

CONSERVING THE MAN-MADE ENVIRONMENT

Planning for the Protection
of Historic and Cultural Resources
in the United States

A report prepared by
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Note to readers of this draft

This report is the result of the author's contract with the National Park Service to provide a National Plan for Historic Preservation. The contract period was August 1, 1974 to September 1, 1975, during which time the author travelled to all fifty States to meet with State Historic Preservation Officers and others concerned with protecting historic and cultural resources. The purpose of the author's research was not to gather information about specific preservation projects or activities but to gain an overview of the governmental and private framework within which conservation of the man-made environment operates. This report reflects that approach.

Because of the vast amount of material covered and the inability of any one person to do justice to it all, there are bound to be mistakes in this report, both in fact and in judgment or emphasis. The author would appreciate having any or all errors, omissions, and general or specific comments transmitted to him at the National Register of Historic Places, National Park Service, Washington, D. C. 20240.

This report reflects the views of the author as an independent contractor and should in no way be taken as the official position of the Department of the Interior or the National Park Service. Because the report was written for publication

by the Secretary of the Interior, a draft foreword was prepared in the name of the Secretary and a draft introduction in the name of the Director of the National Park Service. These serve to explain the background and purpose of the report but have not been reviewed or approved by either of those two officials or their staffs.

The published report is intended to be accompanied by groups of captioned photographs relating to the subjects discussed in the text. These illustrations are being assembled by the author's assistant, Antoinette J. Lee.

Robert B. Rettig

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FOREWORD

Americans are becoming increasingly aware of their environment, both natural and man-made. Enlightened conservation of both is essential to the country's future, especially as the energy crisis points up the finiteness of existing resources.

The Department of the Interior is recognized as the nation's "Department of Natural Resources," but it also plays a key role in protecting historic and cultural resources. While the Department is proud of its past accomplishments in conserving the man-made environment, it is also aware of how much remains to be done. The Department realizes that only the broadest possible program, involving every sector of American society, can achieve adequate protection of historic and cultural resources. The Federal government can do its share and can provide overview and direction, but the bulk of activity must be carried out by state and local governments and the private sector.

The purpose of this publication is to explain the framework within which conservation of the man-made environment operates in the United States, emphasizing the roles played by Federal, state, and local governments and the private sector and the interrelationships of all these levels of activity. The report analyzes the existing system from the political, economic, legal, social, and planning points of view, notes obstacles to effective accomplish-

ment of conservation goals, and makes recommendations for future action.

The Department of the Interior is pleased to issue this publication in commemoration of both the Bicentennial of the nation's independence and the tenth anniversary of passage of the National Historic Preservation Act of 1966. May this report inform and inspire government officials, institutional leaders, and all United States citizens to work together for the protection and enhancement of the nation's irreplaceable historic and cultural resources.

Thomas S. Kleppe
Secretary of the Interior

(NOTE: This foreword is a draft proposed by the author. It has not yet been reviewed or approved by the Secretary's office.)

INTRODUCTION

In the sixty years since its establishment in 1916, the National Park Service has played a leading role in implementing United States policies for protecting historic and cultural resources, under authority of the Antiquities Act of 1906, the Historic Sites Act of 1935, the National Historic Preservation Act of 1966, Executive Order 11593 of 1971, and other Federal laws and regulations. Despite its record, however, the National Park Service is not publishing this report to celebrate its own accomplishments. Rather, it is doing so in order to make widely available an analysis of the interrelated public and private efforts that make conservation of the man-made environment possible in the United States. Neither the National Park Service nor any other governmental or private entity has an exclusive role to play in this process. Indeed, one of the conclusions of this report is that an expanded role for state and especially local governments is essential for adequate protection of the nation's historic and cultural resources, as is a more sophisticated involvement of private preservation organizations and individuals.

The manuscript of this publication was prepared for the National Park Service by Robert B. Rettig, whose background includes ten years of experience directing state and local historic preservation programs. His assistant in the final months of

preparation was Antoinette J. Lee. Supervising the project for the National Park Service was William J. Murtagh, Keeper of the National Register.

In order to ensure that the information gathered for this report would be as up-to-date as possible, the research methodology involved travel to all fifty states for meetings with State Historic Preservation Officers and other key preservationists. As befits a growing and changing field, the approach was one of first-hand consultation rather than research in secondary sources. Literally hundreds of individuals thus contributed to the content of this publication. The National Park Service is grateful for their help and looks forward to a continued partnership in conserving the nation's historic and cultural resources.

Gary Everhardt
Director, National Park Service

(Note: This introduction is a draft proposed by the author. It has not yet been reviewed or approved by the Director's office.)

Chapter 1

BACKGROUND AND OVERVIEW OF UNITED STATES EFFORTS TO CONSERVE THE MAN-MADE ENVIRONMENT

The title of this report, Conserving the Man-made Environment, is purposely broad. It is meant to emphasize the broad scope of the historic preservation movement and the direction the movement is taking and should continue to take in the years to come.

The most prevalent popular view is that historic preservation is concerned solely with museum restorations of historically or architecturally significant buildings. In actuality, the preservation movement has far broader concerns, ranging from prehistoric settlement patterns to the revitalization of inner-city neighborhoods.

In order to understand present and future directions of historic preservation in the United States, one must understand the evolution of the movement from its nineteenth century origins through enactment of the National Historic Preservation Act of 1966. This report will begin with such a review, followed by an overview of the historic preservation movement as it has evolved in the decade 1966-1976.

HISTORIC PRESERVATION IN THE UNITED STATES BEFORE 1966

Since the range of past preservation activity in the United States is considerable, some kind of breakdown of the subject is desirable. This report will use motivation for preservation as a means of categorizing preservation efforts prior to 1966. Looked at in this way, the United States experience in historic preservation can be seen in terms of three major kinds of motivation -- patriotic, cultural, and environmental. Each of these will be examined in turn, in the order of their emergence in the history of the American preservation movement.

Patriotic motivations emerged first, in the early years of the nineteenth century; broader cultural motivations came on the scene in the later nineteenth century; and environmental motivations became apparent in the second quarter of the present century. As in any categorization system, there are overlaps between categories and examples that are hard to fit into any category. On the whole, however, most American preservation activity prior to 1966 can be seen in terms of patriotic, cultural, or environmental motivations.

Patriotic Motivations for Preservation

Patriotism was the primary motivation for the earliest United States efforts at historic preservation. First the Revolutionary War and later the Civil War provided numerous

opportunities for memorializing heroes and battles, either through construction of newly designed monuments or through preservation of existing sites connected with the people or events involved.

An early example is the preservation of Independence Hall in Philadelphia. After being threatened with demolition through auction of its site for building lots, the Old State House (as Independence Hall was then known) was sold by the State of Pennsylvania to the City of Philadelphia in 1816. The building underwent its first restoration in the 1820's and has been restored several times since, most recently and most definitively by the National Park Service as part of Independence National Historical Park. Throughout this time, the building has been venerated for its associations with the birth of the nation, and patriotism has been the primary motivation for its preservation.

Similarly venerated have been many (perhaps too many) sites associated with George Washington. The most prominent of these was his home, Mt. Vernon. Congress was first petitioned to purchase and protect Mt. Vernon in 1846, but the Federal government was not yet ready to take an active role in historic preservation. The State of Virginia also failed to take direct action, despite a recommendation by the Governor in 1853. It remained for a group of women led by Ann Pamela Cunningham of South Carolina to save Mt. Vernon from commercial exploitation. The Mt. Vernon Ladies' Association of the Union, chartered in 1856, raised \$200,000 within a few years to purchase Washington's

estate and additional funds to endow it. Much of the success of this effort was due to the administrative structure devised by Miss Cunningham for her association. At the head of the organization was a regent (Miss Cunningham herself until 1874); each of thirty states had a vice-regent; and cities and towns within these states had lady managers, all devoted to the support of Mt. Vernon. As a national organization with roots both in the states and in individual communities, the Mt. Vernon Ladies' Association was a model, but only the overwhelming national significance of Mt. Vernon kept this extensive organizational framework viable. Attempts to emulate the Mt. Vernon scheme for properties more local in significance were not successful.

Another site associated with George Washington represents both the first direct involvement of a state in historic preservation and the first historic house museum in the United States. In 1850, the State of New York appropriated funds that ensured the preservation of the Hasbrouck house in Newburgh, New York, Washington's headquarters during the final two years of the Revolution. The patriotic motivation of this move is clear from the report of the legislative committee assigned to study the problem: "If our love of country is excited when we read the biography of our revolutionary heroes, or the history of revolutionary events, how much more will the flame of patriotism burn in our bosoms when we tread the ground where was shed the blood of our fathers, or when we move among the scenes where were conceived and consummated their noble achievements." Similar sentiments inspired countless other preservation efforts

involving sites associated with the Revolution.

The State of Tennessee entered the preservation field in 1856, when the state legislature authorized purchase of the Hermitage, the home of Andrew Jackson. Patriotic motivations were behind this act, as the authorization bill makes clear: "It is good policy in a republican government to...inculcate sentiments of veneration for those departed heroes who have rendered important services to their country in times of danger..." Although the state owned the Hermitage from 1856 on, the property continued to be occupied by members of Jackson family until 1889, when the Ladies' Hermitage Association (a group inspired by the Mt. Vernon Ladies' Association but not national in scope) received custody of the house and began to furnish it as a house museum. In the 1890's, the State of Tennessee began providing financial assistance to the Association for maintenance of the Hermitage. The pattern of state aid to private preservation organizations has continued in Tennessee to the present day. The Hermitage also received an unprecedented grant from the Federal government, the result of a 1907 visit by President Theodore Roosevelt. The \$5,000 received by the Ladies' Hermitage Association in 1908 was the only example of Federal aid to a private preservation organization for several decades.

The Civil War provided numerous opportunities for patriotically motivated preservation activities. Initially, there was a need for cemeteries for the war dead; many of these were located at or near the sites of battles. Eventually, the area of concern widened, leading to preservation of Civil War

battlefields in their own right. The first national military park (as opposed to national cemetery) was established at Chickamauga and Chattanooga in 1890; by the end of the decade, four others had been established--Antietam, Shiloh, Gettysburg and Vicksburg.

Although not strictly categorizable as preservation, monuments to Civil War dead proliferated in the decades following the war, and the veneration of war heroes was a logical corollary that ultimately led to preservation of houses and other sites associated with these individuals. Not surprisingly, Abraham Lincoln received the greatest amount of attention; properties (real or spurious) with Lincoln associations were eventually preserved by Federal, State, and local governments and by numerous private organizations and individuals. In the South, much of the focus of preservation activity was on sites associated with Confederate leaders.

Although the Revolutionary War and the Civil War were not the only sources for patriotically motivated preservation activity, they generated the largest number of historic sites preserved during the nineteenth century, and patriotism remained the principal motivation for preservation during that period. Toward the end of the century, new directions in preservation motivation began to emerge, as properties began to be preserved for their general cultural values rather than just for their significance in political or military history.

Cultural Motivations for Preservation

The Centennial decade of the 1870's saw the beginnings of a broadening of preservation motivation. Although the Centennial itself was primarily patriotic in orientation, visitors to the 1876 Centennial Exposition in Philadelphia had a chance to see Colonial-era artifacts that were significant in their own right, not just because of some connection with Revolutionary heroes and events. Interest in the everyday life and culture of the Colonial period led in due course to preservation efforts unconnected with political or military history.

Antiquarians came into their own in the latter part of the nineteenth century. Interested in the past for its own sake, they sketched and photographed old buildings and collected furniture, paintings, and artifacts from the past. During the 1870's, architects also began taking an interest in old buildings. This interest led to the development of a new style of American architecture, the Colonial Revival, but it also helped to provide a favorable climate for the preservation of early buildings unassociated with significant persons or events. An early example of such a preservation project was the restoration of the Whipple house in Ipswich, Massachusetts, in 1898. This modest seventeenth-century house was preserved by the Ipswich Historical Society solely for its architectural and antiquarian value.

Even patriotically motivated preservation projects could feel the broadening influence of architects and antiquarians.

The Paul Revere house in Boston was preserved by a private association in 1905, not only because of its connection with the patriot immortalized by Longfellow but also because it was the oldest frame building surviving in Boston. Significantly, it was restored not to the period of its occupancy by Revere but to its first-period, seventeenth-century state. Architectural rather than patriotic or associational values determined the end product of this restoration, which was one of the first to be carried out in a carefully researched, thoroughly professional manner.

One of the prime movers in the campaign to save the Paul Revere house was William Sumner Appleton, who in 1910 founded the country's first regional preservation organization, the Society for the Preservation of New England Antiquities. The SPNEA developed into a strong force for preservation for architectural rather than associational reasons, and it set (and has maintained) high standards of professionalism for restoration, preservation, and maintenance of historic structures.

Veneration of literary figures often led to preservation projects. An early example was the preservation of the Thomas Bailey Aldrich house in Portsmouth, New Hampshire, in 1907. Furnished to match the descriptions of the rooms in Aldrich's The Story of a Bad Boy, the house became not only a literary memorial but also a social document, representing a typical Portsmouth home of its class and period (the 1840's). "Period houses" that had no associations with historical or cultural figures became preservation projects for many historical

societies, which generally used their restored buildings as meeting places as well as museums.

As the same time that interest in Colonial buildings and artifacts was developing in the later nineteenth century, interest in prehistoric cultural remains was also developing. This interest was focused primarily on the Southwest, where the largest number of above-ground sites existed and where much of the land was owned by the Federal government. The first manifestation of Federal responsibility for cultural resources on public property came in 1889, when Congress authorized the President to protect Casa Grande ruin in Arizona by removing its lands from public settlement and sale.

Concern about looting of prehistoric sites mounted during the 1890's, leading in the opening years of the twentieth century to a concerted effort on the part of archeologists to persuade Congress to pass general protective legislation. This effort culminated in passage of the Antiquities Act of 1906, the first major piece of Federal preservation legislation, important to this day. The Antiquities Act established penalties for unauthorized appropriation, excavation, injury, or destruction of "any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States"; authorized the President to "declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest [on Federal lands] to be national monuments." While primarily oriented toward prehistoric sites and

objects, the Antiquities Act protects historic sites as well. Four national monuments were declared in 1906, the year the Antiquities Act was passed--Devils Tower in Wyoming, El Morro in New Mexico, and Montezuma Castle and Petrified Forest in Arizona. Others followed in succeeding years.

Steps toward centralization of Federal concern for historic and prehistoric sites were taken in 1916 and 1933. In 1916, the National Park Service was established in the Department of the Interior to "promote and regulate the use of the Federal areas known as national parks, monuments, and reservations" (insofar as they were under Interior's jurisdiction). In 1933, national parks and monuments controlled by the Departments of War and Agriculture were transferred to the Department of the Interior. Since most of these were historical or archeological in nature, the National Park Service found itself with a significant historic preservation responsibility.

Thus far, with only a few exceptions, Federal concern for historic preservation was limited to Federally owned historic property. In 1933, there was an expansion of this concern, as the National Park Service directed the work of the Civilian Conservation Corps in the development of state parks, many of which had historic or archeological significance. Also in 1933, the Historic American Buildings Survey was instituted. Originated as a make-work project for jobless architects, draftsmen, and photographers, the Survey soon proved its value in recording the nation's architectural heritage. When its initial emergency

employment funds ran out, the Historic American Buildings Survey was reconstituted under a cooperative agreement between the American Institute of Architects, the Library of Congress, and the National Park Service. HABS is significant not only for the documentation it has amassed but also for having opened up the possibility of Federal concern for historic properties other than those in Federal (or even state) ownership.

Congressional recognition of a broadened Federal role in historic preservation came two years later, with passage of the Historic Sites Act of 1935. This was landmark legislation, as significant in its time as the Antiquities Act of 1906 and the National Historic Preservation Act of 1966. The 1935 act declared that "it is a national policy to preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States." While public use and national significance are required, the act does not restrict Federal concern to properties in Federal ownership. On the contrary, the act gives the Secretary of the Interior broad powers to collect data, make surveys, undertake research, acquire property, enter into cooperative agreements, restore and maintain historic properties, undertake a marker program, operate historic properties, set up subsidiary corporations, and develop an educational program--all in furtherance of the act's basic policy. The act also established an Advisory Board on National Parks, Historic Sites, Buildings, and Monuments, to advise the Secretary of the Interior on matters relating to national parks and historic properties.

The principal programs developed under the Historic Sites Act of 1935 have involved historical research, surveys, and publications. The Historic American Buildings Survey, begun in 1933, was continued under authority of the 1935 act. The National Survey of Historic Sites and Buildings was instituted as a means of identifying properties of national historical significance. From its beginning in 1936, the Historic Sites Survey has operated through the mechanism of special studies of major themes in American history and prehistory. The various thematic studies have resulted in lists of nationally significant properties and in a series of related historical publications. In 1960, the Registry of National Historic Landmarks was established, involving cooperative agreements with owners of nationally significant properties and the marking of such properties with bronze plaques. The Registry was the predecessor of the National Register of Historic Places, established under the National Historic Preservation Act of 1966.

Federal concern for historic properties was clearly enunciated in the Historic Sites Act of 1935, but there was as yet no private preservation organization with broad national concerns. In 1947, this gap was closed with the creation of the National Council of Historic Sites and Buildings, the predecessor organization to the National Trust for Historic Preservation, chartered by Congress in 1949. (The National Council and the National Trust merged in 1954.) The National Trust Act of 1949 was passed "to further the policy enunciated in the [Historic Sites Act of 1935] and to facilitate public participation in the

preservation of sites, buildings, and objects of national significance or interest." The purposes of the National Trust were "to receive donations of sites, buildings, and objects significant in American history and culture, to preserve and administer them for public benefit, to accept, hold, and administer gifts of money, securities, and other property of whatsoever character for the purpose of carrying out the preservation program, and to execute such other functions as are vested in it by this Act." The National Trust, therefore, was conceived as a property-owning and administering organization, although its development has brought increasing emphasis on preservation services, education, and publications.

Broad cultural motivations were behind the Historic Sites Act of 1935 and the National Trust Act of 1949. Similar motivations, although directed to more specific areas of concern, were behind several other pieces of Federal legislation in the post-World War II period. A 1948 amendment to the Surplus Property Act of 1944 permitted the Federal government to dispose of surplus property of historical significance without charge to state or local governments if the property was to be used for historic monument purposes. The Reservoir Salvage Act of 1960 codified certain procedures in operation since 1946 for archeological surveys of areas to be flooded through dam and reclamation projects and for excavation and salvage of culturally valuable sites discovered through such surveys. Both of these acts were first steps in their respective areas and were to be broadened by new legislation in the 1970's.

Environmental Motivations for Preservation

Environmental motivations for preservation came last on the scene, after patriotic motivations (early nineteenth century) and cultural motivations (later nineteenth century). Although environmental motivations did not become important until the second quarter of the twentieth century, sources for this broadened approach may be sought in the nineteenth century origins of natural and scenic resource conservation. More recently, interest in conservation of the environment (both natural and man-made) has been increasing rapidly, and the likelihood is that this trend will continue. Environmental motivations for preservation are strong today, although cultural (and to a lesser extent, patriotic) motivations still generate preservation activities.

The opening of the American West led to interest in places of outstanding natural beauty and scenic grandeur, an interest parallel to that in sites of scientific or archeological significance. The first major preservation effort involving a natural environment was the setting aside of Yosemite Valley in California. In 1864, Congress gave the valley to the State of California for "public use, resort, and recreation"; later, Yosemite became part of the National Park System. The first national park in Federal ownership and control was Yellowstone, set aside in 1872.

Two private organizations founded in the 1890's were important for their concern for both the natural and the man-made

environment. The Trustees of Public Reservations was incorporated in Massachusetts in 1891 "for the purpose of acquiring, holding, arranging, maintaining and opening to the public, under suitable regulations, beautiful and historic places and tracts of land." This organization was the inspiration for the English National Trust for Places of Historic Interest or Natural Beauty (1894), which in due course helped to inspire the American National Trust (1949). The Trustees of Scenic and Historic Places and Objects in the State of New York was incorporated in 1895; in 1901, its name was changed to the American Scenic and Historic Preservation Society. Although the new name reflected a national scope of interest, the society concentrated almost exclusively on properties in New York State. The Trustees of Reservations was primarily concerned with open-space conservation, and American Scenic's activities had strong patriotic and cultural overtones, but both organizations are important for their combination of the natural and man-made environments in their stated conservation purposes.

The National Park Service act of 1916 also represents a combination of natural and historic concerns. As stated in the act, the purpose of the national parks and monuments is "to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

The mid-1920's brought a number of developments heralding the emergence of environmental motivations for preservation. At the Sesquicentennial Exposition in Philadelphia in 1926, an idealized version of Philadelphia's Colonial High Street was constructed, providing tourists with a complete environment of street, houses, gardens, lamps, fences, and public buildings. Also in Philadelphia in the 1920's, the Pennsylvania Museum under the directorship of Fiske Kimball embraced as part of its collections the eighteenth and early nineteenth century houses that had survived in substantially their original settings in Fairmount Park. But the major development of the 1920's, and the most influential private preservation effort in the United States for half a century, was the restoration and reconstruction of Colonial Williamsburg, begun in 1926.

Supported by substantial funds from John D. Rockefeller, Jr., the Williamsburg restoration was concerned with the entire environment of that eighteenth-century Virginia city: streets, landscape, public buildings, houses, outbuildings, even selected interiors. All was carefully and professionally researched, and where elements did not survive to be preserved or restored, they were reconstructed. While patriotic and cultural motivations were as important as environmental in the restoration, Williamsburg's concern with the total man-made environment rather than just with individual buildings of historic or architectural significance had a profound effect on the American consciousness. What also had a profound effect, with more unfortunate results,

was the Williamsburg philosophy of "restoring back" to a certain period of time. Although this policy had a justifiable educational purpose at Williamsburg, where it was part of an overall preservation plan, Williamsburg's imitators around the country often destroyed much valuable architectural fabric in the course of their restorations; sometimes buildings were even "restored" to a period earlier than their original date of construction. The effect of the Williamsburg style on new construction around the country was also considerable, again with frequently implausible results.

It is not surprising that, after reconstruction of Philadelphia's Colonial High Street as a fairgrounds exhibit and restoration of Colonial Williamsburg as a philanthropic educational project, interest should be generated in living historic districts that had survived intact from the past. The first law protecting an existing historic environment was passed in New Orleans in 1924, but since it was never enforced, credit for the first operative historic district ordinance in the United States goes to Charleston, South Carolina, which in 1931 delineated an "Old and Historic Charleston District" where preservation controls were enforced by a Board of Architectural Review. After a state constitutional amendment in 1936, New Orleans provided for the protection of its Vieux Carre district in 1937, this time with effective enforcement (subsequently upheld by the courts) by the Vieux Carre Commission.

