



United States Department of the Interior

NATIONAL PARK SERVICE
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April 18, 2024

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VIA EMAIL to kirsten.anderson@splcenter.org, edward.gonzaleztennant@utrgv.edu

Dear Ms. Anderson and Dr. Gonzáles-Tenant:

This letter responds to a March 18, 2024, petition on behalf of Young Performing Artists, Inc. (YPA) and an April 15, 2024, petition from Dr. Gonzáles-Tennant, both pursuant to 36 C.F.R. § 60.6(t) requesting the Keeper of the National Register of Historic Places (National Register) substantively review the revised nomination of the Community of Royal Rural Historic District (Royal Rural HD, or property) to the National Register.

By way of background, a nomination for the Royal Rural HD was first submitted by the Florida State Historic Preservation Office (FL SHPO) to the Keeper on July 3, 2023. This nomination was the subject of petitions by YPA and Dr. Gonzáles-Tennant. Both petitions alleged certain properties had been improperly excluded from the proposed historic district and requested that the proposed historic district be considered significant at the national level. In a letter dated September 7, 2023, the Keeper found that while the property appears to meet the criteria for listing in the National Register, the nomination submitted by the FL SHPO was neither adequately documented nor technically and professionally correct and sufficient as required by 36 C.F.R. § 60.3(i) and it was returned to FL SHPO for substantive and technical corrections.

A revised nomination for the Royal Rural HD was received by the Keeper on February 5, 2024, and its regulatory 45-day review period was to have ended March 21, 2024. The YPA petition dated March 18, 2024, and received March 19, 2024, extended the review period by 30 days from the date of receipt of the petition, bringing the end of the review period to April 18, 2024. The YPA petition alleges (1) procedural defect, (2) unreasonable delay, (3) boundary defects, and (4) level of significance defects. The Gonzáles-Tennant petition was received April 15, 2024, alleging deficiencies in the district's boundary and level of significance. As both petitions address similar issues, the period for substantive review is not further extended and both petitions are addressed in this letter.

Pursuant to the authority delegated to me by the Keeper, I have carefully reviewed the petitions and all supporting documents, and substantively reviewed the revised nomination submitted by the FL SHPO. I find that while the property appears to meet the criteria for listing in the National Register, the revised nomination submitted by the FL SHPO is not adequately documented as required by 36 C.F.R. § 60.3(i) for the reasons discussed below.

Summary of the Property

As with the original nomination, the revised nomination describes the Royal Rural Historic District as significant at the local and state levels under Criterion A for Ethnic Heritage: Black; Agriculture; Exploration/Settlement; and Community Planning and Development. The period of significance begins circa 1870, when the initial group of Black homesteaders arrived in the area, and extends to 1972 in keeping with National Register policy of typically considering for inclusion in the National Register only properties that are at least 50 years old. The community of Royal began as a Black Homesteader Colony and today is the only extant example in Florida. The proposed district also includes other land that was significant to African American community members during the period of significance.

Procedural Defect

The YPA petition alleges the FL SHPO failed to send required owner notification letters.

Per 36 C.F.R. § 60.6(w):

If subsequent to nomination a State makes major revisions to a nomination or renominates a property rejected by the Keeper, the State Historic Preservation Officer shall notify the affected property owner(s) and the chief elected local official of the revisions or renomination in the same manner as the original notification for the nomination, but need not resubmit the nomination to the State Review Board. Comments received and notarized statements of objection must be forwarded to the Keeper along with the revisions or renomination. The State Historic Preservation Officer also certifies by the resubmittal that the affected property owner(s) and the chief elected local official have been renotified. "Major revisions" as used herein means revisions of boundaries or important substantive revisions to the nomination which could be expected to change the ultimate outcome as to whether or not the property is listed in the National Register by the Keeper.

No major revisions as described by 36 C.F.R. § 60.6(w) have been made to the revised nomination. Therefore, I find no procedural defect by FL SHPO.

