



ADVISORY COUNCIL ON HISTORIC PRESERVATION

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THE PRESERVE AMERICA EXECUTIVE ORDER REPORT TO THE PRESIDENT





THE PRESERVE AMERICA EXECUTIVE ORDER
REPORT TO THE PRESIDENT

IN A SPIRIT OF STEWARDSHIP
A REPORT ON FEDERAL HISTORIC PROPERTY MANAGEMENT

February 15, 2006



ADVISORY COUNCIL ON HISTORIC PRESERVATION

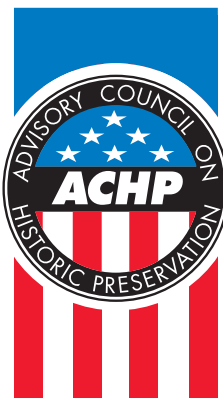
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Cover photo (*mirror image of actual buildings*):
The renovation and expansion of the United States Courthouse in Erie, Pennsylvania not only melded a historic structure with a contemporary addition in a project that has won architectural merit awards, but also was key to revitalizing and spurring economic development in a deteriorating urban area. (*Michael Thomas, Architectural Photography*)

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An independent Federal agency, the Advisory Council on Historic Preservation (ACHP) promotes the preservation, enhancement, and productive use of our Nation's historic resources, and advises the President and Congress on national historic preservation policy. It also provides a forum for influencing Federal activities, programs, and policies that affect historic properties. In addition, the ACHP has a key role in carrying out the Administration's *Preserve America* initiative.

John L. Nau, III, of Houston, Texas, is chairman of the 20-member Council, which is served by a professional staff in Washington, DC. For more information about the ACHP, contact:

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ACKNOWLEDGEMENTS

The ACHP wishes to extend its appreciation and thanks to the following individuals and organizations for their time and contributions in assisting the ACHP to implement the provisions of Section 3 of EO 13287:

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 Richard Brooks, Bureau of Land Management
 Robin Burgess, Bureau of Land Management
 Mike Kaczor, Forest Service
 Ken Kumor, National Aeronautics and Space Administration
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ACRONYMS AND ABBREVIATIONS

ACHP	Advisory Council on Historic Preservation
BPP	Building Preservation Plan
BRAC	Base Realignment and Closure
CARES	Capital Asset Realignment for Enhanced Services
C.F.R.	Code of Federal Regulations
CRM	Cultural Resource Management
DoD	Department of Defense
DOI	Department of the Interior
EO	Executive Order
FAP	Federal Archeology Program
FASAB	Federal Accounting Standards Board
FPO	Federal Preservation Officer
FRPC	Federal Real Property Council
FWS	Fish and Wildlife Service
GAO	Government Accountability Office
GSA	General Services Administration
NEPA	National Environmental Policy Act, 1969
NHL	National Historic Landmark
NHPA	National Historic Preservation Act, 1966
OMB	Office of Management and Budget
PA	Programmatic Agreement
The Register	National Register of Historic Places; also National Register
SHPO	State Historic Preservation Officer
THPO	Tribal Historic Preservation Officer
U.S.C.	United States Code
VA	Department of Veteran's Affairs

CHAIRMAN'S MESSAGE



Chairman John L. Nau, III,
Chairman, Advisory Council
on Historic Preservation.

As required by Executive Order No. 13287 "Preserve America", the Advisory Council on Historic Preservation respectfully submits this report to the President on the state of the Federal Government's historic properties and their contribution to local economic development. We are pleased to report that agencies have made great strides in meeting their Federal stewardship responsibilities in recent years. This report acknowledges that Federal historic properties are not only valuable assets, but also yield economic, social, and cultural benefits to communities and the Nation.

The issuance of EO 13287 on March 3, 2003, was a momentous occasion in Federal stewardship. With this EO, the most far reaching in over thirty years, the President reaffirmed the need for Federal agencies to assume a leadership role in the management of historic properties and in setting an example for historic preservation. Federally owned historic properties are important to the economic viability of tribal, State, and local communities, as well as the Federal government. Thus, adding a new dimension to Federal stewardship.

Section 3 of EO 13287 requires agencies to assess their historic property inventory and determine their condition and management needs. In addition, agencies are required to review their internal regulations, policies, and procedures for compliance with applicable provisions of the National Historic Preservation Act of 1966.