Other early historic districts include Alexandria, Virginia, in 1946; Georgetown (Washington, D.C.) in 1950; Santa Fe, New Mexico, in 1953; and Beacon Hill (Boston) and Nantucket, Massachusetts, in 1955. The pace of historic district establishment accelerated in the succeeding decade and continues to the present day, demonstrating an increase in environmental awareness as a motivating force for preservation.

In most established historic districts, an aesthetic approach to the environment prevails. Buildings may not be altered from their original architectural appearance, and new construction must be "appropriate" to the character of the area. Social and economic considerations are secondary or are ignored entirely. A different approach prevails in another kind of district preservation, that engendered under the Housing Act of 1954 and successor pieces of Federal housing and urban renewal legislation that enabled Federal funds to be used for rehabilitation of existing neighborhoods. In rehabilitation districts, upgrading of the existing housing stock and provision of a sound social environment are the primary goals; aesthetics or historic character are frequently not even considered. Only recently has the historic district movement begun to acknowledge social responsibilities and have neighborhood rehabilitation programs begun to consider historic and architectural integrity; now the two formerly diverse movements are coming closer together, to the benefit of the man-made environment and the people who live there.

A foretaste of the kind of innovative combination of historic preservation and urban revitalization that is emerging in the 1970's was provided in Providence, Rhode Island's College Hill Demonstration Study of 1959. An historic inventory and recommendations for establishment of an historic district were combined with conventional urban rehabilitation techniques to produce a balanced plan for revitalization of an older urban environment. The 1959 College Hill study, funded by the Housing and Home Finance Agency (predecessor of the Department of Housing and Urban Development), has been influential in a number of other cities besides accomplishing many of its own goals in Providence.

While environmental motivations for preservation have by no means superceded the earlier political and cultural motivations, they are becoming more and more prevalent. The National Historic Preservation Act of 1966 has stimulated this trend, along with the National Environmental Policy Act of 1969, Executive Order 11593 of 1971, and other recent Federal legislation. The result is that historic preservation is becoming less limited, less elitist, and more a part of the mainstream of American life.

HISTORIC PRESERVATION IN THE UNITED STATES BETWEEN 1966 AND 1976

The historic preservation movement in the United States came into its own after passage of the National Historic Preservation Act of 1966. The act expanded Federal concern for historic properties to include those of state and local as well as national significance, set up registration and grants programs that required the establishment of state historic preservation offices in every state and territory, and instituted procedures for official review of all Federally funded or licensed projects for their effect on properties listed in the expanded National Register of Historic Places.

Other Federal legislation added to the impact of the National Historic Preservation Act. The Department of Transportation Act of 1966, amendments of 1966 to the Housing Act of 1961, the National Environmental Policy Act of 1969, and Executive Order 11593 of 1971 have all had an influence on the preservation movement. More recent legislation has not yet had a full opportunity to be felt, but several acts passed in 1974 are particularly promising for conservation of the man-made environment. These include the Housing and Community Development Act, the Emergency Home Purchase Assistance Act, and the Historical and Archeological Preservation Act.

Federal legislation has helped to institutionalize the framework within which historic preservation operates in the United States. Central to this framework is the National Register of Historic Places, established in its present form by the 1966

Preservation Act. Although the National Register is maintained by the National Park Service, nominations to it are made by State Historic Preservation Officers and by Federal agencies. Listing in the National Register, or eligibility for the Register, is the key to most Federal protective procedures and financial assistance programs for historic properties. Monitoring the protective procedures is the Advisory Council for Historic Preservation, also established under the 1966 act.

A major result of the National Historic Preservation Act has been the development of state historic preservation offices in every state and territory. The Governor of each state appoints a State Historic Preservation Officer, who is the key official responsible for nominating properties to the National Register, developing a state preservation plan, administering the Federal grants program within the state, and reviewing Federally funded or licensed projects for their effect on historic and cultural resources. Backing up each State Historic Preservation Officer is a staff that must include at least three full-time professionals ---one each in the fields of archeology, architecture, and history. Not all states have reached this level of staffing, but all are required to do so in order to qualify for Federal preservation funds. A professional review board also advises each State Historic Preservation Officer on National Register nominations and in many cases on other preservation matters.

Local governments are beginning to recognize the value of appointing official preservation advisory bodies and, where the size of local government is large enough, of employing preservation professionals to assist these advisory bodies and other municipal departments. As the Housing and Community Development

Act of 1974 begins to take effect, the need for environmental expertise at the local level will be increasingly felt. Development of preservation offices at the local level is likely to be a product of the forthcoming decade, just as development of state preservation offices was a product of the decade 1966-1976.

Private sector activity in historic preservation has increased considerably since 1966, led by the phenomenal growth of the National Trust for Historic Preservation. Federal funds authorized by the 1966 Preservation Act have enabled the Trust to acquire new properties, expand its services to preservation organizations and individuals, and broaden its education and publication programs. New preservation techniques are being employed by private organizations; examples include easement programs and revolving funds. Private preservation organizations are particularly needed at the state level, to support and act as a stimulant to the official state preservation offices.

The national historic preservation program is essentially an environmental planning program, although it has taken nearly a decade for that philosophy to be generally recognized. Before 1966, preservation more often than not took the form of emergency responses to the impending destruction of significant sites or buildings. Now, the breadth of interest has expanded to include, at least as the subject of initial inventory and evaluation, all of the man-made environment. Furthermore, Federal laws (and increasing numbers of state and local laws) now require advance assessment of the effect of public projects on historic and cultural resources at all levels of significance. Although much

remains to be accomplished, a great deal of progress has been made in the past decade, enough to justify the confidence of Conrad L. Wirth, Director of the National Park Service from 1951 to 1964, who spoke the following words in 1963 at an influential Williamsburg seminar on preservation and restoration:

In considering the broad phases of conservation, I am reminded of a sage remark by Oliver Wendell Holmes: 'The great thing in the world is not so much where we stand as in what direction we are moving.' If our direction is largely that of fighting rear-guard actions for historic properties threatened with the death penalty, our success is going to be limited. On the other hand, if our direction is toward preserving, in getting this information into the hands of designers before plans are drafted rather than afterward, our chances of success are much greater. Through wise planning I believe we can accommodate progress and preservation.

Chapter 2

FEDERAL GOVERNMENT INVOLVEMENT IN PROTECTING HISTORIC AND CULTURAL RESOURCES

Federal responsibility for protecting historic and cultural resources has increased significantly since 1966 through legislation, executive order, and regulations. Since so many of the Federal directives are so recent, agency response is not yet complete. Nevertheless, most Federal agencies have begun programs to identify historic and cultural properties in their ownership or control and to ensure that their projects do not harm these resources or others in non-Federal ownership.

This discussion of Federal involvement in preservation will begin with a summary of the three principal directives affecting all Federal agencies. The three are the National Historic Preservation Act of 1966, the National Environmental Policy Act of 1969, and Executive Order 11593 of 1971. Legislation affecting specific agencies will be discussed in the sections on those agencies.

The key provision of the 1966 act as far as Federal agencies are concerned is Section 106, which provides that agency heads, prior to funding or licensing an undertaking, shall "take into account the effect of the undertaking on any district, site, building, structure, or object that is included in the National Register" and shall "afford the Advisory Council on Historic Preservation... a reasonable opportunity to comment with regard to such undertaking."

The National Environmental Policy Act declares that it is "the continuing responsibility of the Federal Government" to "assure for all Americans... esthetically and culturally pleasing surroundings" and to "preserve important historic, cultural, and natural aspects of our national heritage." In furtherance of this policy, Federal agencies are required to prepare detailed environmental impact statements for all proposed actions "significantly affecting the quality of the human environment." Environmental impact statements must consider the adverse effects of proposed actions and must indicate alternatives. Executive Order 11593 declares that the "Federal Government shall provide leadership in preserving, restoring and maintaining the historic and cultural environment of the Nation." The order goes on to require Federal agencies to "administer the cultural properties under their control in a spirit of stewardship and trusteeship for future generations"; to "initiate measures necessary to direct their policies, plans and programs in such a way that federally owned sites, structures, and objects of historical, architectural or archeological significance are preserved, restored and maintained for the inspiration and benefit of the people"; and in consultation with the Advisory Council on Historic Preservation, to "institute procedures to assure that Federal plans and programs contribute to the preservation and enhancement of non-federally owned sites, structures and objects of historical, architectural or archeological significance."

The Executive Order requires Federal agencies to "locate, inventory, and nominate to the Secretary of the Interior all sites, buildings, districts, and objects under their jurisdiction

or control that appear to qualify for listing on the National Register of Historic Places." The Executive Order called for this task to be completed by July 1, 1973, but in actuality, the vast numbers of Register-eligible properties owned or controlled by certain agencies (such as the Forest Service, the Bureau of Land Management, or even the National Park Service) make completion of the nomination process unlikely for years to come. Most agencies are therefore concentrating their inventory and nomination efforts on areas where projects are under consideration.

The Advisory Council on Historic Preservation has prescribed procedures for the protection of historic and cultural properties in accordance with the National Historic Preservation Act and Executive Order 11593. These procedures set forth a series of steps for Federal agencies to follow in project planning, the principal steps being identification of historic and cultural resources, determination of the effect of the project on the identified resources, and avoidance or mitigation of adverse effect where it is found to exist. A key role at each stage of this process is played by State Historic Preservation Officers. The Secretary of the Interior also plays a major role in settling questions concerning eligibility of properties for the National Register.

Although all Federal agencies are affected by the directives of the Historic Preservation Act, the Environmental Policy Act, and the Executive Order, those agencies with extensive land and property responsibilities have inevitably had the greatest involvement with historic and cultural resources, with varying

degrees of success from the point of view of conservation. Those agencies include the Department of the Interior, the Department of Housing and Urban Development, the Department of Transportation, the General Services Administration, and the Department of Defense. Each of these will be discussed in terms of its conservation record and its prospects for the future. Integral to any discussion of Federal involvement in preservation is the role played by the Office of Archeology and Historic Preservation in the National Park Service and by the Advisory Council on Historic Preservation. These two agencies will be discussed first.

OFFICE OF ARCHEOLOGY AND HISTORIC PRESERVATION

Established within the National Park Service in response to the National Historic Preservation Act of 1966, the Office of Archeology and Historic Preservation carries out the Secretary of the Interior's responsibilities under Federal preservation legislation. These responsibilities derive principally from the Antiquities Act of 1906, the Historic Sites Act of 1935, the National Historic Preservation Act of 1966, Executive Order 11593 of 1971, and the Archeological and Historic Preservation Act of 1974.

The Office of Archeology and Historic Preservation administers the National Register and grants programs authorized by the 1966 act, the archeological programs deriving from the 1906 and 1974 acts, the historic and architectural surveys authorized by the 1935 act, and the interagency services authorized by the Executive Order. Each of these responsibilities will be discussed in turn.

National Register

The National Historic Preservation Act authorized the Secretary of the Interior to "expand and maintain a national register of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture." The Registry of National Historic Landmarks, begun in 1960, provided the core of the National Register, but the authorization to expand was taken literally, and the Register was opened up to properties of state or local as well as national significance.

National Register criteria call for the inclusion of properties that "possess integrity of location, design, setting, materials, workmanship, feeling and association" and

- 1) That are associated with events that have made a significant contribution to the broad patterns of our history; or
- 2) That are associated with the lives of persons significant in our past; or
- 3) 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) That have yielded, or may be likely to yield, information important in prehistory or history.

Since these criteria are applied to districts, sites, buildings, structures, and objects of local as well as state or national importance, the number of potential National Register properties is enormous. The 11,500 properties listed in the Register at the end of 1975 represent only the beginning. The number of properties registered is limited by staff capability both in the states and Federal agencies where nominations originate and in the National Register office where nominations are reviewed. Thus far, the Register office has been able to keep up with the demand, but a substantial increase in the rate of nominations could cause problems.

Now that Executive Order 11593 extends the Advisory Council's review procedures to properties eligible for as well as listed in the National Register, the pressure for Register listing solely for protective purposes is less severe. Nevertheless, there remains the need to formalize the documentation of eligible

properties by going through the full nomination process, and full Register listing is also required for preservation grant assistance. In addition, Register listing provides a form of recognition that often aids the cause of preservation in indirect ways, such as through pride of ownership.

The National Register Division in the Office of Archeology and Historic Preservation reviews and approves Register nominations submitted by states and Federal agencies; makes determinations of eligibility for the Register on the basis of information supplied by Federal agencies; reviews and approves State Historic Preservation Plans; prepares information about Register properties for official biennial publications; prepares guidelines and procedures for the use of Federal agencies, states, and others in their preservation planning activities, particularly as related to the Register; and generally assists in the identification and protection of historic and cultural resources.

Grants

The National Historic Preservation Act authorized the Secretary of the Interior to "establish a program of matching grants-in-aid to States for projects having as their purpose the preservation for public benefit of properties that are significant in American history, architecture, archeology, and culture." Although the grants are made to states, the legislation specifically authorizes the funding of projects of private organizations and individuals as well as those of state and local governments and other public bodies. Together with the expansion of the National Register to include properties of local and state as well as national significance, this provision of the

1966 act meant that Federal financial assistance is authorized for any culturally significant property, regardless of ownership, location, or level of significance. Had the authorization been followed up with adequate funding, the result could have been spectacular. As it was, however, appropriations were modest in the early years of the program and only reached \$20 million in 1975, a small percentage of the reported need, much less the actual need.

The project grants authorized by the 1966 act are for acquisition and development of properties listed in the National Register. In addition, grants are authorized for the preparation of comprehensive statewide historic surveys and plans. Both types of grants are made to states in accordance with their needs - as determined by the Secretary of the Interior in the case of survey and planning grants, and as disclosed in approved statewide historic preservation plans in the case of acquisition and development grants. The Office of Archeology and Historic Preservation, in consultation with the State Historic Preservation Officers, has developed procedures for the apportionment of funds among the states. Each state prepares an annual preservation program (considered part of its official state historic preservation plan) that includes an apportionment warrant listing all eligible projects for which matching funds are available. These individual state requests are added up, and the appropriated funds are divided in part equally among all the states and in part on the basis of the percentage that each state's request bears to the total of all states' requests. Thus, the states with the largest demonstrated need (as reflected in matching-fund capability) receive the largest annual program

grants. States may divide their lump-sum grants any way they wish among the projects listed on their apportionment warrants.

The Office of Archeology and Historic Preservation, through its Grants Division and its Historic Architectural Services Division, issues policies and procedures for administration of the grants program and reviews plans and specifications for individual project work to ensure that professional preservation standards are being followed.

Archeological and Architectural Services

The Antiquities Act of 1906 set up a permit system for archeological investigation on public lands, and the Archeological and Historic Preservation Act of 1974 gave the Secretary of the Interior the authority to coordinate and execute archeological survey and salvage programs when Federal construction projects are effecting changes on the land. Administrative responsibility under these acts lies in the Interagency Archeological Services Division in the Office of Archeology and Historic Preservation.

In addition to administering these Federal programs for the investigation of archeologically significant properties, the Archeological Services Division has the responsibility under Executive Order 11593 to encourage Federal agencies to preserve rather than disrupt archeological resources in their ownership or control. The first step in such a preservation program is for identification of the resources involved; after that, procedures for evaluating and protecting them can be developed. The Archeological Services Division is the principal spokesman

at the Federal level for the conservation rather than the salvage approach to archeology.

The Interagency Historic Architectural Services Division carries out the Secretary of the Interior's responsibilities under Executive Order 11593 to "develop and make available to Federal agencies and State and local governments information concerning professional methods and techniques for preserving, improving, restoring and maintaining historic properties." An extensive handbook is being prepared for this purpose. In addition, the Division reviews plans and specifications for grant-assisted preservation projects and for surplus Federal properties being transferred for historic monument purposes.

Surveys

Besides additions to the historical areas of the National Park System, one of the principal results of the Historic Sites Act of 1935 has been the development of surveys of nationally significant historic and cultural properties. These surveys are carried out in the Office of Archeology and Historic Preservation by the Historic Sites Survey, the Historic American Buildings Survey, and the Historic American Engineering Record.

In existence since 1936 (with a break during World War II and the subsequent decade), the Historic Sites Survey approaches United States history through a series of thematic studies, with the goal of identifying nationally significant properties associated with each theme and subtheme. After review by the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments, the identified properties are declared by the Secretary of the Interior to be eligible for National Historic Landmark

status (whether or not the owner agrees to maintain) and are automatically listed in the National Register, thereby providing them with protection under Federal preservation legislation as well as eligibility for grant assistance. Another result of the Historic Sites Survey is a series of publications based on the thematic studies.

The Historic American Buildings Survey (HABS) has been in existence since 1933 (again with a break during and after World War II). HABS documents the nation's architectural heritage, primarily through measured drawings, photographs, and research data compiled by summer teams of graduate students directed by professors of architecture. The HABS staff in the Office of Archeology and Historic Preservation edits the material gathered in the field, transmits it to the Library of Congress for archival storage (with facilities for reproduction), and prepares annotated catalogues of HABS material.

The Historic American Engineering Record (HAER), established in 1969, is a parallel organization to HABS, concerned with the nation's engineering and industrial heritage. Since public awareness of engineering history and its physical remains is less developed than that for architecture, HAER has been involved in more general inventory work and emergency recording projects than HABS, as well as in regular documentation projects carried out by summer field teams. HAER records, like those of HABS, reside in the Library of Congress and are available there for public reference and reproduction.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Established by the National Historic Preservation Act of 1966, the Advisory Council on Historic Preservation has twenty members - ten appointed by the President and ten ex officio. The ex-officio members are the secretaries of Agriculture, Commerce, Housing and Urban Development, Interior, Transportation, and Treasury, the Attorney General, the Administrator of the General Services Administration, the Secretary of the Smithsonian Institution, and the Chairman of the National Trust for Historic Preservation. Since a primary role of the Council is to comment on the effect of Federal undertakings on historic and cultural properties, the presence on the Council of the heads of major Federal agencies (or their designees) ensures fair representation.

The National Historic Preservation Act gave the Council broad powers to advise, encourage, and make recommendations on matters relating to historic preservation at all levels - Federal, state, and local, public and private. Legislation, tax policies, and education are specifically mentioned as subjects for the Council's concern. The Advisory Council also coordinates United States participation in the activities of the International Centre for the Study of the Preservation and Restoration of Cultural Properties.

While the Advisory Council has been active in a number of areas, particularly that of legislation, most of its own and its staff's time has been spent developing and implementing procedures for Federal agency compliance with Section 106 of the National Historic Preservation Act and Executive Order 11593.

Since the Preservation Act simply requires Federal agencies to afford the Council "a reasonable opportunity to comment" with regard to the effect of Federal undertakings, it was left to the Council to work out the mechanism for its review of Federal projects and (particularly in the early years) to remind Federal agencies of their responsibilities under the Preservation Act and, later, the Executive Order.

The current Advisory Council "Procedures for the Protection of Historic and Cultural Properties," published in 1974, are explicit about the steps Federal agencies are to follow in complying with the Preservation Act and the Executive Order. The first step is an identification of "properties located within the area of the undertaking's potential environmental impact" that are in the National Register or eligible for it. The second step is a determination of the effect of the undertaking on the identified cultural properties. If there is no effect, the undertaking may proceed. If there is an effect, but it is found not to be adverse, the Advisory Council staff is notified, and the project may proceed unless the Council staff notes an objection. If the effect is found to be adverse, the comments of the Council are requested, the State Historic Preservation Officer is notified, a preliminary case report is prepared, and a formal consultation process is initiated. In the determination of effect and the finding of adverse effect, there are special criteria to be applied, always in consultation with the State Historic Preservation Officer.

After a finding of adverse effect, the consultation process involves, in most cases, an on-site inspection and a public information meeting, and in all cases, a consideration

of feasible and prudent alternatives that might avoid or satisfactorily mitigate the adverse effect. If the adverse effect can be avoided, the Federal agency, the State Historic Preservation Officer, and the Advisory Council staff execute a memorandum of agreement acknowledging the avoidance. If the adverse effect cannot be avoided but can be satisfactorily mitigated, the three parties execute a memorandum of agreement acknowledging the mitigation. When reviewed and signed by the Chairman of the Advisory Council, the memorandum of agreement constitutes the "comments" of the Council, and the undertaking can proceed in accordance with the terms of the agreement.

If the Federal agency, the State Historic Preservation Officer, and the Advisory Council staff cannot agree on a feasible and prudent alternative to avoid or mitigate adverse effect, the case goes to the full Advisory Council, which generally meets four times a year. The Chairman may choose not to place a case on a Council agenda, in which case the other Council members have a chance to review his decision. After formal consideration at a Council meeting, the Council issues its comments to the head of the Federal agency. In the end, after all the detailed procedures have been followed, the Council's comments are only advisory, but the Federal agency is required to report to the Council on its actions (and those of others) subsequent to the Council's comments and on the effect of the actions on the property involved. The credibility of the Council has been such that in most cases agencies have followed the Council's recommendations. Agency representation on the Council has certainly helped in this regard.

DEPARTMENT OF THE INTERIOR

The Department of the Interior has a number of preservation involvements in addition to those of the Office of Archeology and Historic Preservation and the Advisory Council on Historic Preservation. (The latter, although an independent unit of the executive branch of the government, receives its budget through Interior.) The principal preservation agency within the Department of the Interior is the National Park Service, of which the Office of Archeology and Historic Preservation is a part. In addition, the Bureau of Land Management has sizable preservation responsibilities under Executive Order 11593, and the programs of the Bureau of Outdoor Recreation have considerable potential for accomplishing preservation goals.

National Park Service

While the Office of Archeology and Historic Preservation is concerned with all of the nation's historic and cultural resources, regardless of ownership or level of significance, the National Park Service as a property-owning and administering agency is concerned with those areas of national significance that have come under its control through Congressional, Presidential, or Secretarial action. Well over half of the nearly three hundred units of the National Park System are classified as historical (the other classifications being natural and recreational). These historical areas range from battlefields to homes of Presidents to archeological sites to frontier forts to early industrial remains. Since passage of the historic

Sites Act of 1935, additions of historical areas to the National Park System have been guided largely by the thematic classification system developed for the National Survey of Historic Sites and Buildings. The intent has been to ensure that the Park System includes properties representative of all aspects of United States history, as well as to ensure that the quality of national significance is present in all additions to the System.