Unreasonable Delay

The YPA petition alleges that FL SHPO took almost five months to revise the nomination and that the work to do so did not "meaningfully deliberate on any of the objections or evidence raised by YPA or Dr. Gonzáles-Tennant, seek input from any affected property owners or the community, or address any of the Keeper's directions related to the boundaries or level of significance" (YPA petition, p. 3).

State Historic Preservation Officers have discretion as to how they manage their programs and I do not agree that the length of time reevaluating and revising this nomination is an unreasonable delay.

Boundary Defects

Both petitions raise concerns regarding the district's boundary. The revised nomination makes no change to the boundary. Instead, it seeks to clarify the reasons the boundary was selected. The original nomination provided three reasons as to why certain parcels were included in the district's boundary:

- the parcel was originally owned by an African American; or
- the parcel was purchased by an African American during the period of significance; or
- the parcel is within "White-owned areas that have been documented as being significant to the economic and social activities of Royal's African American residents."

(Original nomination, Section 7, pg. 2)

The reasons provided in the revised nomination are similar, but qualified:

The district's boundary encompasses *many* of the original properties secured by African Americans through the Homestead Act of 1862, additional properties purchased by African Americans during the period of significance (1870-1972), and *portions* of White-owned areas that have been documented as being significant to the economic and social activities of Royal's African American residents.

(Revised nomination, Section 7, pg. 3, emphasis added.)

The boundary issues identified in the September 7, 2023, Keeper's letter remain: the revised nomination fails to adequately justify the boundary's selection, specifically, why some parcels—or portions of parcels—are included within the boundary, and others are not. The revised nomination's boundary justification provides various reasons for the boundary selection, none of which are aligned with National Register guidance as provided in *National Register Bulletin: How to Complete the National Register Registration Form (Form Bulletin)*, at pages 55-56, and *National Register Bulletin: Guidelines for Evaluating and Documenting Rural Historic Landscapes (Rural Bulletin)*, at pages 24-28. For example, the revised nomination states that properties included within the boundary retain integrity; however, it does not address whether excluded properties historically associated with the community of Royal are excluded because they lack integrity.

The boundary justification uses numerous qualifiers—"most," "core," "primarily," "often"—that confuse the understanding of the boundary selection. For example,

The boundary of the Community of Royal Rural Historic District encompasses *most* of the properties historically associated with the African American community of Royal, encompassing approximately 1944.73 acres of agricultural and residential land.... The district boundaries were drawn to incorporate *most* properties that were owned or worked by Royal residents, and which also retained historic significance and integrity. The *core* of the ownership was based upon the original 1870s-1890s land patents, which were awarded to 31 African American families whose descendants still live in the community and continue to own land today.

[T]he boundary is *primarily* based upon historic property ownership by freedmen and their descendants during the period of significance, documented use or working of land by African Americans, and surviving historic features instead of clear visual breaks in the landscape. The boundaries follow existing parcel lines, which *often* correspond to historic land divisions based on the public land survey system.

(Revised nomination, Section 10, pp. 86-87, emphasis added.)

Section 10 of the nomination form is the place to describe the reasons for the property boundary and should be based on the property's historic significance and integrity (*Form Bulletin*, p. 55; *Rural Bulletin*, p. 26). Indeed, the *Form Bulletin* provides as an example a boundary justification pertinent to the Royal

community: it states that “[p]roperties with substantial acreage”—like the community of Royal—“require more explanation than those confined to small city lots”; it then provides a specific example where the reason for exclusion is straightforwardly explained, stating that a certain farm parcel “has been excluded because it has been subdivided and developed into a residential neighborhood” (*Form Bulletin*, p. 55). By contrast, it is not clear from the revised nomination’s boundary justification whether all properties owned or worked by the original Royal residents that retain integrity are included in the boundary or if the properties included within the boundary (*e.g.*, “most” of the properties owned or work by the original Royal residents) retain integrity. While the former is a justified boundary, the latter is not. Likewise, just what is meant by “core of the ownership” is unclear.