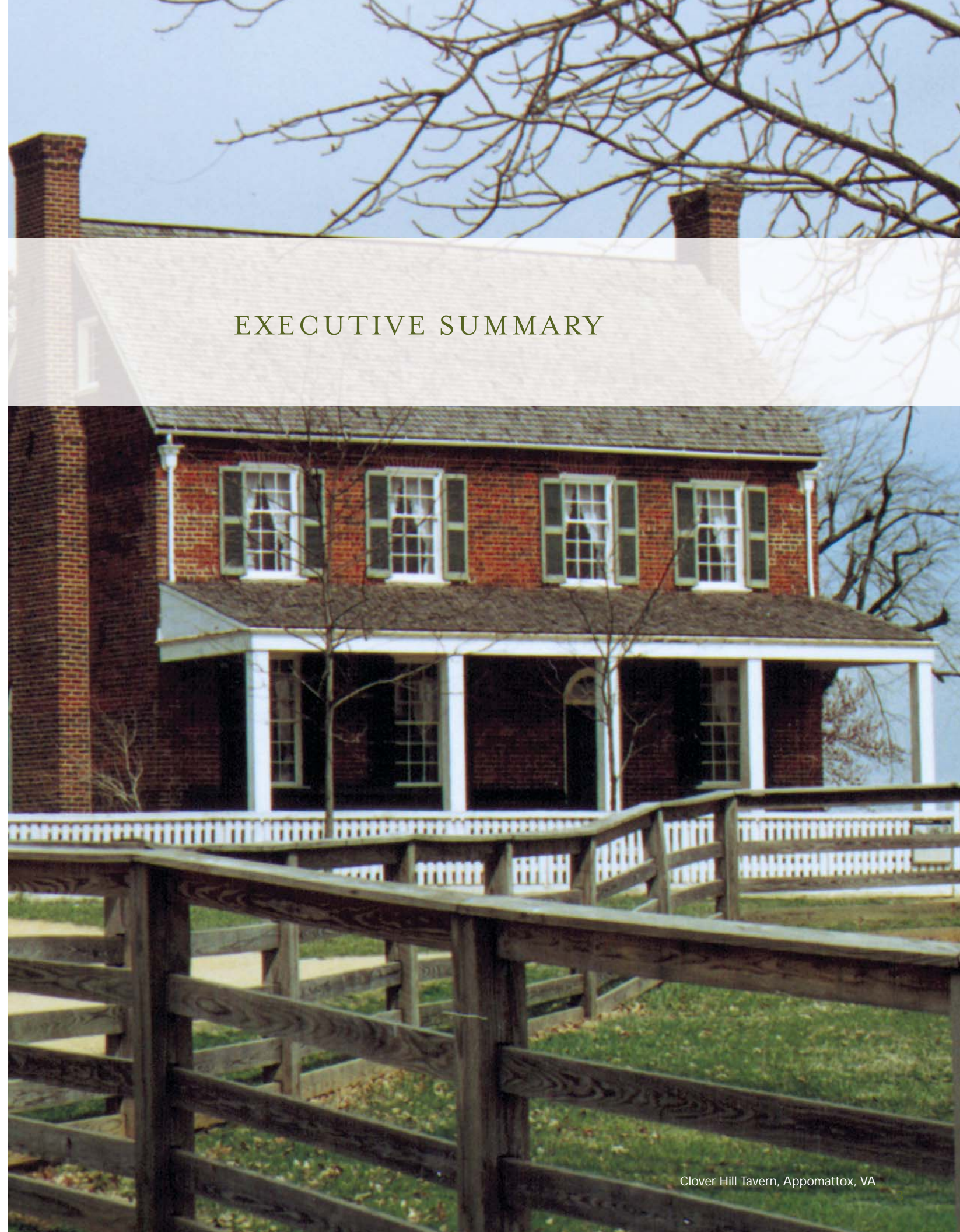
The response from agencies to this requirement of EO 13287 has been impressive. An analysis of the agency submissions is the basis of the findings and recommendations in this report. Agencies acknowledge that they must continue to inventory, use, and protect their historic properties. Many also indicated that they embrace the opportunity presented by the *Preserve America* initiative of which EO 13287 is a component, to develop public-private partnerships that support heritage tourism and heritage education, and contribute to the local economy.