In the case of historical areas of the National Park System, historic preservation purposes and responsibilities are fairly obvious. In the case of natural and recreational areas, historic preservation concerns may appear to be secondary, but they are nonetheless there. Like any other Federal agency, the National Park Service has the responsibility under Executive Order 11593 to identify and evaluate all potential National Register properties within its domain, to nominate eligible properties to the Register, and to ensure that its own projects do not harm historic and cultural resources in either Federal or non-Federal ownership. Park Service projects that could have an adverse effect on cultural resources include road building and provision of visitor services. In addition, the Executive Order requirement to "provide for the maintenance, through preservation, rehabilitation, or restoration, of federally owned and registered sites at professional standards" places a large responsibility on the Park Service, sometimes in competition with its other goals and priorities.

The fact that the National Park Service owns and administers fewer than two hundred historical areas, and that it is hard pressed to keep up with its preservation responsibilities in

these areas alone, only serves to reinforce the conclusion, Congressionally recognized in the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966, that Federal concern for historic and cultural resources cannot be exercised solely through Federal ownership. Nevertheless, because of its sixty years of experience and the standards it has developed over those years, the National Park Service can be looked upon as a model by Federal, state, and local agencies and private organizations involved in preserving, restoring, maintaining, administering, and interpreting significant historic and archeological sites.

Bureau of Land Management

If the Executive Order responsibilities of the National Park Service seem sizable, they are modest by comparison with those of the Bureau of Land Management (BLM) which administers over 450 million acres of public land (one fifth of the land area of the nation) in twelve Western states (including Alaska), as well as over one million acres on the Outer Continental Shelf. These lands include hundreds of thousands of archeological sites, aboriginal structures, forts, ghost towns, historic trails, Pony Express routes, and (along the Outer Continental Shelf) sunken ships. BLM's responsibilities involve striking a balance between the exploitation of commodities such as minerals, timber, rangeland, and watersheds and the preservation of amenities such as wildlife habitats and cultural resources.

The task of locating, inventorying, and nominating to the National Register (not to mention preserving and maintaining) all potential Register sites on BLM lands is so monumental that it

has, inevitably, only barely begun--generally in areas where plans for commodity exploitation are underway. Current pressures for energy and mineral development are intensifying the threats to BLM-managed cultural resources, both known and unknown. BLM is doing what it can to increase its capability to handle its Executive Order responsibilities, primarily by adding historians and archeologists to its regional office staffs. Even so, the agency has to limit its Section 106 compliance to properties of national significance, given the time-consuming nature of the review process, the urgency of proposed exploitation projects, and the paucity of staff. In most cases, the state historic preservation offices in the states where BLM lands are located are not themselves sufficiently funded or staffed to assume the Bureau's inventory and nomination responsibilities, although some SHPOs have undertaken specific inventory assignments for BLM on contract.

Since the Bureau of Land Management does not have its own organic act (such as the one that created the National Park Service in 1916), it must operate in response to many often conflicting directives. If current efforts succeed in getting Congress to specify BLM's authority and objectives, the Bureau will be in a better position to protect historic and cultural resources on its vast landholdings.

Bureau of Outdoor Recreation

While not a landholding agency, the Bureau of Outdoor Recreation (BOR) has played and can continue to play an important role in conserving the man-made environment. Under the Land and Water Conservation Fund Act of 1965, the Bureau of Outdoor

Recreation provides matching grants to the states for the preparation of Statewide Comprehensive Outdoor Recreation Plans (SCORP) and for land acquisition and development projects that have outdoor recreation as their goals. Although historic preservation projects as such are not eligible for BOR grants, protection of the environment of historic properties (including acquisition of the land on which they stand) can often be accomplished within the outdoor recreation framework.

The degree to which preservation of historic and cultural resources is promoted with BOR funds depends in large measure on the state agency that administers the program. The BOR system involves a Governor-appointed Liaison Officer in each state to prepare the comprehensive statewide outdoor recreation plan and to administer the grants program, which can include pass-through grants to local governments as well as grants for state-owned projects. This system was the prototype for the administrative structure devised under the National Historic Preservation Act, which followed the Land and Water Conservation Fund Act by one year. (The two are related to the extent that the Preservation Act specifically requires the Secretary of the Interior to consider the relationship of each state's historic preservation plan to its outdoor recreation plan before approving the preservation plan.) If the State Liaison Officer for Outdoor Recreation and his staff are aware of and supportive of historic preservation needs and objectives, much can be accomplished for preservation with Land and Water Conservation Fund moneys, which have thus far been many times larger than those appropriated under the National Historic Preservation Act. In some states,

the Liaison Officer for Outdoor Recreation also serves as State Historic Preservation Officer, although having the responsibility in the same individual or even in the same agency is not necessary for effective coordination of the two programs.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

During the decade since passage of the National Historic Preservation Act of 1966, programs of the Department of Housing and Urban Development (HUD) have had a far greater impact on the historic preservation movement in the United States than have programs of the Office of Archeology and Historic Preservation. The reason lies principally in the substantial funding levels of HUD programs as opposed to the modest levels of OAHP programs. HUD's impact, however, has not all been positive. While many HUD-funded projects have resulted in the preservation and enhancement of historic properties and in the conservation of viable urban neighborhoods, many other HUD projects have resulted in the destruction of such properties and neighborhoods. Under new HUD programs, the opportunity exists for integrating conservation and new development in a way not possible under the myriad of special HUD programs of the past, but more than ever before, the initiative for setting and achieving preservation goals must come from the local level, where increasing decision-making responsibility is being placed.

Past HUD programs with major implications for historic preservation have been those concerned with urban renewal and housing. Both became significant in the 1950's, and both predominantly involved clearance and new construction rather than conservation and rehabilitation. Inevitably, many properties of historic or cultural significance were lost through such programs (particularly through urban renewal), and many opportunities to conserve

and improve existing environments were simply not taken (even though authorized by HUD) because local leaders were bent on achieving a new image for their cities.

The wholesale destruction of large areas of cities, and the resulting loss of heritage and identity, helped to spur efforts toward passage of the National Historic Preservation Act of 1966. After 1966, HUD, as the Federal agency funding or licensing renewal and housing projects, was required to give the Advisory Council an opportunity to comment on the effect of such projects on National Register properties. While this requirement would appear on the surface to solve the problem, the actual application of Section 106 of the 1966 Act more often brought bitter confrontations between preservationists and renewal sponsors, with resultant delays in project execution and sometimes only a token preservation benefit. Furthermore, the relatively small number of properties listed in the National Register meant that many other properties that were eligible could be wiped away with impunity. The National Environmental Policy Act of 1969 and Executive Order 11593 of 1971 changed this situation, but several years passed before the impact of these new directives was felt in HUD offices and at the project level, and by that time most HUD programs were being phased out in anticipation of new legislation passed in 1974. All in all, the confrontation between national historic preservation directives and existing urban renewal and housing programs was not a success story, although the cumulative experience has been beneficial, and the climate is now more favorable toward consideration of conservation opportunities at an early planning stage.

Although Federal housing and urban renewal programs were not conceived of in preservation terms and resulted overall in more destruction than conservation, a sizable number of preservation accomplishments did result from HUD projects -- at dollar amounts for higher than those available under the historic preservation grant program established by the 1966 act. Historic Eastern cities such as Boston and Philadelphia used urban renewal as a tool for revitalizing existing neighborhoods and even in some cases for restoring major historic buildings; on a smaller scale, cities throughout the country (Sacramento, for example) did the same. Housing programs nationwide used Federal funds to rehabilitate existing housing stock as well as to create the kinds of massive public housing projects now so criticized from the social as well as the aesthetic point of view.

During the late 1960's and early 1970's, HUD operated several categorical grant programs that directly benefitted preservation. These included an historic preservation grant program for publicly owned properties meeting National Register criteria, an urban beautification program that could be used for improving the surrounds of historic properties, and an open space land program that could also help preserve historic environments. Although HUD's categorical grant programs have been eliminated in favor of a block-grant approach, the same kinds of purposes can be accomplished today if a community chooses to do so.

The Housing and Community Development Act of 1974 has established a system of block grants to states, counties, and municipalities for community development purposes. Each community prepares a summary of its community development and

housing needs and objectives and a program for meeting them; funding from HUD comes in a lump sum (determined by formula) that is utilized by the community according to its own program requirements. If a community favors rehabilitation over new construction, the opportunities for preservation are far greater than under prior programs. However, the opposite is also possible, since the community determines its own priorities and may well eschew a conservation approach.

One advantage of the Housing and Community Development Act over prior HUD legislation is that block-grant community development funds may be used to match historic preservation grant funds under the National Historic Preservation Act. Survey and planning projects are eligible as well as acquisition or development projects. Since a lack of matching funds at the local level has stymied many preservation projects that otherwise would have been part of a state's historic preservation plan, this new source of funding is a valuable one, provided that communities are willing to incorporate preservation activities into their community development programs.

HUD-funded planning programs have been and will increasingly be a means of accomplishing preservation goals. Providence's College Hill study, mentioned in Chapter 1, was a demonstration project funded by a predecessor agency to HUD; another major HUD-financed preservation planning study examined the Vieux Carré district in New Orleans. Apart from special demonstration studies, HUD grants for comprehensive planning under the 701 program (named for Section 701 of the Housing Act of 1954) may include an historic preservation element. Increasing numbers of local and state planning

grant applications are taking advantage of this opportunity, especially now that the Housing and Community Development Act specifically includes "surveys of structures and sites...of historic or architectural value" among the definitions of comprehensive planning. The goal must be to make concern for the man-made environment an integral part of local planning efforts rather than an afterthought, as has been the case all too often in the past. Accomplishment of this goal may be stimulated by the fact that the Housing and Community Development Act places the responsibility for environmental reviews (including those under the National Historic Preservation Act and Executive Order 11593) squarely in the hands of local authorities for all projects funded with community development block-grant assistance.

Federal housing programs have a far greater impact on efforts to conserve the man-made environment than they at first appear to have. Not only direct loan or grant programs but also the myriad of mortgage-subsidy and mortgage-insurance programs under HUD's general supervision have a cumulative effect, through administrative policies and procedures and the decisions of thousands of banks, developers, homeowners, landlords, and tenants, on the way urban, suburban, and rural areas look and change. Despite Congressional policies aimed at revitalizing the housing stock of inner cities, market forces, supported by massive programs such as those of the Federal Housing Administration (mortgage insurance) and the Federal National Mortgage Association (mortgage credit), have resulted in far more new construction on the fringes of cities than rehabilitation in

core areas. The Housing and Community Development Act of 1974 acknowledges

that policies designed to contribute to the achievement of the national housing goal have not directed sufficient attention and resources to the preservation of existing housing and neighborhoods, that the deterioration and abandonment of housing for the Nation's lower income families has accelerated over the last decade, and that this acceleration has contributed to neighborhood disintegration and has partially negated the progress toward achieving the national housing goal which has been made primarily through new housing construction.

With the act's subsequent declaration that "a greater effort must be made to encourage the preservation of existing housing and neighborhoods," new hope is offered to preservationists to benefit from Federal housing programs. A good opportunity is provided by Section 4(a) of the Emergency Home Purchase Assistance Act of 1974, which authorizes Federal guarantees for loans of up to \$15,000 per dwelling unit for the restoration or rehabilitation of residential structures listed in or eligible for the National Register. Since National Register listing (or eligibility) for entire districts provides eligibility for every building within those districts, the potential applicability of this provision is very broad. Furthermore, the \$15,000 limit is higher than the \$10,000 limit available for conventional FHA home improvement loans.

DEPARTMENT OF TRANSPORTATION

The impact of highway programs in the 1950's and early 1960's was, together with the impact of urban renewal programs, a major factor leading to passage of the National Historic Preservation Act of 1966. Furthermore, by 1966, the year the Department of Transportation was created, there was sufficient public awareness of the potential environmental dangers of road building, highway building, and other transportation projects for protective language to be inserted in the DOT act. Section 4(f) of the act, as amended, declares as a matter of national policy that "special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites." The section goes on to require the Secretary of Transportation to reject "any program or project which requires the use of...any land from an historic site of national, state, or local significance...unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such...historic site resulting from such use." The importance of Section 4(f) lies in the inclusion of properties of local and state as well as national significance in the protected category--an expansion of Federal concern parallel to that contained in the National Historic Preservation Act. Determination of the significance of an historic site is left to "the Federal, State, or local officials having jurisdiction thereof."

Because the Department of Transportation was required to consider environmental factors from its inception, and because it had to be concerned with historic sites generally, not just those listed on the National Register, it got a head start on other agencies in incorporating historic preservation objectives into its internal policies and procedures. DOT was therefore better prepared than many other agencies when the requirements of the National Environmental Policy Act and Executive Order 11593 came into effect. This is not to say that highway projects immediately ceased damaging historic properties after passage of the DOT act in 1966; on the contrary, because of the large number of pre-existing projects already in the planning, land acquisition, design, or construction stages, and because of the hierarchies of engineers and administrators within DOT, the Federal Highway Administration (FHWA), and the various state highway departments through which Federal highway funds are funneled, several years passed before an understanding of the environmental review process (particularly with regard to historic properties) filtered down to the district and state levels. The fact that this filtering down has occurred is attested to by the fact that most State Historic Preservation Officers, when interviewed during research for this report, considered their environmental review relationship with their state highway department (acting under DOT procedures) to be their most successful.

The extended length of the highway planning process--ranging up to twenty years from conception to execution of a road-building project--allows time for full investigation of historic and cultural resources in or near proposed highway corridors

and for consideration of the effect of proposed highway locations and designs on those resources. Problems arise when little or no historical or archeological information about the project area is available in the state preservation office or from sources such as historical or archeological societies or existing literature. In such cases, new professional survey work is called for, but it is not always adequately carried out by state highway departments or their environmental impact statement consultants. A successful solution to this problem is to have the highway department or its consultant contract with the state historic preservation office to conduct the necessary survey work, thereby ensuring that the resulting data will be compatible with that in the official statewide inventory and avoiding possible challenges to the adequacy of the survey.

Other problems, inherently less solvable, arise when there is a conflict between preservation of historic resources and construction of a highway along an otherwise desirable route. Here the review procedures of the Advisory Council on Historic Preservation come into effect. By their very size and scope, highway projects nearly always have an effect on properties eligible for the National Register (particularly archeological sites), and often the effect is adverse. During the consultation process required under the Advisory Council's procedures, mitigation if not avoidance of adverse effect can frequently be agreed upon by representatives of the FHWA, the State Historic Preservation Officer, and the Advisory Council. If not, and the case must go to the full Advisory Council, the final result depends on the extent to which the Department of Transportation is willing to follow the Council's comments. Council intervention

resulted in DOT's withdrawal of funds for construction of an elevated highway along the Mississippi River frontage of the Vieux Carré in New Orleans. On the other hand, DOT has stated that, in spite of the Council's objections, it will not withdraw funds for a highway through the Moanalua Valley on the Island of Oahu in Hawaii. These much publicized cases should not obscure the fact that the vast majority of highway projects are now able to be planned and executed with due consideration for historic and cultural resources and usually with satisfactory mitigation of adverse effect during the planning process. Ten years after passage of the Department of Transportation Act and the National Historic Preservation Act, the review procedures envisaged by those acts are working as far as highways and historic resources are concerned.

Road-building projects are not the only ones under the purview of the Department of Transportation, but they are the ones with the greatest impact, since Federal funding levels are so high, and since every state is affected. Airports also have sizable environmental effects, but the focus of concern is usually on noise pollution rather than on historic and cultural resources. Nevertheless, the same kinds of review procedures are followed as in the case of highways.

Railroads are attracting increasing amounts of public and Federal attention, as the deficits of private railroad companies mount and as the advantages of this mode of transportation for energy conservation are recognized. Since railroads are so much a part of the history of the growth and development of the United States, their rights of way, stations, freight houses and yards, even their older pieces

of equipment are in many cases historic and cultural resources of considerable significance. After decades of deferred maintenance, many of these assets are dangerously deteriorated.

Concern for increasing the efficiency and use of railroads is not always compatible with preservation of obsolete railroad property. Nevertheless, when Federal funds are used to aid the railroads, the Department of Transportation has the same conservation responsibilities as for highways or airports. A positive step in the direction of conserving culturally valuable railroad property came with the AMTRAK Improvement Act of 1974, which declares as policy the preference for using railroad stations of historic and architectural significance (rather than building new ones) and which establishes a program of converting railroad stations into intermodal terminals and adaptively using stations for non-transportation purposes. Funding authorized for these purposes alone totals more than the annual amount authorized through Fiscal Year 1976 for grants under the National Historic Preservation Act.

OTHER FEDERAL AGENCIES

In addition to the Department of the Interior, HUD, and DOT, Federal agencies with extensive property responsibilities include the General Services Administration, the Department of Defense, and the Forest Service. The conservation experience of each of these is worth examining, as is the involvement of the National Endowment for the Arts.

General Services Administration

The Public Buildings Service of the General Services Administration (GSA) owns or manages the majority of Federal buildings other than those of the military, the Veterans Administration, and the Postal Service. This responsibility for Federal real estate automatically puts GSA in the historic preservation business, because older Federal buildings often have historic or cultural significance, and construction of new Federal buildings is likely to affect the surrounding environment.

Since its establishment in 1949, the General Services Administration has been able to convey surplus Federal properties without charge to state and local governments for use as "historic monuments"; since 1972, these properties have been permitted to include commercial uses -- a major breakthrough, since most large old Federal buildings cannot support themselves simply as monuments or museums.

Like other Federal agencies, GSA has the responsibility under Executive Order 11593 to inventory its properties, nominate eligible ones to the National Register, preserve and maintain its Register-caliber properties, and ensure that its ongoing projects contribute to the enhancement of both Federal and non-Federal cultural resources. This is a monumental task for an agency with so extensive a real estate operation. GSA is progressing with its inventory and nomination work, but in the sense that nearly all its real estate activities have implications for the cultural environment, it has only begun to realize its potential for conservation. When one thinks of the large number of generally sterile new Federal buildings constructed in the past two decades, often in or near central business districts that have older commercial buildings of considerable character, one realizes the potential that has already been lost. Pending legislation would help to correct both the sterility of new Federal office buildings (by allowing mixed uses in them) and the practice of ignoring adaptive use possibilities in favor of new construction (by requiring GSA to consider the revovation potential of existing buildings before commissioning new ones).

Department of Defense

The Army, the Navy, and the Air Force control millions of acres of land in their military installations, and the Army Corps of Engineers millions more in its vast waterway system. These lands encompass countless archeological sites and thousands of other cultural properties, including many historic buildings on older military posts. The Department of Defense considers

that it has fulfilled its Executive Order responsibilities by nominating to the National Register the most significant of these properties, but many others also deserve recognition. Moreover, the task of preserving and maintaining even the Registered properties is a monumental one, especially when the primary mission of the Department is defense, not conservation. Furthermore, the nation's military installations are being cut down considerably. Many are being phased out completely, with their lands and buildings declared surplus -- thereby passing the preservation problem on to the General Services Administration as it carries out its disposition function.

The Army Corps of Engineers engages in vast construction projects, primarily involving water resources development. Environmental legislation has forced the Corps to assess the effect of its projects on cultural resources, which in the case of Corps projects are largely archeological in nature. Much useful archeological inventory work is being accomplished as part of the Corps' environmental review process, although a salvage rather than a conservation approach to the inventoried resources currently prevails.

Forest Service

The Federal lands administered by the Forest Service, a bureau of the Department of Agriculture, are more extensive than those of any other Federal agency except the Bureau of Land Management, and they are found in Eastern and Central states as well as in the West. With nearly two hundred million acres to manage, and with a mandate to exploit timber resources as well as to realize the recreational potential of its lands,

the Forest Service has not been able to accomplish an overall cultural resources inventory for its holdings. On the other hand, the Service has developed an effective project planning process that includes inventory and evaluation of historic and cultural resources in affected project areas. Therefore, as physical changes are contemplated, all possible effects on the environment (both natural and man-made) are evaluated. The Forest Service's record has been such that all its Section 106 cases have resulted in avoidance or mitigation of adverse effect; no cases have had to go before the full Advisory Council.

National Endowment for the Arts

The National Endowment for the Arts is different from the other Federal agencies discussed in that it has no property management or development responsibilities. Without the burden of managing properties of its own or monitoring the acquisition and development projects of grantees, the Endowment is free to develop innovative programs and stimulate the interchange of ideas in its areas of interest. Within the Endowment for the Arts, the Architecture + Environmental Arts Program has taken a leading role in encouraging new thinking about the man-made environment, its design and its conservation. Special grant programs (City Edges, City Options, Cityscale, American Architectural Heritage) have provided opportunities for individuals and organizations to investigate aspects of the man-made environment and to propose solutions to discovered problems. Sometimes the Endowment's help has led to results far beyond the project funded, as in the case of a 1974 conference, funded in part by the Endowment, on reusing railroad

stations. That conference and related studies and publications helped to bring about legislation that redirected Federal interest (through AMTRAK) in the character and potential usefulness of stations. Similar efforts in the area of neighborhood conservation have made the Endowment a freewheeling and welcome partner in the national effort to protect historic and cultural resources.

Chapter 3

STATE GOVERNMENT INVOLVEMENT IN PROTECTING HISTORIC AND CULTURAL RESOURCES

The role of the states in conserving historic and cultural resources has expanded considerably since passage of the National Historic Preservation Act of 1966, primarily in response to administrative requirements of the act. Each state has designated a State Historic Preservation Officer to administer its preservation program and has hired (or is in the process of hiring) a full-time professional staff with expertise in archeology, architecture, and history. State historic preservation plans are being developed, surveys and inventories are being conducted, nominations are being made to the National Register, historic properties are being aided with Federal preservation grants, and increasing numbers of environmental reviews are being conducted. Despite these common elements, the various state historic preservation programs differ considerably in scope and quality. This chapter will examine state government involvement in preservation in terms of its organizational framework, range of activities, and potential for achieving broad conservation goals. Examples from the various states will be cited where relevant, but no attempt will be made to describe every one of the fifty-six state and territorial preservation programs now in operation.

POSITION OF THE STATE HISTORIC PRESERVATION OFFICE IN THE
HIERARCHY OF STATE GOVERNMENT

One of the principal factors influencing the effectiveness of a state historic preservation office is the office's position in the hierarchy of state government. In most states, this position was determined by the initial appointment of a State Historic Preservation Officer by the Governor at the request of the Secretary of the Interior following passage of the 1966 Preservation Act. Some of these appointments turned out to be good ones, others not so good, in terms both of the location of the preservation function in the state bureaucracy and of the quality and commitment of the individual appointed. Whatever the reason for the position of the office, forty-eight of the fifty state historic preservation offices (excluding territories) fall within one of three basic locations in state government - independent agency, part of a broad historical or cultural agency, or part of a natural resources or parks and recreation agency. The advantages and disadvantages of each of these locations will be discussed in turn.

