner shall postpone the listing until the municipality or owner has the reasonable opportunity to present a written statement to the commissioner and the board.

(d) The benefits and protections of this article upon any listing on the state register shall accrue in full force and effect from the date of its listing. Within forty-five days after the listing of any property on the state register, the commissioner shall notify the appropriate agency preservation officer and/or municipal official and the owner of the property affected, if privately owned, at his last known address.

With respect to all properties deemed to be listed on the state register because they were listed on or nominated to the national register before this article became law, within a reasonable time after this article becomes law, the commissioner shall notify the appropriate agency preservation officer and/or municipal official and the owner of the property affected, if privately owned, at his last known address. Such notice shall include the registered properties' classification as primarily of national, state or local significance. The commissioner shall also cause notice of the listing to be published in a newspaper of general circulation in the area where the property is located. Such publication of notice shall be in lieu of the personal notice hereinabove required in instances where one listing affects more than one property owner and in instances where the owner or owners of the listed property cannot be ascertained.

(e) No place may be removed from the state register unless it is determined by the commissioner, after consultation with the board, that the qualities that gave it significance and for which it was initially listed no longer exist.

(f) The commissioner shall, upon request, provide information on the places listed on the state register and on sites included in the statewide inventory maintained by the office pursuant to the provisions of subdivision two of this section to any person making a written request for such information, with the exception of sites that may be damaged by unauthorized investigators if their location be generally publicized. Notwithstanding the provisions of any other law, information on such archeological sites may be withheld from the public at the discretion of the commissioner in consultation with the commissioner of education and will be released, where appropriate, in a format approved by such commissioners. The commissioner may establish a reasonable fee for the preparation, duplication and mailing of requested information.

(g) The commissioner shall include in the state register all places he determines to be of significance after consultation with the board. In making the listing the commissioner shall indicate whether the place is primarily of national, state or local significance.

2. Statewide inventory of historic property. (a) The commissioner, with the assistance of the agency preservation officers of all state

departments, agencies, boards, commissions, public benefit corporations and public authorities shall prepare and maintain an inventory of all property owned by the state, public benefit corporations or public authorities, which may qualify for nomination to the national register of historic places and/or listing on the state register of historic places. In addition, the commissioner in cooperation with municipal officials, shall prepare and maintain an inventory of all other property publicly and privately owned which may qualify for nomination to the national register and listing on the state register.

(b) The commissioner shall consult with the commissioner of education and consider information from surveys of archeological sites prepared by such department. The commissioner of education shall cooperate with the commissioner by continuing to expand, maintain and review the department of education's inventory of archeological sites and provide information thereon to the commissioner.

(c) The commissioner shall assist and encourage private organizations and groups in undertaking surveys, studies and inventories of historic places and cultural resources.

(d) These inventories shall constitute the statewide inventory of historic places and shall be represented on appropriate maps of the entire inventory. Inclusion of a historic place on the inventory shall not by itself be deemed to be a determination by the state of such place's significance for purposes of section 15 (a) of Public Law 89-574 as subsequently amended. The commissioner shall regularly review this inventory and, with the advice of the board, select sites for listing on the state register and for nomination to the national register and make recommendations to the commissioner of the office of general services of buildings on the inventory which have available space deemed suitable for state use.

3. Statewide comprehensive historic preservation plan. The commissioner, in consultation with the board, shall prepare a statewide comprehensive historic preservation plan. This plan may include proposals for the preservation and use of registered property. The annual state plan submitted to the Heritage Conservation and Recreation Service in the United States Department of Interior may substantially be used in preparing this plan. The agency preservation officers shall

cooperate and municipal officials may cooperate with the commissioner in the promulgation of plans and proposals in relation to historic places within their respective jurisdictions. The commissioner shall update the plan annually. The commissioner shall annually notify every agency preservation officer and municipal official of the availability of the state plan or the annual update and a copy of the annual plan or update shall be sent to every agency preservation officer and municipal official requesting such a plan or update.

4. From funds available from the federal government for historic preservation purposes which may be used for reimbursement as hereinafter provided, and funds appropriated by the state for the purpose of assisting local and regional preservation programs including funds for survey and planning, the commissioner may provide reimbursement to municipalities and private organizations which undertake surveys and studies of historic places and cultural resources, prepare local historic preservation reports or otherwise assist the commissioner in carrying out his historic preservation responsibilities.