Current zoning practices and disputed historic associations are identified as reasons for the boundary selection:

On the southern edge of the district, the boundary excludes properties no longer zoned agricultural or rural residential, which are often located along I-75 or State Route 44. These parcels are now zoned commercial or industrial, which are land uses incompatible with the historic district.

(Revised nomination, Section 10, p. 87.)

The selection of a boundary should be based on the property’s historic significance and integrity, not current zoning practices (*Form Bulletin*, p. 55; *Rural Bulletin*, p. 28). (Although current zoning is irrelevant to boundary selection, the assertion in the revised nomination that areas zoned as commercial or industrial were excluded from the boundary is contradictory: the boundary in both the original and revised nominations include a small, commercially-zoned corridor at the south of the proposed district (original nomination, Figure 2; revised nomination, Figure 3).)

The reasons for the exclusion of “properties with disputed historic association” are likewise not adequately documented in the boundary justification:

Properties with disputed historic association with Royal were also excluded, as were properties that were identified as homesteads via GLO land patents that either did not have extant resources associated with them or were located outside the area originally surveyed in 2016 and 2021 and therefore could not be evaluated for inclusion in the district at the time of nomination.

(Revised nomination, Section 8, p. 87)

This sentence provides no means to assess the merit of excluding these properties, when a short explanation, as in the example above—that a certain farm parcel was excluded because it had been subdivided and developed into a residential neighborhood—could have adequately documented this assertion. Further, while lack of integrity—no “extant resources”—is an acceptable reason for excluding certain properties within a boundary, exclusion because certain properties are outside the surveyed areas is not, particularly given that YPA and Dr. Gonzáles-Tennant have provided information that suggests that properties at the southern edge of the boundary may very well be both of historic significance and retain historic integrity. A revised nomination for the Royal Rural Historic District must clearly articulate the reason(s) for the exclusion of properties.

While the revised nomination provides additional context at the end of Section 8 “Significance” that explains why some historically White-owned areas are significant within Royal’s African American context (revised nomination, Section 8, p. 71), this information does not shed light on which areas were included versus excluded. There is little information on the area directly outside of the boundary as the text, images, text, and most of the mapping focuses on the area within the boundary.

In summary, the boundary justification is murky and inconsistent.

Level of Significance Defects

In the revised nomination at Section 3 “State/Federal Agency Certification,” the FL SHPO certified the historic district as significant at both the state and local levels of significance. As in the original nomination, Section 8 “Significance” of the revised nomination documents local and state significance by placing the community of Royal within the context of Florida (pp. 52-60) and Sumpter County (pp. 60-62), and discussing the development of the community of Royal (pp. 62-65). As advised in the Keeper letter of September 7, 2023, the “FL SHPO and petitioners may wish to continue to collaborate to revise the nomination to address national significance” (Keeper Letter, p. 5); however, in the revised nomination transmittal letter dated February 2, 2024, FL SHPO advises, without explanation, that “[s]taff did not revise the level of significance beyond the original submission” (transmittal letter, p. 1). Because both the original and revised nominations include the statement “Royal’s persistence as a Black Homesteader Colony to the present is nationally unique, the only other example being the National Historic Site of Nicodemus, Kansas” (revised nomination, p. 52), the revised nomination is not adequately documented with respect to addressing the issue of national significance.

By way of this letter, I am returning the nomination to the FL SHPO to address the level of significance and boundary issues discussed above and to then resubmit the nomination without delay.

If you have any questions, please contact me at (202) 913-3763 or sherry_freear@nps.gov.

Sincerely,

SHERRY FREAR Digitally signed by SHERRY FREAR
Date: 2024.04.18 15:59:40 -04'00'

Sherry A. Frear
Chief and Deputy Keeper, National Register of Historic Places

cc: Ruben Acosta, Florida State Historic Preservation Office, ruben.acosta@dos.myflorida.com