Throughout this report, the state historic preservation office will be emphasized rather than the State Historic Preservation Officer (SHPO). This is not intended to deprecate the SHPO, who is a key figure in any state's preservation program, but rather is intended to emphasize the importance of a professionally staffed office to accomplish the SHPO's many responsibilities. One individual could no more execute a state preservation program than could the Secretary of the Interior carry out his responsibilities under the National Historic Preservation Act or Executive Order 11593 without the

staff of the Office of Archeology and Historic Preservation.

Independent Agency

Eleven states have independent or quasi-independent agencies whose primary function is historic preservation. Most of these have some tie to a larger state agency for budgetary or other administrative purposes, but their program direction is essentially self-determined, within the range of their statutory authority. All of the eleven have a governing board or commission composed of citizen and ex officio members.

This agency is called an Historical Commission in five states - Alabama, Connecticut, Massachusetts, Tennessee, and Texas. Kentucky has its Heritage Commission, Maryland its Historical Trust, Virginia its Historic Landmarks Commission, and West Virginia its Antiquities Commission. Two states - Maine and Rhode Island - have Historic Preservation Commissions. The last two were established in 1968 in response to the National Historic Preservation Act of 1966; both include professionals in archeology, architecture, and history among their commission members so that the commission can serve as the review board for the National Register. The other nine state historic preservation agencies were established before passage of the 1966 Preservation Act, eight in the preceding decade and one (Tennessee) as far back as 1919.

The State Historic Preservation Officer in eight of these eleven states is the staff director of the preservation commission. In the other three states, the SHPO is variously the chairman of the commission, the head of another state agency, and an appointed citizen.

The advantages of an independent preservation agency include its clear public identity and its flexibility to develop its own program directions, subject to statutory authority and budget limitations. It is significant that all eleven of the independent preservation agencies have their offices in recycled older buildings (nine of which are National Register properties), thereby providing a model of preservation and adaptive use for all who come in contact with them. The comparison with state historic preservation offices that are part of larger state agencies is embarrassing for the latter; only five of the other thirty-nine state preservation offices are located in National Register properties. (The comparison with the Office of Archeology and Historic Preservation in the National Park Service is just as embarrassing, since OAHP occupies a particularly banal new office building when the District of Columbia is rich in adaptive-use possibilities.)

There can be disadvantages in the small size of an independent preservation agency in that the agency may lack political influence with the legislature or negotiating power with larger state agencies. These disadvantages, however, can sometimes be turned to advantages. An independent preservation agency often has sufficient public identity to bargain successfully with the legislature, whereas preservation offices that are part of large state agencies are often prohibited from bringing their case directly to the legislature. As far as negotiating with other state agencies is concerned, those agencies whose programs affect the man-made environment now generally have to deal with the state historic preservation office, since preservation legislation increasingly gives a major review and decision-making role to SHPO's.

A positive relationship between the preservation office and other state agencies can therefore develop irrespective of size.

Part of Broad Historical or Cultural Agency

In twenty-one states, the preservation office falls within an historical or cultural agency that has responsibilities beyond historic preservation. Nine of these twenty-one preservation offices are in state historical societies, primarily in the North Central states (Colorado, Idaho, Kansas, Minnesota, Nebraska, North Dakota, Ohio, Oklahoma, and Wisconsin). Three others, also in the same geographic area, are in state historical departments recently created out of state historical societies (Iowa, South Dakota, and Utah). Four of the twenty-one, all in the South, are connected with state archives departments (Florida, Mississippi, North Carolina, and South Carolina). The remaining five are in agencies with varying titles - a Department of Natural and Cultural Heritage (Arkansas), a Division of Historical and Cultural Preservation (Louisiana), a History Division (Michigan), and an Historical and Museum Commission (Pennsylvania).

Some of these master historical agencies are independent departments of state government; others are major divisions of larger departments or secretariats. In eighteen of the twenty-one states, the staff director of the historical agency serves as State Historical Preservation Officer. In two states (Colorado and Oklahoma), the citizen chairman of the state historical society is SHPO, and in one state (Iowa), the staff director of the preservation program is SHPO.

There are a number of advantages to having the state historic preservation office as part of a broad historical or cultural agency. One is the logical affinity of interest between the preservation office and such an agency. Another is the opportunity that the preservation office has to take advantage of the facilities of the master agency--library, research facilities, professional staff, sometimes even a computer system. However, there can be disadvantages as well. The master agency may be too oriented towards documents or artifacts to respond positively to a program as environmentally concerned as that of the state historic preservation office. Furthermore, the preservation program must compete with all the other branches of the agency for funds, staff, and space. The SHPO may be strongly committed to the preservation office, but as head of the master agency he must look out for the needs of his other programs as well. Sometimes the preservation office is such a small part of the agency's total operations that it never has a chance to develop its own identity and become effective in its dealings with agencies, organizations, and individuals throughout the state.

Part of Natural Resources or Parks and Recreation Agency

Sixteen states have their state historic preservation office in a natural resources or parks and recreation agency. In nine of these states, the office is part of a department or division of parks or parks and recreation, with the director serving as State Historic Preservation Officer. With one exception (New York), these states are all in the West - Alaska, Arizona, California, Montana, Nevada, Oregon, Washington, and Wyoming.

In five states, the SHPO is the head of a master resources agency, and the state historic preservation office is located somewhere within that agency, not always in the parks and recreation division. These five states are Illinois (Department of Conservation), Indiana and Missouri (Department of Natural Resources), New Hampshire (Department of Resources and Economic Development), and New Jersey (Department of Environmental Protection). In the two remaining states, Georgia and Hawaii, the preservation office is in a large natural resources agency, but the SHPO is a staff member directly involved with the preservation program rather than the agency head.

Since the Federal historic preservation program (represented by the Office of Archeology and Historic Preservation) is housed administratively in a parks department (the National Park Service) within a master resources agency (the Department of the Interior), it is not surprising that sixteen states chose to adopt a similar system. The advantages of this position in the bureaucracy include the opportunity to coordinate natural and cultural resource conservation and the opportunity to utilize the often extensive facilities and personnel of the master agency. On the other hand, there are a number of disadvantages to a parks and recreation location for the state preservation office. One disadvantage is the natural orientation of the agency toward publicly owned sites that are part of a park system rather than toward a broad, locally based, environmentally conscious preservation program. Another disadvantage is the likelihood that the preservation office will be too small a part of the agency to develop its own identity and become effective. When the SHPO

is head of a master resources agency, there may also be conflicts between his preservation responsibilities and his responsibilities in other areas, such as resource exploitation. These disadvantages become less significant when the preservation office is given sufficient status and independence within the agency to develop its own program, without the necessity of sharing staff or functions with other divisions, and when the SHPO responsibility is given to the staff member in charge of the preservation office rather than to a far-removed agency head.

Other Locations

Two state historic preservation offices do not fall within one of the three principal locations in state government (independent agency, part of a broad historical or cultural agency, or part of a natural resources or parks and recreation agency). The two are New Mexico, where the preservation program is in the State Planning Office, and Vermont, where there is a Division for Historic Preservation (formerly the Division of Historic Sites) in the Agency of Development and Community Affairs. In both cases, the SHPO is the staff head of the preservation office rather than the agency head. Both locations are compatible ones for a state historic preservation office, since planning and community development are major functions of such an office.

The discussion thus far has concerned the fifty states, but there are six other jurisdictions that are part of the program established by the National Historic Preservation Act. One of these six (Puerto Rico) has its preservation office in a broad historical and cultural agency (the Institute of Puerto Rico Culture). Two (Guam and the Trust Territory of the Pacific

Islands) have their preservation office in a natural resources or parks and recreation agency. One (American Samoa) locates the office in the Department of Public Works, and the remaining two (the Virgin Islands and the District of Columbia) place the preservation responsibility in the Planning Department.

No one of the possible locations for a state historic preservation office in the hierarchy of state government is necessarily better than any other, if the office has sufficient public identity and ability to function on its own. Generally, this situation is most likely to occur when the preservation office is an independent agency or is a fairly autonomous division of a larger agency, and when the SHPO has day-to-day contact with the preservation program. The trend in the states is toward removing the SHPO responsibility from major agency heads and giving it to program directors; five states did this in 1974-75, and others are considering such a move. The agency head can still influence overall policy and program direction (and can help enormously in gaining budgetary support for the office), but the myriad day-to-day responsibilities of the SHPO, particularly in the area of environmental review, are best handled by someone closer to the program.

ACTIVITIES OF THE STATE HISTORIC PRESERVATION OFFICE

The activities of a state historic preservation office are many and varied, but they can be divided into six principal categories - survey and inventory, registration, environmental review, grants administration, planning, and public information. Other activities can include property ownership and management, historical research, and archeological investigation, salvage, and laboratory work.

Survey and Inventory

The basis of a good state historic preservation program is a comprehensive inventory of the state's cultural resources, be they historic, architectural, or archeological. Without knowledge of what resources exist, no rational conservation plan can be developed. Given this acknowledged fact, the states have gone about their survey and inventory responsibilities in a variety of different ways, based on the availability of funds and staff and on the administrative, political, and geographic structure of the state.

In most states, the historic preservation staff by itself cannot possibly accomplish a comprehensive inventory of all cultural resources in the state, at least in any reasonable length of time. As a result, a variety of alternative approaches have been devised, such as utilizing local volunteer inventories, incorporating a state archeological society's inventory into the

official state inventory, cooperating with regional and local planning agencies in inventory projects, requiring state and Federal agencies to conduct inventories in project-affected areas, or focusing inventory efforts on critical or threatened areas. The results are as varied as the means, and while most states are far from having a complete record of their cultural resources, all are doing what they can to fill in the gaps.

More important than the method used to conduct the state's inventory is the scope of the inventory effort. Some states limit themselves to a relatively small number of carefully researched properties--almost a dress rehearsal for the National Register. Other states adopt a broad-brush approach, gathering what information they can about as many properties as possible and saving the task of selective evaluation for a later stage in the planning process. The latter approach is far more beneficial for environmental reviews and other forms of preservation planning. In 1975, the number of properties included in state inventories ranged from as few as 135 to as many as 25,000, with the average around 4700 and the median around 3000. Seven states reported figures above 10,000; twelve were below 1,000. This wide variety represents a difference in approach to the inventory responsibility rather than a qualitative or quantitative difference in the number of potential properties that could be included.

Registration

Registration efforts in most states are centered on nominating properties to the National Register, but some states have

state registers or state landmark programs that also provide recognition, protection, and even possible financial benefit (through grants or tax concessions). The National Register criteria are uniform nationwide, but the approach of the different states to the nomination process varies widely. Some states base their nominations on locally initiated efforts; others concentrate on threatened properties; a few nominate only properties of national or state significance, ignoring the Register's potential for protecting locally significant properties as well.

Environmental Review

Environmental review is one of the most practical activities of a state historic preservation office, in that it can provide actual protection for the properties identified in the inventory and recognized through registration. Under the Advisory Council's "Procedures for the Protection of Historic and Cultural Properties," the State Historic Preservation Officer is a required participant in all reviews of the effect of Federally funded or licensed projects on properties listed in or eligible for the National Register. In most states, following procedures set up by Circular A-95 of the Federal Office of Management and Budget, the preservation office is given an opportunity to comment on all state and local applications for Federal funding - a good opportunity to present the preservation point of view at an early stage in the planning process. In states that have their own environmental legislation, the preservation office has an additional opportunity to comment on public and sometimes even private projects that may have an effect on historic and cultural resources.

In addition to formal environmental review processes, there generally are opportunities for informal contacts between staff members of local, state, and Federal agencies and their consultants. Such informal contacts, and other unofficial consultations in advance of formal environmental review, can result in substantial benefits for the cause of preservation through the resolution of potential conflicts early in the planning stage.

One problem with the environmental review role of the state historic preservation office is that it takes increasing amounts of time, often at the expense of other activities of the office. States with a majority of their land in Federal ownership are particularly hard hit with review responsibilities, because Federal review requirements are procedurally more cumbersome than state-operated ones and because almost every Federal action must be subjected to the review process. Nevertheless, the opportunities to protect a state's historic and cultural resources are greater through environmental review than through any other means currently available to a state preservation office; therefore, the funding and staffing of the review function are well worth supporting.

Another problem with environmental reviews is the frustration - common to most states - of not knowing what resources might be affected by a given project, because of a lack of inventory information. For Federally funded and licensed projects, the Federal agency may be required to conduct its own inventory, although this approach is never initially popular with the agency involved. In other cases, state or local inventory efforts - often

on a crash basis - are called for. Whatever the situation, every project subjected to environmental review offers an opportunity to fill in gaps in existing knowledge about the state's cultural resources as well as to protect resources that are known. As inventory work progresses, the problem of too little knowledge about existing resources will gradually disappear, and state historic preservation offices will feel more confident about their environmental review responsibilities and will be more capable of carrying them out effectively.

Grants Administration

Grants administration, like environmental review, is taking increasing amounts of preservation office staff time, as Federal appropriations increase beyond the token amounts of the first few years after 1966. Many states saw the grants program initially as a way of financing the restoration of state-owned historic sites, but this approach is being supplanted in most states by more broadly based grants programs involving local governments, individuals, and organizations throughout the state. In part, this change has been fostered by the apportionment warrant process - the means by which states receive their annual preservation grants from the Office of Archeology and Historic Preservation. Since states are rewarded for the amount of matching capability reported on their apportionment warrants, they have had to involve National Register property owners throughout the state in order to increase their warrant totals. Once such involvement has begun, it must lead to actual grants to a variety of National Register

properties, or the owners and other supporters of the preservation program will not be satisfied. Properly administered, a preservation grants program can result in benefits far beyond those accruing to specific funded properties, through the spreading of information about restoration standards and through an increase in general community awareness of preservation needs and objectives.

A number of states have instituted state-funded grants programs. These are usually integrated with the state's Federally funded program but offer additional flexibility, enabling the state to fund projects that are not eligible under Federal regulations, to meet emergencies, or to provide the non-Federal matching share of a grant when other sources are not available.

The principal problem with the Federal grants program is the lack of funding available for it. Nearly half the states annually report a matching capability ten or more times the amount they may expect to receive; many valuable projects therefore must go unfunded or be only partially funded. Additional problems are created by administrative requirements of the grants program, particularly the requirement that plans and specifications for every project must be reviewed and approved in Washington before project work may begin. The purpose of this requirement is a good one--to ensure that professional standards of preservation and restoration are applied in every case. Nevertheless, the time required for state processing and Federal review of projects is often unduly time-consuming, to the detriment of the overall preservation program.

Planning

A major activity of the state historic preservation office is preservation planning. In large part, the planning function involves relations with other government agencies - Federal, state, and local. Relations with Federal and state agencies arise out of the environmental review process, and relations with Federal agencies arise also out of the inventory and nomination requirements of Executive Order 11593. Relations with local governments arise as the state historic preservation office works with county and municipal officials in developing local preservation programs and in fulfilling environmental responsibilities under the Housing and Community Development Act of 1974. The planning process also includes relations with the private sector, particularly local preservation organizations and owners of National Register properties.

The contacts that come naturally to a state historic preservation office offer opportunities for preservation planning, but they do not by themselves constitute a preservation plan. To qualify for Federal funds under the National Historic Preservation Act, each state is required to produce a comprehensive statewide historic preservation plan. Ideally, such a plan represents a broad framework for action to conserve the man-made environment, involving all elements of the state's resources, cultural and human. Procedures of the Office of Archeology and Historic Preservation call for state historic preservation plans to be prepared in three volumes - Volume I on historical background, Volume II on the state's inventory, and Volume III (prepared

annually) on the current status of the state's preservation program. Although Volumes I and II are meant to be relatively permanent documents, revised and reissued once per decade, the rapid development of the historic preservation movement and the corresponding development of state preservation offices have meant that most states have not yet been able to produce definitive editions of their state plans. In the sense that planning is an ongoing process, subject to continual change and redefinition, the absence of "final" state preservation plans can be a healthy sign, provided that creative planning efforts are actually going on.

Public Information

For a state historic preservation office to have maximum effectiveness in protecting the state's historic and cultural resources, it must communicate its goals, programs, and techniques to the widest possible audience. Public information and education are therefore a major function of the office.

The other basic functions of a state historic preservation office - survey and inventory, registration, environmental review, grants administration, and planning - automatically produce a certain amount of public contact, particularly with owners of historic properties and government officials. It is important for the preservation office to take maximum advantage of these basic contacts, as well as to develop new public information and education programs to reach an untapped audience.

A number of state historic preservation offices have publications programs. The most prevalent type of publication is the newsletter, which can be distributed widely throughout the state.

The greatest amount of preservation information can be presented in a newsletter produced entirely by the state historic preservation office, but there are other newsletter possibilities that can result in contact with a broader audience. For example, the state historic preservation office might prepare a page or more on a regular basis for the newsletter of a compatible organization, such as the state historical or archeological society or an organization of planners or architects.

In addition to newsletters, special publications on specific topics are a useful undertaking for a state preservation office. New York has produced a series of publications on technical aspects of restorations, as well as a comprehensive survey manual for citizen use. Maryland and Massachusetts have published historic district manuals, Vermont a study on historic preservation through land-use legislation, and Arkansas an archeological guide for "those planning to use, affect, or alter the land's surface." New Mexico and South Carolina, among other states, have published local preservation plans. Historic American Buildings Survey state catalogues have been sponsored by several state historic preservation offices, and most states have produced one or more fliers or manuals describing aspects of their own preservation programs. Finally, the state historic preservation plan can be a useful publication, especially when it is conceived as a broad position paper rather than simply as an exercise to satisfy OAHF requirements.

Other forms of public information activity include conferences, workshops, seminars, special courses, and lectures. The purpose of such endeavors is to get as much preservation information as possible to those who need it, preferably in a give-and-take situation where dialogue and discussion can go both ways. Educational events such as these offer the opportunity to bring in outside expertise not represented on the state historic preservation staff. At least half the states have held or are planning to hold a statewide preservation conference, usually on an annual basis, often in cooperation with a private statewide preservation group. Conferences, workshops, and the like can be as general or as specific in subject matter as needed and can be geared to specific audiences, such as lawyers, bankers, or developers as well as historical-society types.

Consultant services may be provided by state historic preservation offices, but most offices have been too understaffed thus far to engage in such activities except where directly related to their own inventory, registration, or grants programs. The need for technical advice on restorations is particularly great. Since state preservation offices are required to have professional expertise on their staffs, this expertise ideally could be made available to others besides recipients of Federal preservation grants.

Another form of public information activity is that of plaque or marker programs. Most states had marker programs (often conducted by the state highway department or state historical society) prior to passage of the 1966 Preservation Act.

State historic preservation offices are now in a position to make such programs integral parts of the state preservation plan, as states such as Texas have already done.

Other Activities of the State Historic Preservation Office

In addition to the six basic activities common to all state historic preservation offices (survey and inventory, registration, environmental review, grants administration, planning, and public information), other related activities may be engaged in, provided that the basic responsibilities do not suffer.

A state historic preservation office may own and administer historic properties, either by choice or by inheritance of a pre-existing state program. Property ownership gives the office a chance to set a leadership example in preservation, restoration, maintenance, administration, and interpretation, although state bureaucratic procedures (such as public bidding laws and personnel classification practices) may interfere with the efficient accomplishment of historic property management. Another danger is that state-owned historic properties will all turn out to be museums, not necessarily a goal of a broadly based state preservation plan. Other property programs, such as those involving preservation restrictions or easements, offer a promising alternative with greater potential benefits for an equivalent investment.

A state historic preservation office may have its own historical research program, which can be valuable for determining inventory goals and evaluating inventoried properties for registration and protection. If research becomes an end in itself, it may be detrimental to the overall preservation

program by draining valuable staff time away from the office's primary responsibilities.

Another valuable activity of a state historic preservation office may be an archeological program, involving such functions as field investigation, salvage, laboratory work, site and artifact conservation, and/or administration of a permit system for excavations on state-owned land. A major archeological program is almost certain to benefit the preservation office's inventory, registration, environmental review, and grants functions. Again, the only danger lies in the possibility that staff resources may be drained from the overall preservation program, throwing it out of balance. The opposite is also possible; in many states, archeology is seriously underrepresented in the state preservation program.

State Government Preservation Activity Outside the Preservation Office

While the state historic preservation office is (or should be) the fulcrum of state concern for conserving the man-made environment, it is by no means the only place in state government where such concern may be expressed. Particularly if the state historic preservation office limits itself to its primary responsibilities, there are bound to be other state agencies (or divisions of the master agency where the preservation office is located) that work for the protection of historic and cultural resources.

Outside the immediate purview of the state historic preservation office, the state government may involve itself with historic sites, museums and artifact collections, historical and archeological research, publications, archives and records conservation, natural and recreational resource conservation, land-use and other comprehensive planning, and (through the state university) education of archeologists, architects, historians, planners, and preservationists. All these activities are relevant to the concerns of the state preservation office and should be recognized and made part of the state historic preservation plan, with gaps, inconsistencies, and imbalances noted and dealt with. In addition, the state government's role as a property owner is a valuable area for conservation activity, in terms both of preserving valuable older buildings owned by the state and of seeking adaptive-use possibilities in lieu of new construction.

INTERNAL ORGANIZATION OF THE STATE HISTORIC PRESERVATION OFFICE

The various activities of a state historic preservation office are carried out by the State Historic Preservation Officer, his professional staff, and a review body (also with professional representation). The effectiveness with which this organization operates varies considerably from state to state, as does the internal organization of the office. This section will present a form of organization for the state historic preservation office based on visits to fifty-two such offices and discussions with their officers and staff. The form of organization described is realistic rather than idealistic; although no one state follows this pattern exactly, all elements described have a basis in existing state programs.

State Historic Preservation Officer (SHPO)

Federal laws and regulations place substantial responsibility for historic preservation on the State Historic Preservation Officer (SHPO), an appointee of the Governor of each state. As noted in the discussion of the position of the state historic preservation office in the hierarchy of state government, the SHPO may be anyone from the commissioner of a Cabinet-level department to a staff member in the historic preservation office. While there are definite advantages to having high-level support in state government for the preservation office, such support does not automatically result from the appointment of a high-level agency head as SHPO. On the contrary, such an officer rarely has adequate time to devote to the preservation program

and may not even understand or be committed to the environmental nature of the program and its potential for broad citizen involvement. As noted before, the current trend is toward the appointment of State Historic Preservation Officers who have day-to-day contact with the program, generally as staff head of the preservation office. In such cases, the SHPO is able both to direct the overall preservation program and to handle personally the more sensitive environmental reviews, which are the program's primary contact points with other government agencies.

While the staff of a state historic preservation office must include professional representation in archeology, architecture, and history, the SHPO himself need not be one of these professionals (though a background in one or more of the required fields would be advantageous). More important qualifications for an SHPO are administrative ability, familiarity with and ability to work within the state's political and governmental structure, and awareness of and commitment to the broad scope and potential of the state preservation program. Recognition of the need for a professional staff and support of such a staff are also essential.

Staff of the State Historic Preservation Office

The office of Archeology and Historic Preservation requires each state historic preservation office to employ at least one full-time professional in each of the three fields of archeology, architecture, and history. Nearly every state has complied with this requirement, although ten years of program development were necessary to achieve even this minimum level of professional staffing. Most states have found that additional professionals are needed to provide a balanced and effective staff.

The internal organization of a state historic preservation staff needs to be based on the activities of the office rather than on the professional disciplines of the staff members. As noted previously, the basic activities of a state preservation office are survey and inventory, registration, environmental review, grants administration, planning, and public information. Since the average state historic preservation office is not large enough to include a separate division for each of these activities, some grouping of functions is necessary in the organizational structure.

The functions of inventory and registration logically belong together, because the overall inventory forms the basis for evaluating properties for nomination to the National Register and state registers. Inventory and registration responsibilities could be combined in what might be called the Survey Division. The three disciplines of archeology, architecture, and history all need to be represented on the staff of this division; the architectural professional should be an architectural historian rather than a practicing architect.

The environmental review, planning, and public information functions are sufficiently compatible to be grouped in what might be called the Planning Division. A professional planner should be included on the staff of this division, which would need to draw on the expertise of the Survey Division for evaluation of environmental impact statements. Coordination of environmental reviews could, however, be carried out by the planning staff, as could other planning and public information activities.

Grants administration is best separated into its own division, which needs the staff expertise of a practicing architect (and archeologist, if the volume of projects is sufficient) as well as an administrator and/or fiscal officer.

Optional activities of a state historic preservation office, such as property management or archeology, should also have separate division status, to clarify responsibilities and to ensure a proper balance of functions. Orchestrating the work of all divisions is the State Historic Preservation Officer (or his designee as staff director).

A few states, recognizing the difficulty of implementing a statewide preservation program out of one office in the state capital, have conceived a regional approach to their survey and planning efforts. One approach, experimented with in Massachusetts, Michigan, and New York, is to appoint a regional preservation coordinator for each section of the state. Another approach, being implemented in Ohio, is to open branches of the state historic preservation office in major cities around the state, in cooperation with local or regional organizations, to service the preservation needs of those areas. The regional approach to state historic preservation planning holds great promise, especially as local involvement in preservation increases, but few states thus far have developed an adequate enough core staff to be able to afford committing any staff member full time to a specific geographical area.

The functional division structure outlined here is only a dream for most state historic preservation offices. Ten years after passage of the National Historic Preservation Act of 1966, more than half the states have no more than the three minimally

required professionals on their staffs, and those staff members must share all the responsibilities of the office, generally on a crisis or highest-priority basis. Nevertheless, as a goal to be worked toward, the autonomous state historic preservation office with its own functional divisions, professionally staffed and overseen directly by the SHPO, is worth keeping in mind.

Review Board

Procedures of the Office of Archeology and Historic Preservation call for each state to have a review body of at least five members, including at least one professional in each of the fields of archeology, architecture, and history. Appointed by the SHPO (or in some states, by the Governor, although such appointment is not required), the review board reviews and approves all nominations to the National Register before submission by the SHPO and also reviews and approves Volumes I and II of the state historic preservation plan. In many states, the review body assumes a much broader role in the activities of the state historic preservation office, helping to determine program policy, participating in environmental reviews, and even allocating grant funds.

In some states, statutory boards or commissions serve as the review body for the National Register. When established prior to passage of the 1966 Preservation Act, such boards or commissions are likely not to have requirements for professionalism among their members or are likely to include a far greater number of non-professionals than professionals, thereby making them ineffectual (if not ineligible) as review bodies. While

a broad, representative advisory commission can make a valuable contribution to a state historic preservation program, a smaller, more thoroughly professional group, preferably appointed by the SHPO rather than the Governor, makes the most satisfactory review board. States with statutory boards or commissions established in response to the 1966 Preservation Act do not generally have a problem with unwieldy or unworkable review bodies.

STATE HISTORIC PRESERVATION LEGISLATION

While a state historic preservation office may be able to fulfill many of its functions administratively, without specific legislative authorization, it will be able to accomplish much more when it has a body of historic preservation legislation behind it. Nearly every state has some form of preservation legislation, but few states have a coordinated body of such legislation keyed to the state preservation plan. One of the essential planning functions of the state historic preservation office should be to analyze the state's preservation legislation and to develop and implement a program for eliminating deficiencies in the legislative framework.

Most states now have a random assortment of preservation legislation. Some of this legislation predates the National Historic Preservation Act of 1966; more of it has been passed in the past five or ten years, though not necessarily in direct response to the Federal Act. Despite the randomness of existing state preservation legislation, ten years of collective experience in developing state preservation programs and implementing the 1966 Preservation Act have helped to point out the basic desiderata of a coordinated body of state preservation legislation.

Ideally, such legislation should give expression to a broad state role in conserving the man-made environment. The state historic preservation office should be given a defined position

in the hierarchy of state government, sufficiently autonomous to enable it to function effectively. The position of State Historic Preservation Officer should be specified in the legislation and if possible should be assigned to the director of the state preservation office. A state review body of qualified professionals should be authorized, to be appointed by the SHPO. Provision for adequate professional staffing of the office should be made.

State preservation legislation should establish a mechanism for protection of registered properties from encroachment by state-funded or licensed projects. If modeled on Section 106 of the National Historic Preservation Act, such a mechanism would involve a State Register, which should incorporate all of the state's National Register properties and should, like the National Register, include properties of local as well as state or national significance. Such a mechanism might also call for the establishment of a State Advisory Council (separate from the review body), with both citizen and ex officio membership. Protection of archeological resources should be provided for, in a manner more integrated with the overall state preservation program than is the case with most existing state antiquities codes.

State legislation should specifically authorize local preservation programs and activities, including the establishment of local preservation offices (or boards or commissions) with a mandate as broad as that of the state historic preservation office (although confined within local jurisdictional boundaries).

Such enabling legislation for local preservation programs should include authority for protective powers (for both individual landmarks and districts), tax incentives, easement acquisition, and whatever other preservation tools are considered desirable and feasible.

It is appropriate that this discussion of state government involvement in preservation should end with a reference to local government involvement, because official local preservation activity represents the greatest need and opportunity in the forthcoming decade and is an area where the state historic preservation office can provide substantial assistance. The next chapter will discuss local preservation activity in more detail.

Chapter 4

LOCAL GOVERNMENT INVOLVEMENT IN PROTECTING HISTORIC AND CULTURAL RESOURCES

If the fifty-six States and territories differ widely in size, population, and degree of preservation involvement, then the thousands of units of local government in the United States differ even more widely. Furthermore, official assumption of responsibility for cultural resource conservation is less highly developed at the local level than at the State level. Nevertheless, many local jurisdictions have undertaken preservation programs, and many others are in the process of doing so. This chapter will discuss local government involvement in preservation in terms of the types of local preservation agencies that can be established, the activities of such agencies, the kinds of preservation activity that a local government might engage in apart from what the official preservation agency does, and the types and substance of local preservation legislation.

Far more than at the Federal and State levels, the public and private sectors merge and interact at the local level. The smaller the population of the jurisdiction, the more this is true; in a tiny hamlet or sparsely settled county, the people and their government are virtually one and the same. Even in small jurisdictions, however, it is possible for the local governmental structure to include some form of official acknowledgement of preservation responsibility, if only in the form

of a county or town preservation officer or commission. This kind of government involvement need not supplant private preservation activity; in fact, it should enhance such activity.

Moreover, official local government responsibility for preservation will enable the community to be better represented in environmental reviews carried out by Federal and State agencies and will ensure better recognition and protection of the community's historic and cultural resources.

It is at the local level that most actual preservation activities takes place. Without a commitment on the part of local government, however small or unsophisticated the jurisdiction, Federal and State preservation programs will be able to do little to ensure the protection of locally significant resources. It is up to the citizens of every community to see that their local government assumes its position in the overall conservation framework now established in the United States. The type of approach may vary from community to community, but full participation is essential.

TYPES OF LOCAL PRESERVATION AGENCIES

The type of preservation agency that is appropriate for a unit of local government varies with the size of the jurisdiction. Large cities are able to have fully developed, professionally staffed preservation or urban conservation offices; smaller cities and urban counties may have one or two professional staff members; towns and rural counties generally need to rely on an appointed citizen board or commission, supplemented by consultant services and borrowed staff time; villages and sparsely settled counties may simply have a single appointed preservation officer or coordinator.

Regardless of size or staffing, the local preservation agency should have a clear-cut identity, and its areas of responsibility should be broadly rather than narrowly defined. Rather than dealing just with major landmarks or historic districts, the local preservation agency needs to be concerned with all aspects of the man-made environment. Not all existing local preservation agencies have such a broad purview, but most are able to assume broad advisory responsibilities even if their specific protective authority is limited. New agencies can, of course, be created with a broad role in mind from the start.

The two principal types of local preservation agencies now in operation are landmarks commissions and historic district commissions. In addition, a new type of agency -- the urban conservation office -- is beginning to emerge. Many counties and

municipalities have public or quasi-public historical societies or commissions with some preservation responsibilities, even if preservation is not their major concern. Finally, some local governments have an officially appointed historian or preservation coordinator to speak for the community. These types of local preservation agencies will be discussed in turn, although there is considerable overlap among the types.

Landmarks Commissions

Most large cities in the United States call their preservation agencies "landmarks commissions," even though these bodies generally deal with historic districts as well as with individual landmarks. New York has its Landmarks Preservation Commission, Chicago its Commission on Historical and Architectural Landmarks, Kansas City its Landmarks Commission, and San Francisco its Landmarks Preservation Advisory Board; many other examples could be cited. The principal function of these agencies is to identify important historic properties for designation as landmarks and to administer whatever protective regulations have been established for designated properties.

Members of a landmarks commission are generally appointed for a specified term by the Mayor (with approval of the city council); often there are requirements for professional expertise (as in architecture, real estate, or law) among the membership. Landmarks commission members nearly always serve without pay and rarely meet more frequently than once a month. On this basis, a landmarks commission can hardly operate effectively as a city-wide

preservation agency (or even simply as a designation and design review agency) without a paid professional staff. When the commission does have its own staff (as opposed to staff assistance lent to it from time to time by another city agency), it can begin to accomplish its purposes.

The regulatory powers of landmarks commissions vary widely. Some commissions are little more than advisory; many have design review powers over exterior changes to designated landmarks or to properties within designated districts (provided there is no substantial economic hardship to the property owner); most can delay the demolition of a designated structure for a period of time (frequently sixty days) while attempting to work out a feasible preservation alternative. A landmarks commission's ability to designate properties for protection depends on a number of factors -- the size and capability of its staff, which prepares reports justifying designation and arranges for public notice and hearings; the cumbersomeness of the statutory designation process; and the willingness of superior bodies (usually both the planning board and the city council) to approve the commission's recommendations for designation. In most cities, because of obstacles at one or more of these points, relatively few designations have been made compared to the number of potentially eligible properties.

Historic District Commissions

Historic district commissions are usually more limited in their statutory authority than landmarks commissions and consequently lack the capability to serve as city-wide preservation

agencies in most cases. However, their value is not diminished on this account, because their specificity of purpose enables them to focus effectively on the needs of the districts under their jurisdiction.

As in the case of a landmarks commission, the members of an historic district commission are generally appointed by the chief executive and/or governing body of the municipality or county, often with the requirement of professional expertise among the membership. Members serve without pay, and there is sometimes a staff (but less often than in the case of a landmarks commission). The most common situation is that the historic district commission receives staff assistance from the planning board or building department. The primary function of an historic district commission is to review applications for certificates of appropriateness for exterior changes to buildings within a district (or districts) previously designated; sometimes the commission also serves as a study committee to recommend the establishment of additional districts.

Whereas landmarks commissions normally are city-wide in scope (although their regulatory authority applies only to designated properties or districts), historic district commissions are usually restricted to specific districts. On this basis, it is possible for a municipality to have more than one historic district commission -- one for each designated district. Such an arrangement offers the opportunity for neighborhood participation in decisions about each district, although there may not be sufficient professional expertise available in a community to support too many separate commissions.

Historic district commissions have been established in local jurisdictions of all sizes - towns, counties, and major cities. Since most urban landmarks commissions have historic district responsibilities, historic district commissions as such are more likely to be found in medium-size or smaller communities than in large cities.

Urban Conservation Offices

The very name "urban conservation office" implies a broad concern for the man-made environment. Although few cities have such an agency as yet, more and more are recognizing the need for one, both because of their environmental responsibilities under the Housing and Community Development Act of 1974 and because of increasing citizen interest (at all economic and social levels) in neighborhood conservation and revitalization.

An urban conservation office operates primarily through a professional staff rather than through an appointed board or commission, although there may be one or more appointed bodies attached to the office. The staff of the urban conservation office is in a position to take a broad overview of preservation and conservation activities in the community as well as to service the specific needs of a landmarks commission and/or one or more historic district commissions or neighborhood conservation boards. The office provides a framework within which the local government's preservation efforts are coordinated, including the important function of environmental review under the Housing and Community Development Act - a role outside the

purview of most historic district commissions, beyond the capability (if not the authority) of most landmarks commissions, and outside the experience of most other city agencies.

In Seattle, where the urban conservation approach is more highly developed than in most American cities, there is an Office of Urban Conservation (headed by a City Conservator) in the Department of Community Development. The office provides administrative and professional staff support for two historic district boards (each concerned with a specific district), a Landmarks Preservation Board (city-wide in scope), two special review boards (each concerned with matters of use and design in a specific district), and a Design Commission (with design review responsibility for all city capital improvements). While in Seattle the creation of the urban conservation office followed the establishment of the other boards and commissions (and indeed was called for in part by the administrative need to coordinate their work), the framework is such that it could be adopted from the start by a city without an existing urban conservation program. In such a case, there would be an even greater opportunity than in Seattle (with its various pre-existing boards) to achieve a coordinated city-wide approach.

Historical Commissions and Societies

A type of preservation agency found frequently in counties and smaller cities or towns is the appointed historical commission or quasi-public historical society. Such agencies generally have broad historical concerns, often including archives, artifacts, and sometimes even custodianship of an historic building

operated as a museum. Few would consider conservation of the man-made environment as their primary objective, although there is potential in most of these agencies for assumption of broader environmental responsibilities.

When they have a staff at all, historical commissions and societies tend to employ curators for their collections or editors for their publications. There is no reason, however, why architectural historians or preservation planners could not be hired as the roles of these agencies are broadened. Since staff size is generally limited by the size of the county or municipality, most historical commissions and societies operate primarily through the volunteer efforts of their members. Expanding the areas of expertise of appointees to these agencies is therefore another way of achieving a broadened perspective.

Preservation Coordinators

When a local jurisdiction has no official preservation agency, it can at least appoint an individual to represent it on preservation matters. Such an individual can be either an official of local government or (especially in low-population jurisdictions) an appointed citizen. A number of State historic preservation offices have requested each county or municipality to appoint a preservation coordinator to deal with the State office on matters such as survey and inventory, National Register nominations, and environmental review, and the National Register office has requested each Community Development Block Grant entitlement community to appoint a representative for environmental matters

such as requests for determinations of eligibility for the Register. In places where there already is an official preservation agency, the staff head of the agency (or the citizen chairman if there is no staff) is the logical person to assume this responsibility, but in the majority of local jurisdictions there is no existing preservation agency; so a new appointment must be made. The important thing is for each local jurisdiction, regardless of size, to acknowledge its concern for the man-made environment and historic and cultural resources by, at the very least, appointing a representative to deal with these matters.

ACTIVITIES OF LOCAL PRESERVATION AGENCIES

Although the scope of local preservation agency activities varies according to the size and staff capability of the agency, certain categories of activities are (or should be) common to every type of local preservation agency, from the large urban conservation office to the individual preservation coordinator. The major categories of activities are survey and inventory, designation and protection, and public information and education.

Survey and Inventory

The first step in any local preservation program is a survey of existing resources. Surveys can vary in the thoroughness from a broad overview of urban development patterns to an every-building inventory supplemented by primary research, extensive photography, and publications. Often a broad-brush survey is followed by more intensive studies of selected areas, such as those proposed for historic district designation. The important thing is that the initial survey concern itself with the entire city, town, or county, not just those areas or buildings thought to be historic. Furthermore, the range of interest should be as broad as possible - early settlement patterns, industrial districts, twentieth-century housing projects, not just mansions of the rich. Subsequent studies can focus on particular areas, but the initial overview should encompass all aspects of the man-made environment.

All survey and inventory activity at the local level should be coordinated with the State historic preservation office, to

ensure that the community's historic and cultural resources are represented in the official State inventory. The State preservation office may have inventory forms that can be used in a local inventory or that can be filled out later for selected properties if the local inventory has its own recording system. The more professional the inventory, the better it is likely to be, but volunteer inventories can be perfectly satisfactory if carefully planned and professionally directed.

The survey should not be an end in itself but should be integrated into an overall preservation program for the community. A survey alone, even when published, is not enough; the ultimate goal must be protection of the resources that have been identified.

Designation and Protection

Most local preservation agencies are concerned with designation and protection of historic properties, although there is considerable variety in the extent and depth of such programs from community to community.

For landmarks commissions and historic district commissions, the procedure of designation is spelled out by statute or ordinance; in such cases, designation has a circumscribed meaning. More generally, however, designation can mean any singling out of historic and cultural property for recognition and (to the extent possible) protection. In this sense, a local preservation agency may be said to engage in several levels of designation, from summary listings of properties identified in surveys (where the number of properties is likely to be large and

the degree of legal protection small) to the lengthy, circumscribed procedure for statutory designation (where the number of properties is likely to be low and the degree of legal protection high).

Protection also has both limited and broad connotations. For statutorily designated landmarks or districts, there is strict definition of the regulatory powers of the preservation agency. The standard procedure involves agency review of proposed exterior changes to designated properties, to ensure that the character of the building or district is respected; generally, there is an economic hardship clause to protect the owners.

More broadly, however, many aspects of a preservation agency's program result in some form of protection for historic properties. Publication of surveys helps to direct public attention to identified properties and can stimulate sympathetic treatment by owners; research and recommendations for National Register nominations can lead to Federal and State protection for local properties; appearance at planning or zoning board hearings can help to avert zoning changes that would be antithetical to an historical environment.

Since statutory designation and protection programs rarely cover more than a small percentage of a community's historic and cultural resources (for political, legal, and administrative reasons), local preservation agencies need to think of designation and protection in the broadest possible terms and to organize their programs so that maximum protection is achieved

with whatever tools and methods are available.

Public Information and Education

Regardless of size or staffing, local preservation agencies cannot achieve broad conservation goals without strong public interest and support. Public information and education are therefore essential activities of such agencies, if their programs are to be effective.

Public information at the local level is achieved in many of the same ways as at the State level, although the opportunity for direct contact with citizens and property owners is far greater. Publications are a major medium for increasing public awareness and can take a variety of forms; one of the best is short booklets or brochures geared to individual neighborhoods. People will identify with and read about their own neighborhood when they might never pick up a general historical study or preservation manual. Not just the printed word, but slide lectures, radio and television programs, walking tours, and the like can similarly be geared to neighborhood concerns, with positive results for the overall preservation program.

The local school system and public library are excellent resources for public information and education in preservation. The library can promote and display materials, arrange exhibitions, schedule lectures, and otherwise further the goals of the local preservation agency. Schools at both the primary and the secondary level have great potential for utilizing environmental materials. The local preservation agency can fill a void here

that cannot be met by outside publishers, by providing solid background information about the community and its neighborhoods. The opportunities in this area are limited only by the time and funds required to develop individually tailored educational programs, but the benefits will be realized over many years, as a more environmentally aware populace comes into positions of leadership.

Nearly all activities of a local preservation agency are capable of being utilized for purposes of public information and education. Inventories are good vehicles for involving local citizens and developing their awareness of their environment. Designation programs, whether honorary listings, National Register nominations, or local statutory designations with design-review protection, all offer valuable opportunities for publicity. Marker programs tie in well here. Finally, the preservation agency's day-to-day contacts with county and municipal officials, planners, and local property owners (especially in historic districts) are particularly valuable for spreading the agency's message, because of the personal contact involved.

Other Activities of Local Preservation Agencies

In addition to the basic activities of survey and inventory, designation and protection, and public information and education, local preservation agencies are able to engage in other activities as time and funds permit. The most common types of other activities are ownership and management of historic properties and administration of museums, archives, or special collections.

Many local preservation agencies (particularly historical commissions and quasi-public historical societies) have custody of one or more historic sites or buildings owned by the city, town, or county. Usually such properties are operated as museums. In addition, local preservation agencies are sometimes responsible for archives or special historical collections owned by local government. Such responsibilities are perfectly appropriate for a local preservation agency but may divert more than their share of the agency's time and resources from broader conservation goals.

One aspect of property ownership that has great potential for utilization by local preservation agencies is the holding of recorded preservation agreements on behalf of the city, town, or county. Such agreements (sometimes called easements, covenants, or preservation restrictions) may be acquired by gift or purchase and may be utilized to supplement police-power protection of the sort provided by statutory historic district or landmarks ordinances.

Not previously mentioned has been the involvement of local preservation agencies in preservation planning. In essence, this is the core activity of such agencies, in that all their programs and operations need to be conducted according to a plan that has as its goal maximum recognition and protection of local historic, cultural, and environmental resources. Such a plan, however, need not (indeed, should not) be a static document but rather should be a continually evolving philosophy of action. Furthermore, preservation planning by a

local preservation agency will only be successful to the extent that its means and objectives are incorporated into local comprehensive planning, touching on the broad subjects of land use, zoning, patterns of growth, public facilities, and the like. The subject of planning is best discussed, therefore, under local government preservation involvement other than that of the preservation agency.

LOCAL GOVERNMENT PRESERVATION INVOLVEMENT OTHER THAN THAT OF THE PRESERVATION AGENCY

Since local preservation agencies, whatever the size of their jurisdiction, are likely to be limited in staff and budget (not to mention in the scope of their official responsibilities), it is important to recognize the valuable role that other agencies of local government can play in fostering environmental conservation. This role can be particularly effective in the areas of planning, zoning, housing, and community development. The preservation agency can act as a spur in these areas and can provide expertise and advice, but adoption and implementation of preservation in related programs will normally be up to the other agencies.

Planning and Zoning

Planning and zoning decisions often have far more profound implications for preservation than do the official activities of local preservation agencies. When the planning staff and planning and zoning board members are attuned to conservation goals, much can be accomplished even without bringing specific preservation laws and techniques into play.

Now that the concept of neighborhood conservation is achieving broad public acceptance, citizens are increasingly demanding of their planners and public officials decisions that will reinforce neighborhood conservation goals. In particular, transitional urban or suburban neighborhoods are resisting normal pressures to change from single-family residential to multi-family or mixed residential-commercial and are lobbying for planning actions

that reinforce these desires. In some cities, such as Dallas, down-zoning from higher to lower density has even been accomplished. When zoning is stabilized at a level of occupancy and land use compatible with the historical character of an area, the way is generally clear for preservation; then can come the supplementary protection of historic-district design-review provisions.

Environmental conservation (including historic and cultural resources) should be a fundamental element of any local comprehensive plans; all too often, however, a preservation section is tacked on as a last-minute addition, and only lip service is paid to conservation goals. Fortunately, the situation is changing, due in part to the strong conservation orientation of the Housing and Community Development Act of 1974 and the requirement of that law that local governments assume the responsibilities of the Department of Housing and Urban Development for environmental review and compliance with Executive Order 11593 and Section 106 of the National Historic Preservation Act of 1966. In the future, therefore, planning at the local level will increasingly take preservation considerations into account. The local preservation agency can be of great help to the planning agency in providing information and evaluations of buildings and districts worth conserving. If the preservation agency has a broad enough and flexible enough approach and can talk the planners' language, far more can be accomplished than could ever be accomplished by preservationists alone.

Housing and Community Development

Now that total-clearance urban renewal and large-scale public housing projects have proven to be environmental disasters in so many instances, attention is turning to rehabilitation of existing structures as a way of solving urban housing needs. This change in direction is underscored by the Housing and Community Development Act of 1974. The possibilities for achieving preservation objectives through housing and community development project funding are therefore considerable, and local agencies with responsibilities in these areas need to be attuned to the opportunities. Again, a close working relationship between the local preservation agency and housing and community development agencies is essential for maximum realization of this potential.

Other Activities

In addition to planning, zoning, housing, and community development, other activities of local government outside the preservation agency have implications for environmental conservation. These activities include tax assessment practices, public facilities development, and education.

Property tax powers of local government can, with the proper authority, be used creatively to achieve conservation goals. Assessing individual landmarks and buildings in historic districts at their existing-use value rather than their highest-and-best-use value is one example; the same is true of properties that are subject to recorded preservation agreements.

Tax increment financing is another possibility. (Under this

concept, the increased tax revenues generated by public and private investment in a designated district are used solely for the benefit of that district for a specified period of years, and anticipated revenues can be capitalized to provide the initial pump-priming public investment.) Also, tax abatements can be granted to property owners for all or part of funds expended on rehabilitation or restoration according to certain standards or in certain districts; or, a public commitment can be made not to reassess for a specified number of years. All these tax devices, and others, must be used with full awareness of their implications for the municipal or county treasury, and in most places they will require specific State enabling legislation. Nevertheless, they indicate some of the range of options available to a local government that is committed to the preservation cause.

Construction and maintenance of public facilities (schools, hospitals, police and fire stations, parks and recreation areas) account for a large portion of any local government budget. If a conservation attitude exists in this area, the possibilities are considerable for innovative recycling of existing public buildings and for the adaptive use of obsolete structures (public or private) for public purposes. The local preservation agency needs to be alert to such possibilities and needs to be in a position to document the feasibility (as well as the cultural value) of each proposal, but in the end it is the local government as a whole rather than the preservation agency that will implement such projects.

Education has been mentioned before as an area for involvement by the local preservation agency. Since it is a general government responsibility (usually entrusted to an elected school board), education needs to be mentioned here as well, as an example of local government involvement outside the preservation agency. The possibilities for achieving preservation goals through educational programs are long-run rather than short-term, but they should not be neglected for this reason. The long-term benefits of an environmentally aware populace can be sizable.

LOCAL PRESERVATION LEGISLATION

Legislation affecting local preservation activity falls into two principal categories -- State enabling legislation and local ordinances. In addition, a number of Federal laws have a direct effect on local preservation activity, as in the case of the Housing and Community Development Act of 1974. The States vary in the strictness with which they require specific State legislation for local activities; some States have given strong home-rule authority to municipalities and counties, whereas others have retained virtually all law-making authority within the legislature.

State Enabling Legislation

The most common form of State enabling legislation for local preservation is the historic district enabling act, which empowers communities to establish and administer historic districts according to specified standards and procedures. The degree to which procedural regulations for local historic districts are spelled out in State enabling acts varies from State to State. Some acts go into great detail about how a local commission is to operate; others give considerable leeway to the commission. In States with neither an historic district act nor broad home-rule powers, a separate act of the legislature is generally required for each historic district established.

State enabling legislation is needed for most of the specialized legal and financial techniques that local government can use to foster conservation of the man-made environment -- preservation restrictions or easements, development rights

transfer, tax increment financing, and the like. As with all State enabling legislation, laws for these purposes empower but do not require the local government to take advantage of the technique in question; getting local authorities to adopt them is another matter. On the other hand, absence of State enabling legislation can be a fatal impediment for a community that is ready to utilize new techniques but is not empowered to do so. And even where enabling legislation is not required, its existence can help to stimulate local government action by officially endorsing the public benefit involved.

There is need in most States for enabling legislation for comprehensive local preservation programs, involving not just historic districts and specialized preservation techniques but the establishment of official local preservation agencies with a broad mandate for environmental conservation. Whether or not enabling legislation is specifically required for the operation of such agencies, it can set standards for the development of local preservation programs and can serve to inspire local government action that might not otherwise occur.

Local Ordinances

However solid the basis of State enabling legislation for local preservation activity, there must be local government acceptance of the responsibilities authorized by the legislature. Local ordinances, therefore, are needed in almost every instance where local government is to play a role in preservation (other than indirectly through other programs such as education or housing).

The most basic need is for an ordinance creating a local preservation agency (be it a professionally staffed office, a citizen commission, or an appointed individual). The best ordinances give broad powers to such agencies; even if these powers are largely advisory, the agency at least has a chance to voice its concerns on matters affecting the environment

In addition to setting up comprehensive local preservation programs, local ordinances are needed (in most cases) to establish historic districts, to approve landmark designations, to accept easements on historic properties on behalf of the community, to authorize tax abatement or incentive programs, and to make possible a myriad of other actions that further environmental conservation. Ideally, such ordinances should result from recommendations of the local preservation agency, based on a carefully thought out local preservation plan. Even if not well integrated, however, local preservation ordinances should be encouraged as steps in the direction of acceptance by local government of its responsibility for historic and cultural resources and the environment. Local government involvement is in the forefront of the preservation movement in 1976, and local ordinances are a primary means of accomplishing the desired ends.

Chapter 5

PRIVATE SECTOR INVOLVEMENT IN PROTECTING HISTORIC AND CULTURAL RESOURCES

Despite the increase in government involvement in preservation during the past decade, the private sector still plays the largest role in protecting historic and cultural resources in the United States. The components of the private sector are many and varied, from the National Trust for Historic Preservation to hundreds of local preservation organizations to tens of thousands of private citizens committed to conserving their older homes and neighborhoods. Reinforced by positive government policies and programs, these participants and others like them can and will continue to accomplish most of the tangible work of conserving the man-made environment.

The National Historic Preservation Act of 1966 acknowledged that "the major burdens of historic preservation have been borne and major efforts initiated by private agencies and individuals." The act used this fact to justify a greater Federal role in preservation. What has happened in the ensuing decade has been not only an increase in Federal and State involvement (and the beginnings of an increase in local government involvement) but also a broadening of the nature and extent of private sector preservation activity. Whereas private preservation formerly involved a relatively small number of people and typically focused on the restoration of historic house museums, now the movement involves large numbers of individuals and organizations (even corporations

and real estate developers) and is concerned with modest urban neighborhoods as well as with the mansions of the rich and the sites of major historic events.

This chapter will discuss private sector preservation activity in terms of national, State, and local preservation organizations, corporate and institutional involvement, and private citizen involvement. There will also be a brief discussion of the need for education in preservation and conservation -- for professionals, for technicians and craftsmen, and for public officials and citizens.

NATIONAL TRUST FOR HISTORIC PRESERVATION

Foremost among national organizations with preservation concerns is the National Trust for Historic Preservation in the United States. Chartered by Congress in 1949, the National Trust was established "to further the policy enunciated in the [Historic Sites Act of 1935] and to facilitate public participation in the preservation of sites, buildings, and objects of national significance or interest." In order to accomplish these goals, the Trust was empowered to receive donations of historic properties, to preserve and administer these properties for public benefit, and to accept and manage funds, enter into contracts, and engage in other activities furthering the national preservation program.

Just as the role of the Federal government was expanded by the National Historic Preservation Act of 1966, so also was the role of the National Trust. Specifically, the act authorized Federal funding for the Trust on a fifty percent matching basis, the same as for the States. While the funding was modest to begin with, it has increased to more than \$2 million per year, used by the Trust for technical assistance and education programs, maintenance and administration of Trust properties, and acquisition and development of new properties.

The four principal areas of operation of the National Trust, as reflected in its organizational structure, are properties, preservation services, publications, and public affairs.

National Trust Properties

The initial orientation of the National Trust was toward

properties, and properties still receive the largest share of the Trust's annual budget. There is no avoiding the fact that major historic houses, professionally restored, maintained, and interpreted as museums, require substantial funding. Because of the expense involved, the Trust has never been able to accept all the houses and other properties offered to it; those that have been accepted have in nearly every case come with substantial endowments. On the other hand, funding is by no means the only criterion on which the National Trust bases its property acquisitions; significance, geographical distribution, possibilities for interpretation, lack of other viable means for preservation, and contribution to a balanced portfolio of museum properties are other criteria. After a quarter of a century of property acquisition decisions, the Trust now has a dozen museum properties, half in Washington, D.C. and nearby Virginia, the other half in Pennsylvania, New York, Massachusetts, Louisiana, and California. The range of building types is considerable, from important eighteenth and nineteenth century estates to modest California adobes and a small house designed in 1939 by Frank Lloyd Wright.

The National Trust has recognized the limitations, both financial and philosophical, of attempting to preserve large numbers of historic properties as museums, especially through its own ownership and administration. It has therefore embarked on a new properties program, emphasizing non-museum acquisitions, less than fee-simple ownership, involvement with other organizations and agencies, and other innovative approaches. At the same time, the Trust is working to improve the quality of its museum

properties, with the goal of integrating them into the cultural life of their communities and making them models in the techniques of restoration, preservation, maintenance, and interpretation.

As part of its new properties program, the Trust has introduced two categories of properties that are owned by the Trust but not intended as museums. One category is National Trust Historic Houses -- significant properties whose preservation is ensured through ownership by the Trust but for which full museum interpretation is not justified. The Trust's ownership need not be in fee simple: remainder interests, easements, purchase options, and other ownership rights are often more appropriate. The other category is asset properties -- real estate donated to the Trust in the same manner as cash or stocks and used to further the Trust's general purposes. In addition, the Trust is becoming increasingly involved with other organizations and agencies, generally at the local level, to ensure the preservation of historic properties without the necessity of ongoing Trust participation.

An example of the National Trust's new approach to properties is found in its acquisition of an option to purchase the Wainwright Building in St. Louis, a landmark structure by architects Adler and Sullivan. The Trust's option period allowed time for a permanent solution to the building's preservation to be worked out, in this case through acquisition by the State of Missouri for use as an office building.

Preservation Services

The area of the National Trust's operations that has

increased most significantly since 1966 is that of preservation services. Always part of the Trust's program, advisory services to organizations and individuals have grown from the part-time assignment of one or two staff members to the full-time responsibility of a major Trust department. Federal matching funds under the National Historic Preservation Act of 1966 have helped make this expansion possible; in Fiscal Year 1974, for example, the Trust received \$650,000 in grants for technical assistance and education programs.

The National Trust has devoted part of its efforts in preservation services to the development of regional offices. Designed to increase the opportunities for direct contact between the Trust and preservationists in different sections of the country, field service offices were opened in San Francisco in 1971, Chicago in 1973, and Boston in 1974 (the last in conjunction with the Society for the Preservation of New England Antiquities). In 1975, these three were made full-fledged regional offices of the Trust, and new field offices were scheduled to be opened in the Southwest (Oklahoma City) and Southeast.

A consultant services grant program administered by the National Trust has enabled dozens of local preservation organizations to receive professional advice and assistance in a wide range of subject areas, from survey techniques to the establishment of historic districts to preservation technology and the financing of adaptive-use projects. The Trust's consultant services grants are relatively small (from a few hundred to a few thousand dollars each), but they often make the difference between

an ill-conceived and a solidly based local project. Another funding program sponsored by the Trust is the National Historic Preservation Fund, which provides loans to preservation organizations, primarily for the purpose of developing and implementing local revolving funds.

Correspondence, handled both by headquarters in Washington and both by the various regional offices, accounts for a large part of the Trust's preservation service activity. On subjects of recurring interest, special informational materials are prepared. Appointed National Trust Advisors (two or three per State) help keep preservation information flowing and also ensure that the Trust remains truly national in scope -- the organization's goal from the beginning, although its founders were predominantly from the East and South.

Special Trust projects have included several studies on historic districts, most recently one on delineating boundaries (funded by a City Edges grant from the National Endowment for the Arts). A grant from the Department of Housing and Urban Development has made possible expanded services to landmarks commissions and historic district commissions. This project involves preparation of a directory of commissions and a handbook on their operation, publication of a special newsletter, and sponsorship of a series of regional conferences.

Education is another area in which the National Trust provides preservation services. Grants from the Preservation Education Fund assist universities in developing or enriching their

graduate preservation programs and provide support for other worthwhile projects, such as adaptive-use seminars and research in environmental education at the primary and secondary school levels. Conferences and workshops are a major area of educational activity for the National Trust. Subjects of past Trust conferences, held in various parts of the country, have included preservation law, the economics of preservation, building code problems, and public tax policy. In addition to its own conferences, the Trust co-sponsors and helps to finance many other conferences in cooperation with national, state, and local preservation organizations.

Publications

Dissemination of information through publications has long been a principal activity of the National Trust. The Trust's monthly newspaper, Preservation News, provides up-to-date information about current events and issues in the preservation field; the quarterly magazine Historic Preservation publishes more general articles, illustrated in color. In addition, the Trust publishes the proceedings of many of its conferences and workshops and the results of its special studies and some of its grant-funded projects. The purpose of this publications activity is to make information about preservation available to as broad a constituency as possible.

In 1975, the Trust's Publications Department became the Preservation Press, which not only produces the Trust's own publications but also aids other organizations in their publishing ventures. The imprint of the Preservation Press now appears on

a growing list of titles produced for other preservation groups. In this way, the professional expertise of the National Trust's publications staff can serve the needs of organizations without a publications capability of their own, resulting in better quality publications that are likely to reach a far wider audience.

Public Affairs

One of the National Trust's objectives is to increase public awareness and concern for historic preservation. This purpose is served both by the programs already discussed -- properties, publications, preservation services and education --and by direct public-affairs activities. In the latter category falls the Trust's campaign to increase its own membership, an effort that has produced significant results in recent years. In 1974-75 alone, the membership of the National Trust grew by fifty percent, to over 75,000. Another area of public affairs activity is media services -- press releases, special articles, and a notable series of public-service television spots. Special events such as tours, the Trust's annual meeting, and fund-raising functions also aid the Trust's cause.

As the only national organization exclusively devoted to the cause of historic preservation, the National Trust plays a major role in private-sector efforts to conserve the man-made environment. Its own activities are important in themselves, but even more significant are the combined activities of the thousands of Trust member organizations, individual members, and others with whom the Trust comes in contact. While the rest of this chapter is devoted to other private-sector preservation in-

volvement, without specific reference to the National Trust, the Trust remains a behind-the-scenes participant in that it is likely to have inspired or supported many of the organizations and activities discussed.

OTHER NATIONAL ORGANIZATIONS WITH PRESERVATION CONCERNS

While the National Trust may be the only national organization exclusively devoted to historic preservation, many other national organizations devote at least a portion of their energies to the cause. Notable among these are professional associations of architects, archeologists, architectural historians, and the like.

The American Institute of Architects has long been concerned with conservation of the man-built environment, despite the preponderance of interest on the part of its members (until recently) in new construction. As long ago as 1899, the AIA rescued William Thornton's Octagon House in Washington and adapted it for use as its headquarters. The AIA was also an original (and continuing) sponsor of the Historic American Buildings Survey, and many AIA chapters have been active in architectural survey and preservation work in various sections of the country.

More highly organized in its preservation efforts than other comparable organizations, the American Institute of Architects has an active Historic Resources Committee and a network of State Preservation Coordinators blanketing the country. Before the development of professionally staffed State historic preservation offices, the AIA State Preservation Coordinator was often the only source of advice and assistance on architectural aspects of preservation and restoration in many States. Now, as the cost of new construction soars and as energy conservation becomes a major consideration, the continued use or adaptive reuse of existing buildings is receiving more and more attention

from architects and from the AIA. The Institute has even run a series of advertisements on the values of preservation and adaptive use. If present trends continue, the share of the AIA's resources devoted to environmental conservation will increase still further, making the Institute even more of a force than it has been on the national preservation scene.

The American Society of Landscape Architects is a smaller professional organization than the AIA but also has a national preservation committee, comparable chapter committees, and a designated individual in each State to serve as liaison with the State Historic Preservation Officer. The American Society of Interior Designers is also officially involved with historic preservation, particularly with regard to the quality and accuracy of interior design and furnishings in restoration projects.

Planning organizations have thus far made less of an official commitment to preservation than their counterparts in architecture and design, although the situation is changing because of growing public and governmental awareness of neighborhood conservation as an essential element of planning and community development. Both the American Institute of Planners and the American Society of Planning Officials have preservation committees, and their publications and programs are beginning to recognize urban conservation needs. There is still a long way to go, however, before planning organizations and the planning profession as a whole acknowledge that cultural resource conservation is a necessary frame of mind throughout the planning process rather than an add-on component and that cultural resources can involve everyday streets and buildings as well as major historic landmarks.

increases. Examples include the American Bar Association and the American Society of Appraisers, both stimulated by the implications of preservation regulations and agreements for real estate law and valuation practices. Similarly, natural resource conservation organizations are beginning to concern themselves with the man-made as well as the natural environment, just as historic preservation organizations are expanding their concerns from isolated structures to entire districts and settings. These expanding and overlapping interests on the part of national organizations are bound to be good for the preservation cause and may be expected to filter down to the state and local levels in due course, with correspondingly beneficial results.

REGIONAL AND STATE PRESERVATION ORGANIZATIONS

On the regional and State levels, the number of private preservation organizations is increasing, but the need exists for many more. Ideally, there should be a statewide private organization in every State, to represent the interests of local preservation groups and to provide support or stimulus for the State historic preservation office. In addition, regional preservation organizations are desirable for sections of the country with a common cultural and economic heritage, so that problems may be identified and solutions worked out on a larger than statewide basis.

The best example of a regional preservation organization is the Society for the Preservation of New England Antiquities. Founded in 1910, the SPNEA was largely a property-owning and administering organization for the first sixty years of its history, but in recent years it has considerably broadened its preservation service capacity. A major step in this direction came with the opening of the New England Field Service Office, sponsored jointly by the SPNEA and the National Trust for Historic Preservation. In addition, the SPNEA has developed a consulting team of specialists in architectural conservation. On request and for a fee, the latter group advises governmental and private owners of historic property on conservation needs and techniques. The range of technical expertise represented on the SPNEA's consulting team could not be duplicated (or afforded) by local preservation organizations, nor by most State groups. One of

the values of a regional preservation organization therefore lies in its ability to provide information and services that would be beyond the capabilities of a State or local organization.

State preservation organizations vary considerably in type, if not in purpose. Some are loose affiliations of local organizations; others are highly centralized and autonomous. Most have some form of direct relationship with constituent or member organizations, to whose needs they are responsive and for whom they can act as a spokesman (such as before legislative committees). Most also have a broadly based individual membership. At best, State preservation organizations have roles and functions similar to those of the National Trust, except exercised within State boundaries. They provide preservation services, act as a clearinghouse for information about preservation, disseminate that information through publications and other means, engage in educational and public relations activities, and have a property program. The property function does not have to involve ownership and administration of historic house museums (although many State preservation organizations have such responsibilities), but it should allow a wide range of property activities, including acquisition and policing of preservation agreements, purchase and resale of properties through revolving funds, and the like. Private organizations are nearly always faster and more flexible in their property dealings than public agencies and therefore make good custodians of funds and administrators of innovative programs.

A major reason why every State needs a private statewide preservation organization is to have a private group to work

with, support, reinforce, and sometimes prod the State historic preservation office. A private organization or its members (especially if they are from all sections of the State) can sometimes convince the legislature to approve budget and staff increases for the preservation office that the SHPO might be constrained from even seeking. Many other forms of cooperation and support are also possible. At the State level, as at other levels, a combination of public and private effort is generally better than either alone.

LOCAL PRESERVATION ORGANIZATIONS

It is at the local level that private preservation organizations exist in the largest numbers and have accomplished the greatest amount. While relatively few States have statewide private preservation organizations, all States have active local groups, sometimes more than one in a single community. The brunt of responsibility for historic preservation in the United States has traditionally been borne by the private sector, and local preservation organizations have been at the forefront of this activity. There is no reason why this situation should not continue, despite the recent increase in government involvement in preservation. Preservation agencies at all levels of government are primarily concerned with planning and protection; private organizations, particularly at the local level, are usually better equipped to carry out brick-and-mortar preservation projects, easement and revolving fund programs, and other action-oriented projects, especially those involving real estate.

Just as there has been a change in the whole tenor and direction of the historic preservation movement in the United States, from preoccupation with individual historic sites to concern for the total environment, so also has there been a change in the types of local private preservation organizations that have grown up. Twenty years ago, the local historical society would probably have been the only private group in town with preservation concerns; its efforts would have been focused on a single historic house furnished as a museum and used as the society's headquarters. Now there is a whole new breed of private

preservation organizations at the local level. Concerned with commercial and industrial architecture as much as with residential, and with neighborhood character as much as with individual buildings, these new preservation groups are engaging in sophisticated legal, financial, and public relations techniques in order to accomplish their goals.

In most cities, the traditional historical society continues with its work, while the new preservation group is an entirely separate organization. In addition to preservation organizations that deal with an entire city or town, there are groups that focus on a single neighborhood or section of the city. There is increasingly less distinction between a traditional neighborhood association and a neighborhood oriented preservation organization; both groups are likely to be equally concerned with the quality of life and with the architectural character of the neighborhood.

Some cities, such as Louisville, have so many historical societies, preservation organizations and neighborhood associations that they need a master organization to coordinate efforts, disseminate information, seek grant funding, and act as a spokesman with public agencies. In Louisville, the Preservation Alliance of Jefferson County performs that role. Since the city also has an active Landmarks Preservation Commission and a strong commitment to neighborhood conservation, much is being accomplished through a combination of public and private efforts.

Local preservation organizations stand in the same relationship to local government as State preservation organizations do to the State historic preservation office. They encourage, support, and occasionally prod the local preservation agency

in the performance of its work; they keep track of what other local agencies are doing and speak up for preservation where necessary; and they engage in a variety of activities (particularly those involving property) that the private sector can accomplish more flexibly and economically than the public sector. Since local preservation agencies do not exist in as many communities as they ought to, private preservation organizations often have to fulfill some of the functions of the public agency, such as inventorying properties, preparing documentation for National Register nominations, and participating in environmental reviews. The smaller the jurisdiction, the less likely the public preservation agency is to have its own staff and the more likely there is to be an overlap of personnel between the public agency and the private group. Cross-fertilization can be valuable whatever the size of the jurisdiction, but wherever possible there should be both a public agency and a private preservation organization, with roles and functions that reinforce each other.

CORPORATE AND INSTITUTIONAL INVOLVEMENT IN PRESERVATION

As public interest in preservation grows, and as the scope of the movement broadens, institutions and corporations are becoming involved to an increasing degree. There are two principal reasons why an institution or corporation would undertake a preservation project - for public image or for profit. (If the two can be combined, so much the better.)

Corporations like to point out that they are in business to make money and cannot afford to indulge in unnecessary gestures such as restoring old buildings. Institutions such as hospitals, churches, and universities like to point out that since their purposes do not include preservation, they cannot be expected to engage in such activities. Both groups are coming to the realization that a certain amount of environmental consciousness, including concern for cultural resources, is now not only expected but demanded by the public. Therefore, corporations are beginning to support restoration projects, endow publications of preservation organizations, and occasionally fix up for continued or adaptive use an old building of their own. Similarly, institutions are more likely now than ever before to preserve and restore their "Old Main" building rather than tear it down as obsolete. The Bicentennial has been the catalyst for a substantial number of corporate and institutional projects related to preservation, including a roofing company's sponsorship of a preservation grant program and a

liquor manufacturer's sponsorship of a project to photograph and document county courthouses across the country.

Preservation for public image or public relations value can obviously protect only a relatively small number of properties. What is needed as well is for preservation to be sufficiently attractive economically to be chosen by corporations and institutions on its own terms, not just for publicity or status. Fortunately, preservation for profit is becoming an increasingly realistic alternative to demolition and new construction for a growing number of corporations, institutions, and real estate developers, due to the rising costs of new construction and the need to conserve all types of energy.

Preservation development involves the rehabilitation and adaptation of existing structures for new or continuing uses. To carry out such work, new specialists are emerging out of the ranks of developers, architects, contractors, mortgage bankers, real estate brokers, and investors; as their expertise grows, and as the bottom line of the balance sheet proves favorable in increasing numbers of cases, more and more preservation development will occur. Although very different from traditional historic building restoration, this kind of work, if undertaken with any degree of sensitivity, is bound to result in more interesting, varied, and lively cities than did the recent decades of urban renewal and speculative new construction.

What is needed, to ensure proper respect for the structures and environments being altered through preservation development, is adequate architectural inventories and rehabilitation guidelines, coupled with efficient, reasonable design review procedures. While these are public-sector responsibilities, they can be used effectively to stimulate private investment. Again, a public-private partnership is needed.

private citizens who invested a little money and a lot of work, convinced others to join them, and got the neighborhood revitalization process started.

Almost never recognized, but just as important, are those citizens who conserve and maintain unheralded properties - ordinary buildings on ordinary streets that, if kept from deteriorating, can become the historic districts of the future without having to go through the agonizing process of economic and social upheaval that accompanies rescuing a neighborhood from decline. Routine maintenance of any structure on a continuing basis, together with periodic updatings of support systems, will eliminate any need for wholesale "preservation" or "restoration." Therefore, the unrecognized conservers of everyday houses and neighborhoods are the unsung heroes of the preservation movement in the United States.

EDUCATION IN PRESERVATION AND CONSERVATION

Education is an essential component of United States efforts to conserve the man-made environment, at all levels of government and in the private sector. Three principal areas of need stand out -- education for professionals in preservation, education for technicians and craftsmen, and education for public officials and citizens.

Professional education for preservation can take one of two forms -- education in one of the component professional disciplines (history, archeology, architecture, planning, law) or education in preservation itself (its history and theory, techniques, and practical applications). The former approach was the only one that could be followed until very recently, because professional degree programs in preservation did not exist. Now they are beginning to emerge, both because of the need generated by the growth of the movement and because of the inadequacies of a single discipline to cope with the intricacies of the modern preservation world.

Most of the emerging graduate programs in preservation are tied to one or more of the existing disciplines. Architecture and American studies are the most common. While specializing in a basic discipline, students are exposed also to a number of other subjects, such as urban geography, real estate economics, law, and public administration, not to mention specialized

courses specifically related to preservation. The graduates of such educational programs will be the preservation professionals of the future, because they will have a breadth of knowledge about the movement as a whole as well as a depth of knowledge in one or more of its component fields.

Education for technicians and craftsmen is less highly developed than education for preservation professionals, but it is just as necessary. Since most preservation activity sooner or later results in actual physical work on sites or structures, the need for skilled technicians and craftsmen is obvious. Yet the number of craftsmen with inherited or acquired skills in dealing with traditional building materials is decreasing rather than increasing, and the number of technicians with expertise in modern archeological techniques or building conservation methods is few to start with and not increasing fast enough. There are virtually no formal training programs in preservation technology, despite the staff expertise in such agencies and institutions as the National Park Service, the New York State Department of Parks and Recreation, the Colonial Williamsburg Foundation, and the Society for the Preservation of New England Antiquities. Even though on-the-job experience is as important as (if not more important than) textbook or classroom learning in conservation techniques, there has to be sufficient expertise among those who direct the work for even an apprenticeship system to be effective.

Clearly, there is a national need for one or more training centers in preservation technology and related craft techniques, so that the knowledge now held by a few may be spread among as many trained practitioners as possible.

Education for public officials and citizens is a basic responsibility of preservation agencies and organizations at all levels -- national, state, and local, public and private. The method and approach used will depend on the knowledge and sophistication of the agency or organization and of the potential audience. The important fact is that public awareness of the man-made environment and of the need to conserve it must be increased wherever possible -- among schoolchildren, businessmen, civic groups, institutions, and the citizenry at large. Public officials are likely to respond more to contacts from their constituents than to direct educational efforts on the part of preservation agencies, although the latter can be useful if handled properly. In any case, if the citizenry is sufficiently concerned about a given issue, public officials are bound to learn about it, and to respond according to their judgment of the seriousness (and political importance) of the concern. The historic preservation movement, particularly in its neighborhood conservation aspects, is already generating substantial political response around the country. Through continuing efforts to educate public officials and citizens, the existing trend can be intensified, to the benefit of historic and cultural resources and their preservation.

Chapter 6ANALYSIS OF EXISTING EFFORTS TO CONSERVE THE
MAN-MADE ENVIRONMENT

The preceding chapters have summarized the current status of the historic preservation movement in the United States, with emphasis on organizational structure and program possibilities. Although the discussion has focused on one level at a time (Federal, State, local, or private), there has been recognition throughout that all organizational levels and individual participants are part of an interrelated framework of preservation activity. The system of intercommunication among levels of government and the private sector is by no means perfect, nor does every participant necessarily realize his place in the framework. Nevertheless, the system does exist, and it is workable if not yet fully developed or finely tuned.

This chapter will analyze the United States preservation framework in overall terms rather than by organizational level or program component. The approach will be from the political, economic, legal, social, and planning points of view. Based on these analyses, the final chapter will make recommendations for future action, with the goal of strengthening the existing framework into a broadly effective vehicle for conserving the man-made environment.

Political Analysis

Considering the amount of government involvement in preservation and the increases that are occurring in this involvement, an understanding of the political realities affecting preservation is essential for the development of effective agencies, organizations, and programs. A basic fact is the nature of Federal-State-local relationships in United States government.

The States have vested in them many of the powers that are important for conservation of the man-made environment, particularly the police-power right to regulate private property through zoning, land-use controls, historic district regulations, and the like. These powers can be (and are) delegated to local units of government, but the source of authority is the State. The Federal government operates in this area primarily through financial incentives such as those provided by income tax laws and grant-related regulations. It also can (and does) regulate its own agencies. Although Federal control over historic and cultural property (other than that in outright Federal ownership) is indirect, it is pervasive because of the amount of Federal funding being disbursed throughout the country. Affecting the way Federal funds are disbursed is the fact that each of the fifty States has equal representation in one of the two branches of Congress; rarely do major Federal programs fail to include opportunities for participation by all States and sections of the country.

Existing governmental preservation programs have inevitably been affected by the American political structure. The National Historic Preservation Act of 1966 set up a Federal-State partnership in identifying and protecting cultural resources; all States are involved, and local governments and private organizations and individuals are involved only to the extent that the States want and allow them to be. Federal regulations conditioning grant allocations provide a means for influencing the States' actions, but this route is slow and cumbersome. The protective procedures of the Advisory Council on Historic Preservation affect only Federal agencies, although many others are involved because of the far-reaching effects of Federal funding and licensing programs. Essentially, the American political system prevents the Federal government (unlike many other national governments) from identifying cultural properties and directly regulating what owners do to those properties.

The States are central not only to administration of National Historic Preservation Act but also to the development of innovative enabling legislation for preservation. The States are therefore appropriate and politically realistic foci for preservation activity at all levels. Pressure can be brought to bear both from the Federal level (through grant-related regulations) and from the local level (through lobbying and other direct forms of political action) to ensure the development and operation of effective State historic preservation programs.

Although the Federal-State relationship is a firm part of the American political tradition, there is an increasing tendency for Federal aid to be granted directly to local governments. The revenue sharing program and the Housing and Community Development Act of 1974 are examples of this trend. Partly because of the environmental review responsibilities given to local governments by the Housing and Community Development Act, there is increasing local awareness of historic preservation, and there may be a corresponding desire for more direct participation in the Federal preservation program, bypassing the State level. This desire is likely to be most prevalent where the State historic preservation office is not fully developed or does not include local government relations as part of its program. With State preservation offices encouraging and supporting local preservation efforts, there is neither need for nor likelihood of change in the existing Federal-State-local framework.

Increased public awareness of preservation, as of any subject, is bound to have political ramifications. In many places, preservation has become an issue in political campaigns, and this trend is likely to continue as the constituency for preservation grows. The neighborhood conservation movement has done much to raise the public's consciousness of the man-made environment and has begun to demand (and receive) the attention of politicians and public officials. All this is for the good, especially if the emerging political attention can be channeled into support for the kinds of protection programs that are needed at all levels.

Economic Analysis

There is no avoiding the fact that money is essential for successful environmental conservation, whether undertaken by Federal, State, or local governments or by the private sector. The problem is that not enough of the nation's economic resources have been devoted to the preservation cause, either directly through grant programs and private investment or indirectly through tax incentives and commercial lending policies. The result nationwide has been a haphazard pattern of preservation accomplishment, depending on the success with which preservationists have been able to marshal funds for their projects from a variety of sources. Regardless of the spotty record thus far, economic tools and financial resources for successful environmental conservation are available now; all that is needed is increased public awareness and concern to put them to use in the right places and in adequate amounts.

A basic measure of public commitment to cultural resource conservation is the amount of funding made available by Congress under the National Historic Preservation Act of 1966. Understandably beginning at a modest level to allow time for program development, appropriations under the 1966 act have risen in a decade to the level of only \$20 million per year. When compared to the cost of a large construction project such as a hydroelectric dam or a Congressional office building (not to mention a jet bomber or a space flight), this amount is minimal, especially when the States are reporting a matching capability more than ten times as great.

Inadequate funding under the National Historic Preservation Act had done more to hinder progress in identifying and protecting cultural resources than any other single cause and would be one of the simplest problems to remedy, through such means as a National Historic Preservation Fund (as has been proposed in both houses of Congress).

The Federal government is not alone in the inadequacy of its historic preservation funding levels. Most State governments appropriate little more than token amounts for preservation, often earmarked primarily for State-owned historic sites. If low Federal funding levels have held back cultural resource identification and protection programs, the problem has been intensified by the virtual absence of State funding for such purposes, meaning that many States have been unable to match Federal survey and planning funds and therefore have been unable to develop adequate programs. Similarly, the local level is virtually an open book as far as the potential for preservation appropriations is concerned. The point is not so much the dollar amounts, which do not have to be large relative to the size of municipal budgets, but the availability of funds at all, and their applicability for broad preservation planning purposes rather than for work on specific historic properties.

Increasing governmental appropriations for historic preservation is a simple way to improve the economic climate for conserving the man-made environment, especially if funds are made available for identification and protection of historic and cultural resources. Even with increased appropriations,

however, direct government funding will never by itself close the gap between conservation needs and available financial resources. Fortunately, there are other public actions that can significantly improve the economic viability of preservation and conservation activities, at considerably less expense to the taxpayers.

A basic economic fact is that the present United States tax structure, at all levels, works against conservation of the man-made environment. Federal income tax laws, particularly in their depreciation provisions, clearly favor new construction over rehabilitation, and local property tax laws (which are based on State enabling legislation) penalize historic properties that are not living up to their "highest and best use". The combination means that historically and culturally valuable urban real estate can rarely survive the economic pressures brought by tax and market forces, regardless of the owner's desire to preserve. When it is more advantageous financially to demolish a fine old building for a parking lot than to retain it in a self-supporting use, something is obviously wrong with the existing system. The system can be changed, but only if more of the public is aware of the loss that is occurring and the reasons behind that loss.

Another area where economic forces are causing environmental degradation is that of real estate lending policies. Most mortgage lenders favor new construction (particularly in suburban areas) over rehabilitation of older structures (especially those in the inner city). This favoritism takes the form of better

interest rates, terms, and amount of financing for new construction and sometimes even involves a refusal to lend at all within certain geographic areas (again, usually in the inner city). While such policies and practices are excused on the basis of their profitability (profit being the reason for being of commercial lending institutions), they are reinforced by the actions of the public or quasi-public agencies that regulate banks, insure loans, and buy and sell mortgage paper in an effort to stimulate the real estate market. Where public policy is involved, there is surely an opportunity to effect changes, and even the private sector will respond if enough of its customers (or the public at large) voice their disapproval.

The economic area where the greatest opportunity for environmental conservation lies is that of preservation development -- the rehabilitation or recycling of older structures for profit rather than for eleemosynary or cultural purposes. Since there is no way that government grants or policy positions on taxation and lending can do the entire job of conserving the man-made environment, the economic climate for unsubsidized, purely-for-profit redevelopment of older buildings and neighborhoods must be made as favorable as possible. Fortunately, the energy crisis, the skyrocketing expense of building materials, and the increase in public appreciation of older environments all work in favor of rapid growth in preservation development activities. If kept in control, so that the recycling process does not destroy the character of the properties being worked on, preservation development can do more for environmental conservation than all

other programs and activities put together. The reason is simply that the opportunity to make money will stimulate far more activity than grants or public policy ever could. The latter, however, must be used to create a climate in which preservation development is both attractive and profitable -- the first place an investor looks in the real estate market rather than the last.

In the end, preservation of cultural resources and conservation of the man-made environment boil down to questions of real estate economics. If the bottom line of the balance sheet is favorable (whether naturally or through government incentives) there will be investment, development activity, and physical results. The point is to see that these efforts go towards improving existing resources rather than towards creating new environments of lesser quality.

Legal Analysis

Although money is the most basic necessity for successful conservation of the man-made environment, laws, regulations, and legal agreements can be used to ensure that available funds are directed toward enhancement rather than destruction of cultural resources. Legal tools for achieving preservation objectives are only beginning to be used to any significant extent, but a basic arsenal of such tools does exist and can be drawn upon wherever there is sufficient public awareness and commitment.

Existing Federal laws for the identification and protection of historic and cultural resources are inadequate in that their requirements are primarily procedural. The end result of the detailed procedures of the Advisory Council on Historic Preservation is a set of comments that are not binding on the Federal agency involved. The National Environmental Policy Act tends similarly to result in a cumbersome following of its many procedural steps rather than a genuine commitment to environmental conservation. Nevertheless, when the requirements of these laws are followed carefully, there is bound to be increased awareness of historic and cultural resources and familiarity with the agencies, organizations and individuals concerned about their preservation. Future project planning and future environmental reviews will therefore be more enlightened about such resources.

Whatever the inadequacies in Federal laws for environmental protection, the procedural mechanisms for resource identification and review at least exist; the same cannot be said for most States

and local governments. A major legal weakness in the national preservation framework is therefore the absence of State and local laws with provisions similar to those of the National Historic Preservation Act, Executive Order 11593, and the National Environmental Policy Act. With such laws and procedures, State and local governments would be compelled to look carefully at the effect of their own actions on historic and cultural resources, regardless of whether or not Federal funds are involved.

Apart from review over publicly funded and licensed projects, there is need for broader preservation legislation generally at the State and local levels. Many preservation opportunities are being lost, not because of unwillingness to try particular techniques or approaches but because of the absence of enabling legislation to make such actions possible. This situation applies particularly to special legal and financial techniques for preservation-- transfer of development rights, other innovative zoning devices, tax increment financing, tax incentive and abatement programs, preservation agreements, and the like -- as well as to more established preservation methods such as landmark and historic district designations.

The most serious legal problem in the preservation movement today centers around the degree to which private property can be regulated by the government without payment of compensation to the owner. The uncertainty of the law on this point has held back the development and implementation of strong landmarks ordinances in all parts of the country. While historic district regulations

are generally upheld by the courts as proper under the public welfare clause of the police power, ordinances prohibiting demolition or controlling exterior changes to individual buildings are harder to defend because the analogy with zoning, where an entire district is treated the same way, is more remote. Recent developments in land-use law have shown that the trend in the courts is toward favoring public benefit over private gain, particularly if the gain is speculative, but trends in legal interpretation move slowly, and the basic constitutional prohibition against the taking of private property without due process and just compensation cannot be ignored. It is clear, therefore, that preservationists cannot expect to protect all valuable cultural properties simply by designating them as landmarks and requiring owners to preserve them. A combination of public and private protective devices is and probably always will be required..

One of the most effective private devices for conserving the man-made environment (or individual historic properties within an environment) is the preservation agreement, whereby an owner agrees to limit his right to alter his property according to terms spelled out in the agreement. Such an agreement may be a condition of a deed of sale or may be a separate contract, usually made with a private preservation organization or a public preservation agency. In nearly every case such agreements are recorded with the public land records in order to be binding on future purchasers of the property. Legal problems with the use of preservation agreements arise in the absence of State enabling

legislation removing impediments such as lack of appurtenant benefited land, automatic expiration of restrictions after a certain number of years, and other survivals from English common law or American attempts to simplify title searching. Such legislation, enacted already in a number of States, is needed in all States in order to permit maximum utilization of preservation agreements in both public and private preservation programs. To this end, a uniform State code would be extremely beneficial in providing a model for preservationists, lawyers, and legislators in each State to follow in developing their own legislation for preservation agreements.

The need for a combination of preservation devices is apparent when the ramifications of techniques such as public landmark designations or private preservation agreements are considered. These ramifications extend particularly to the value of protected properties, both on the marketplace and for tax purposes (especially Federal and State income and inheritance taxes and local property taxes). Ideally, there should be an interrelated set of Federal, State, and local laws developed as part of the preservation planning process, so that full advantage can be taken of all possible preservation devices in programs at all levels.

In a report dealing exclusively with conservation of the man-made environment and protection of historic and cultural resources, there exists the danger of thinking that these goals are the only ones society considers valuable. There are times when preservation laws and regulations, however valuable in themselves, stand in the way of other socially valuable purposes, such as provision of transportation or power facilities or utilization of natural resources.

On the other hand, there are also instances where laws passed for other purposes stand in the way of preservation accomplishment. Examples include building code requirements, which can cause historic structures to lose much of their integrity through provision of required exits, fire stairs, non-combustible materials, and the like; architectural barrier laws, which are intended to make all public and many private buildings accessible to handicapped persons but which can make small-scale preservation projects infeasible because of the high cost of elevators or can emasculate historic structures through provision of required ramps and lift devices not originally part of the design; occupational safety and health laws, which can prevent continued operation of historically valuable industrial plants and processes; or flood protection laws, which can effectively prevent restoration of historic properties located in flood-prone areas, where many such properties are located because of the importance of water-borne commerce in the early history of the country. In all these cases, some accommodation can be made between the main purpose of the law and preservation objectives, but the process can be a cumbersome one, often involving changes in codified regulations and/or case-by-case review. As in the case of preservation agreements and other legal techniques, matters such as these must be considered in the preservation planning process at all levels.

Social Analysis

Expansion of the historic preservation movement has had major social implications, both good and bad. On the good side, increasing numbers of Americans from all social levels are becoming aware of historic and cultural resources and are working to protect them. On the other hand, disadvantaged members of society are frequently the victims of preservation efforts, especially when new owners move into older neighborhoods, restore buildings, and cause property values to rise to the extent that low-income residents have to move out.

Until recently, historic preservation in the United States has been largely elitist, appealing to those whose ancestors were early or important citizens or whose wealth and social position enabled them to support the kinds of private restoration projects that were undertaken. Others often participated because of the social eclat of the preservation cause. Even in "old and historic districts" such as Charleston, Alexandria, or Georgetown, house restorers rarely gave much thought to the continuity of history or the social needs of long-time residents. Most have been interested in populating the districts with people just like themselves -- generally white Anglo-Saxon Protestants with a certain amount of money or taste.

Ethnic consciousness and neighborhood consciousness have done much to expand the constituency of the preservation movement. As Americans of all classes and types have developed pride in their own identity and have recognized the value of that identity to the history of their communities, they have been able

to see the value of preserving the neighborhoods and landmarks of importance to them, regardless of architectural distinction or associations with traditional historical figures. While neighborhood conservation efforts have sometimes been purely defensive -- meant to keep outsiders out or to halt speculative development -- the results have by no means been bad, especially compared to preservation or redevelopment efforts that have led to the wholesale recycling of residents or to the destruction of stable environments.

There is little that can be done about the fate of low-income people (especially tenants) who live in older neighborhoods undergoing private (as opposed to government-sponsored) revitalization. The problem is economic more than social. The costs of updating kitchens, bathrooms, laundry facilities, and heating and air conditioning systems and of repairing floors, walls, roofs, chimneys, and the like are such that major expenditures are necessary to correct the deferred maintenance problems that are normal in older neighborhoods, especially those that have been in decline for some years. Once such expenditures have been made, there is no way that rents within the range of low-income people can amortize the costs of the improvements, much less keep up with the inflation in property values that normally accrues when considerable revitalization goes on at once in a given neighborhood. Therefore, there is usually a substantial turnover in population, with people of greater affluence replacing low-income residents. The same turnover generally occurs among property owners, as those with low incomes are unable to maintain or restore their buildings to the new standards of the neighborhood or are caught by rising

tax assessments as property values around them rise. At least owners have a chance to benefit from the rising value of their property (although less sophisticated ones are sometimes taken advantage of by speculators), whereas low-income tenants can do nothing but lose.

The fact that the people forced to leave historic districts for economic reasons are so often blacks or members of other minorities intensifies the social dilemma of the preservation movement. Government assistance programs offer a partial solution, but only a partial one because of limited resources compared to the need. Nevertheless, low-interest rehabilitation loans or restoration grants could be made conditional on the provision of low-rent units for people forced to move from other locations in the rehabilitation neighborhood, and housing subsidy and rent supplement programs could focus more on older neighborhoods. Regulations such as rent control will not solve the problem, because the stricter the controls, the less private investment will be stimulated, and substantial private investment is needed to keep existing buildings in good repair and to upgrade those that have been ignored.

Probably the best that can be done is to be aware of the negative social implications of certain preservation efforts, particularly historic district revitalization, and to do whatever is possible through government programs and other methods to achieve a reasonable economic and social balance. At the same time, the positive social implications of the burgeoning preservation movement should also be recognized, particularly the trend away from elitism toward broader participation by a variety of ethnic groups and classes.

Planning Analysis

From a planning point of view, the existing Federal-State-local preservation network is an imperfect system -- not so much because of its organizational structure as because of its newness and incompleteness. Lack of timely information about the existence or significance of historic and cultural resources is a prime source of the problem.

Considering the newness of the Federal preservation planning process, particularly those aspects of it involving State and local participation, the imperfections of the present system are not overwhelming, but they must be understood to be improved. Ten years ago, there was little or no official Federal concern for historic and cultural resources during project planning, except for investigation and salvage of archeological sites on reservoir lands. Section 106 of the National Historic Preservation Act of 1966 and Section 4(f) of the Department of Transportation Act made Federal agencies responsible for considering the effect of all their projects on properties of historic or cultural value. This responsibility was significantly expanded by the National Environmental Policy Act of 1969 and Executive Order 11593 of 1971. Meanwhile, the National Register of Historic Places became the standard for judging the significance of properties to be considered in project planning, but the Register itself remained small as the States (and after 1971, Federal agencies) developed the capacity for making cultural resource inventories and for nominating properties to the Register. Since that capacity is not yet fully developed, the National Register is far from being

the definitive list of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture, and cannot be the sole source consulted by Federal agencies at the initiation of project planning. Neither are the broader cultural resource inventories being undertaken by the States and Federal agencies adequate at this point, because of their varying standards and degrees of completion. Lack of information about the existence or significance of cultural resources is therefore the single most frustrating aspect of preservation planning for most Federal agencies.

While Federal agencies are responsible under the Executive Order for conducting their own cultural resource surveys, especially in project areas, they have received relatively little guidance in how to do so from preservation agencies at the Federal, State, or local levels and have rarely (until recently) had the expertise on their own staffs even for overseeing the work of consultants, much less for doing the work themselves. The result has been an unfortunate number of instances of cultural resources coming to light late in the planning process, sometimes as work is about to begin or is already underway, causing delays or compromises that would not have been necessary had the information been available at an earlier stage. In past years, preservation regulations and requirements were themselves sufficiently undefined or unclear to cause additional problems. Now that the Advisory Council's procedures for the protection of historic and cultural resources are well defined, the problem becomes one of improving the general level of understanding and compliance as well as the accessibility of information about existing resources.

The Federal level is by no means the only one with difficulties in its preservation planning process; there are problems at the State and local levels, too. To the extent that Federal funding or licensing assists State and local projects, the Federal system affects those levels, with State and local agencies frequently standing in for the master Federal agency on environmental review and preservation planning matters. Highway planning and housing and community development activities are primary examples of the stand-in of the State or local agency for the Federal. In addition, some State and local governments have their own environmental conservation laws and regulations. Since these are less uniform and less complete than those at the Federal level, because of the great number and variety of jurisdictions, the preservation planning process is by no means smoothly functioning at the State and local levels.

Where preservation planning does occur at the State or local level, it all too often involves a last-minute grafting on of a preservation element to an existing plan or development project. An urban renewal plan that calls for total clearance is revised to preserve two or three isolated historic structures; a comprehensive general plan already drafted has added to it a list of properties deemed worthy of preservation but otherwise unprotected. While this situation has prevailed in the past, it is gradually changing due to the impetus of the Federal preservation planning process and the growth in public awareness of historic preservation and neighborhood conservation. Now, especially in State and local planning funded under the Housing and Community

Development Act of 1974, there is opportunity for preservation objectives to be incorporated into the initial stages of the planning process, both in the case of comprehensive general plans and in the case of individual development projects.

The most logical solution to existing problems in preservation planning is for preservation agencies at all levels to work more closely together. Cities and towns too often try to identify and protect their historic properties without consultation with or help from the State historic preservation office; State offices try to comment on Federal environmental impact statements without consulting local officials; Federal agencies contract for surveys that they think will fulfill their Executive Order responsibilities without coordinating first with the State historic preservation office. The needs are too great for such diffusion of effort to occur. Especially in the crucial area of identification of resources, uncoordinated efforts are wasteful. Together, the Federal, State, and local levels can help close the information gap and ensure adequate recognition and protection of historic and cultural resources -- the goal of the preservation planning process.

Chapter 7RECOMMENDATIONS FOR FUTURE ACTION

This report has attempted to explain the framework within which conservation of the man-made environment operates in the United States. As the previous chapter's analyses have shown, all is not well within this system; many elements of the preservation framework are inadequately developed or operationally ineffective, and the full potential for interaction among levels of government and the private sector is not being realized. Nevertheless, the system is sufficiently established to be the basis for action at all levels during the coming decade. The single overriding recommendation of this report is that gaps in the existing preservation framework should be filled in as soon as possible, and all participants should work together to accomplish common goals. No one component of the system -- Federal, State, local, public or private -- can by itself accomplish the mammoth task of identifying, protecting, and enhancing historic and cultural resources, but all agencies, organizations, and individuals working together can accomplish a great deal.

The recommendations in this chapter are grouped according to the organizational level where action is needed -- Federal, State, local, and private. While action such as the enactment of legislation or the appropriation of funds may need to be taken at a particular level, the cooperative involvement

of agencies, organizations, and individuals at several levels, both public and private, will normally be necessary to achieve the desired end. Effective interaction among all interested participants is the key to success of United States efforts to conserve the man-made environment.

Federal Actions Needed

The most significant action the Federal government could take to promote cultural resource conservation would be to increase appropriations for already authorized programs and activities. Another significant action would be to amend Federal tax laws to provide equal benefits for rehabilitation of existing structures as for new construction. Actions not requiring new legislation or appropriations include the acceleration of cultural resource identification and protection programs by Federal agencies and improved compliance with existing preservation laws and procedures.

Funding under the National Historic Preservation Act has always been far lower than the need. Admittedly, the need for funds is virtually limitless, considering the number of cultural properties potentially eligible for the National Register; furthermore, the Federal government cannot and should not be expected to bear all (or even fifty percent) of the costs of preserving and restoring all such properties. Even so, present funding levels are clearly inadequate. The current appropriation of \$20 million per year, when spread among fifty-six States and territories, permits only a few sizable projects in each State to receive grant assistance in any given year, or else permits only token grants to a larger number of projects. Quite apart from Federal aid for acquisition and development of National Register properties, there is need for additional funding for cultural resource survey and planning activities

at the State and local levels. As noted in the last chapter, lack of knowledge about the existence or significance of cultural properties impedes Federal project planning and keeps environmental conservation from assuming its proper role in comprehensive general planning at the State and local levels.

Since Federal laws and regulations require State -- and to some extent local -- participation in environmental review activities, presupposing a knowledge of cultural resources, there is a Federal responsibility to help fund the identification and evaluation of those resources. Survey and planning grants under the National Historic Preservation Act are available for this purpose, but many States have been severely curtailed in developing their survey and planning programs by the requirement of fifty percent matching funds. A change in the existing legislation to authorize a greater than fifty percent Federal share for survey and planning projects would go far toward alleviating this problem and speeding up State and local inventory efforts. Also needed is a greater acknowledgement at the Federal level of the ongoing nature of the preservation planning process, particularly as it involves environmental review, relationships with other government agencies and the private sector, and public information and education. These matters are only peripherally mentioned in existing requirements for development of statewide historical surveys and plans under the National Historic Preservation Act.

Not only survey and planning projects but also acquisition and development projects would benefit from a relaxation of the requirement for fifty percent non-Federal matching funds. There are and always will be National Register properties whose owners cannot afford even half the costs of needed preservation work, and where the financial requirements are beyond the capacity also of local and State preservation organizations and agencies. If the fifty percent matching requirement cannot be changed for individual acquisition and development projects, perhaps it could be made to apply to a State's total acquisition and development program for a given year, so that at the State's discretion particularly needy projects could receive greater financial assistance than others, as long as the balance sheet for all projects added up to no more than fifty percent Federal funding.

Federal agencies as well as State and local need Congressional recognition of the costs of identifying and protecting cultural resources. Executive Order 11593 gives Federal agencies the responsibility for identifying cultural resources on their own lands, for nominating eligible properties to the National Register, for ensuring that their projects do not have an adverse effect on cultural resources (whether Federally owned or non-Federally owned), for preserving and enhancing their identified cultural properties, and for developing regulations to accomplish all this. Since no specific appropriations accompanied these directives, Federal agencies have been slow to follow the provisions of the Executive Order, except where directly confronted by the pro-

cedures of the Advisory Council on Historic Preservation. Some agencies have claimed that their authority from Congress does not allow them to expend funds to preserve and maintain cultural properties that are no longer needed for basic agency purposes. While most Federal agencies are beginning to add staff positions to meet their Executive Order responsibilities and are willing to pay for required surveys and environmental evaluations out of project budgets, there has been no overall Congressional recognition of the need for cultural resource identification and protection through direct appropriation of adequate funds for the purpose. Even the Archeological and Historic Preservation Act of 1974, which comes closer than previous Federal legislation to giving a Congressional imprimatur to some of the provisions of Executive Order 11593 (though causing some confusion through its overlap), is inadequately funded.

Specific appropriated funds would help, but even without them there can and should be more effective implementation of existing laws and regulations for conserving the man-made environment. The Advisory Council's procedures in particular are not being followed by Federal agencies to the extent needed and with the degree of stewardship called for in the Executive Order. If for budgetary and staff reasons Federal agencies find it difficult to carry out their survey, nomination, and physical preservation responsibilities on their own lands, they at least can operate more effectively in identifying and protecting cultural resources affected by projects that they fund or

license. This responsibility is now sufficiently clear that there is no longer any excuse for failing to include the costs of the necessary investigations and reviews in project budgets.

One area of Federal responsibility for historic preservation that has not yet been satisfactorily resolved is the protection of nationally significant properties. Under the Historic Sites Act of 1935, the Historic Sites Survey in the Office of Archeology and Historic Preservation, National Park Service, has identified some 1200 National Historic Landmarks over the past forty years. These properties are automatically listed in the National Register and thereby receive as much protection as is available for any Register property under Section 106 of the National Historic Preservation Act and related legislation. There is a good case to be made, however, for providing nationally significant properties with greater protection under Federal law than that given to properties of State or local significance. Specifically, the Advisory Council on Historic Preservation could be required to give formal approval of any Federally funded or licensed project that has an effect on a nationally significant property, instead of the purely advisory comments that are the end result of the Council's present procedures. Another possibility would be to set aside a certain percentage of grant funds under the National Historic Preservation Act for nationally significant properties, or otherwise to give priority to such properties (as by allowing a more than fifty percent Federal share of

project costs). Also needed is a better integration of the Historic Sites Survey and the National Register, or some other means of determining national significance more efficiently and effectively than under the National Historic Landmarks program as now constituted. In addition, the present system of non-binding cooperative agreements with owners of National Historic Landmarks could be expanded into a program for the acquisition and enforcement of recorded preservation agreements for nationally significant properties.

Just as Federal housing programs are increasingly emphasizing rehabilitation of existing buildings (although not nearly to a great enough extent), so the Federal government's landlord, the General Services Administration, needs to give as much emphasis to revitalizing or recycling existing structures as to building or leasing new ones. More attention to long-term maintenance needs of Federal buildings and legislation authorizing mixed public and private uses in buildings constructed by the government would help as well.

Federal tax policy offers one of the greatest opportunities for contributing to environmental conservation because of its influence on private sector real estate activity. Present tax laws favor new construction over rehabilitation in their depreciation provisions; these could be changed to grant more favorable terms to acceptably rehabilitated National Register properties (or older buildings generally.) Furthermore, all tax advantages (such as accelerated depreciation) could be

withheld from developments that result in adverse effect on National Register or Register-eligible properties. If properly drafted and administered, such a provision could help to prevent at least one of the economic incentives for demolishing historically valuable older buildings and replacing them with higher-density new structures. There is also the possibility of granting personal income tax deductions for approved restoration expenses on National Register properties (or National Historic Landmarks). Finally, income, gift, and estate tax provisions could be amended to encourage donations of preservation agreements on National Register properties to agencies or organizations capable of accepting and enforcing such agreements.

State Government Actions Needed

Although the fifty-six States and territories differ considerably one from another, they have enough in common to enable general recommendations to be made for improving their effectiveness in protecting historic and cultural resources. A primary action that every State can take is to strengthen the identity and autonomy of its State historic preservation office. Another action that every State can take is to improve the comprehensiveness of its preservation legislation, both for its own programs and for local preservation activities. Also needed is increased involvement with local governments in the establishment and implementation of official local preservation programs.

While State historic preservation offices exist in every State, few if any have achieved an adequate degree of identity, autonomy, and operational efficiency. Whatever the position of the preservation office in the hierarchy of State government, it needs to have a clear public image in order to operate effectively as a center of information about the State's cultural resources and about techniques for preserving and protecting them. Having its offices in a restored or recycled building, preferably in an historic district, can symbolize the purposes of the State preservation program and set an example for other agencies, organizations, and individuals to follow. In addition to having its own identity, the State historic preservation office needs to be sufficiently autonomous from other divisions of its own master agency and from other State

agencies to deal with them authoritatively and on an equal basis, particularly when questions arise about the effect of public projects on cultural resources. A weak or politically motivated State historic preservation office can accomplish little in the activist world of environmental conservation. Through legislation or executive order, States can take action to ensure the best possible administrative position for their preservation offices.

The right location in the bureaucracy is not enough by itself to ensure a successful State historic preservation office. There must be an adequate professional staff, organized in an efficient and productive manner. Ideally, the State Historic Preservation Officer should be the staff director of the preservation office rather than the head of a master State agency or secretariat. With the SHPO in charge, the office can be more effective in programming its work and in responding promptly to emergencies. The office staff needs to include professionals in the disciplines of archeology, history, architectural history, architecture (or more specifically, preservation technology), and if possible, planning, law, and finance (particularly real estate economics). It should be organized in a manner logically related to the office's areas of responsibility -- survey and inventory, registration, environmental review, grants administration, planning, and public information.

Action to achieve these ends can generally be taken administratively within the master agency in which the preservation office is located.

All States can improve the comprehensiveness of their preservation legislation. A basic need that can be met through legislation is the establishment of a solid legal and administrative basis for the operations of the State historic preservation office, or the consolidation and improvement of that basis where it exists but is inadequate. Few States have the kind of review of State funded or licensed projects that exists at the Federal level under the National Historic Preservation Act and Executive Order 11593. Legislation can establish a State Advisory Council on Historic Preservation, preferably with representation from all major State agencies, as a forum for considering the effect of State projects on historic and cultural resources and increasing intercommunication among State agencies on preservation issues. Through legislative action, preservation concerns can be integrated into other State laws, such as those dealing with environmental protection, housing, transportation, public facilities, and building code requirements.

The need for improvements in State preservation legislation extends not just to the State's own programs and activities but to those of local governments as well. Without proper State enabling legislation, locally supported preservation efforts

may be frustrated from the start, either through lack of knowledge about the possible options or through lack of authority to carry them out. In most States, enabling legislation is needed for the establishment of local preservation agencies with broad powers and responsibilities, for the designation and regulation of landmarks and historic districts, for the use of preservation agreements without legal impediments, and for the use of special zoning, assessing, and taxing devices as incentives for environmental conservation.

Other than through legislation, State governments can do far more than they are doing at present to stimulate and support local preservation activity. The primary vehicle for such action must be the State historic preservation office. In order to make maximum use of existing and potential staff and budgets, State preservation offices need to become resource agencies for information and advice about preservation methods and techniques, spreading their expertise as widely as possible among the counties and municipalities of the State and developing expertise at those levels wherever possible. Keeping a State preservation program in-house -- doing its own research and inventory work, restoring its own historic properties -- is a luxury that can no longer be afforded. Every effort must be made to involve in identification and protection programs those people who are closest to the resources being protected. In the end it is their lives that are directly affected by the environment around them and their decisions that will influence most of the changes to

that environment. State government can monitor public projects, can create needed legislative authority for local actions, and can provide local governments and others with information and advice about possible courses of action. The actions themselves will nearly always take place at the local level.

Local Government Actions Needed

The governmental level where the greatest need for preservation action lies is the local level. Few local governments in the United States have taken more than token steps in the direction of developing and implementing comprehensive local historic preservation programs. The principal need is for every local government, regardless of size or financial resources, to acknowledge its responsibility for conserving the man-made environment by establishing an official local preservation agency and by integrating preservation goals into its general planning processes. More specific actions, such as the adoption of historic area zoning or the use of tax incentives, can follow from a broadly based local preservation program.

Local governments cannot rely solely on Federal or State agencies to protect their historic and cultural resources, particularly the vast numbers that are of purely local significance. There is simply not enough money or manpower at the Federal or State levels to identify all such resources and ensure adequate protection for them. Local governments must become official participants in the Federal-State-local preservation planning network if the system is going to work effectively.

Rather than participating in a piecemeal fashion, local governments need to develop a comprehensive approach to conservation of the man-made environment. The best vehicle for this approach is the official local preservation agency, which

can take a variety of forms depending on the size and resources of the jurisdiction but which should have as broad powers and responsibilities as possible. The responsibilities should include identification of historic and cultural resources, development of programs to protect them (including landmark and historic district designations), review of locally generated projects and plans for their effect on the man-made environment, and liaison with State and Federal agencies on all preservation matters.

One of the goals of a broadly based local preservation agency (and of local government as a whole) should be the integration of preservation concerns into the locality's general planning, zoning and community development processes. A thorough integration is needed, not just the grafting of a list of historic properties onto an overall planning document. Concern for the social and cultural values of buildings, streets, neighborhoods, and open spaces should infuse all public decisions about future development, as expressed in community-wide master plans, specific project plans, zoning variances, and the like. This kind of approach is not accomplished by the stroke of a pen but requires broad public consciousness of cultural and environmental values. Nevertheless, there is much that local ordinances and administrative procedures can do to reorient the planning process in the direction of conservation. Environmental review requirements of the Housing and Community Development Act of 1974 will help in this reorientation.

More specific actions on the part of local government are also needed. Ideally, they should be part of an overall preservation plan for the community, but they can also be accomplished independently if the political realities dictate. Such actions include the designation of individual landmarks or historic districts for regulation by special boards or commissions; the earmarking of community development funds for environmental improvements or low-interest rehabilitation loans; the recycling of older buildings for public purposes in lieu of new construction; the acceptance of preservation agreements on culturally valuable properties; the designation of special districts for tax-increment-financing or development-rights-transfer programs; and the adoption of real estate tax assessment, abatement, and exemption practices that favor conservation of older neighborhoods. There are other examples, but these indicate the range of actions that local governments can take to help protect their historic and cultural resources.

Primary among the needs is for local governments to join actively with State historic preservation offices and Federal agencies in all aspects of preservation planning, including identification, evaluation, registration, protection, and enhancement. Only with strong official participation at the local level can the national framework for conserving the man-made environment become fully effective.

and to engage in innovative preservation techniques (particularly those involving less-than-fee ownership of property) not readily accessible to public agencies. Similar needs exist at the local level, where there is no dearth of preservation organizations of the single-building, historical-society type but where more broadly based organizations with a strong public consciousness are in short supply. Nationally, there needs to be a strengthening of preservation consciousness in organizations not traditionally oriented in that direction, such as associations of planners, lawyers, bankers, or appraisers.

Since private citizens are the backbone of all preservation organizations and activities, more and more people will be drawn into the preservation orbit as more such organizations and activities evolve. The result will be an increasingly sophisticated public consciousness of preservation needs and opportunities -- a necessity for future progress in conserving the man-made environment.

Elsewhere in the private sector, institutions and corporations need to take stock of their physical assets, recognize those of historic and cultural value, and seek to preserve and enhance them both for prestige and for profit. Developers, architects, contractors, mortgage bankers, and real estate brokers need to broaden their sights to the possibilities of making money as well as improving the environment by recycling older buildings and neighborhoods. Finally, every United States citizen needs to open his eyes to the unrecognized historic and cultural resources around him -- often in his own neighborhood --

and to participate in the vital task of preserving and enhancing them for future use and enjoyment.