Through the development of guidance, training, grant incentives, and best practices under the *Preserve America* initiative, we hope to assist agencies in improving their use of Federal historic properties to support agency missions and to foster community pride and enjoyment. We believe this is an achievable goal, and we look forward to helping agencies as they work to foster understanding and pride in our collective history and fulfill its promise to the future.

A handwritten signature in blue ink that reads "John L. Nau, III".

John L. Nau, III
Chairman, Advisory Council on Historic Preservation
February 15, 2006

EXECUTIVE SUMMARY



EXECUTIVE SUMMARY

This is the first triennial report to the President—required under Executive Order (EO) No. 13287, “Preserve America”—addressing the state of the Federal Government’s historic properties and their contribution to local economic development. EO 13287, signed by the President on March 3, 2003, reaffirms the Federal Government’s responsibility to show leadership in preserving America’s heritage by “actively advancing the protection, enhancement, and contemporary use of the historic properties owned by the Federal Government, and by promoting intergovernmental cooperation and partnerships for the preservation and use of historic properties.” The EO is part of a broader Administration initiative, “*Preserve America*,” to promote the preservation and productive use of the nation’s heritage assets.

Information in this document came primarily from two kinds of reports submitted by real property managing agencies within the Executive Branch pursuant to EO 13287: the 2004 Section 3 baseline reports required by Section 3(a-b), and the 2005 progress reports required by Section 3(c).

In October 2003, the ACHP developed advisory guidelines, with the assistance of a working group of Federal real property managing

agencies, to aid reporting agencies in preparing their initial Section 3 reports. Most agencies followed the ACHP’s advisory guidelines to organize their information, which simplified the task of discerning patterns and trends in how agencies manage historic properties in the 21st century.

In coordination with the Secretary of the Interior, represented by the National Park Service (NPS), the ACHP reviewed the initial Section 3 reports and the progress reports. A total of 35 agencies—the 33 Federal agencies that manage real property and 2 that do not own or manage Federal property—submitted reports by the September 30, 2004, deadline for the initial report. Two-thirds of these agencies submitted progress reports by the September 30, 2005, deadline.

The initial reports helped identify the following:

- the status of each agency’s inventory of historic properties;
- the general condition and management needs of such properties and steps underway to meet those defined management needs;
- the suitability of the agency’s types of properties for contributing to community economic development initiatives, including heritage tourism;

- agency regulations, management policies, and operating procedures that address and comply with the requirements in Sections 110 and 111 of the National Historic Preservation Act (NHPA); and
- the need to revise agency regulations, management policies, and operating procedures to bring them into compliance with Sections 110 and 111 of the NHPA.

Although the reports varied in presentation and length, all responding agencies provided comprehensive information and insightful, candid assessments of their historic preservation programs and their management strategies for dealing with historic properties in their care. The reports revealed the following 10 patterns and trends:

1. All agencies have some form of inventory of historic properties, but they do not necessarily include all potential historic property types.
2. Agencies use differing terminology when referring to historic properties.
3. Historic properties are evaluated to determine their eligibility for listing in the National Register of Historic Places, but this is not necessarily followed up with formal nomination to the National Register.
4. Many agencies do not have qualified professionals that routinely monitor the general condition of historic properties.
5. One-third of agencies have agency-specific internal procedures to implement Section 110 of the NHPA, which directs Federal agencies to establish a comprehensive framework for programs to carry out national preservation policies related to Federal stewardship.
6. Only five agencies have internal procedures to implement Section 111 of the NHPA, which allows the Federal Government to make historic properties available through leases, exchanges, and cooperative agreements with Federal and non-Federal entities.
7. Half of the Federal Preservation Officers designated by the agencies have additional duties besides historic preservation.
8. Approximately half of the agencies involve stakeholders in planning and management decisions related to historic properties.
9. Nineteen agencies indicate that they had security and restricted access issues that compromised the use of their properties for local economic development.
10. Approximately two-thirds of agencies have developed partnerships with other Federal agencies and non-Federal entities to manage and operate some of their historic properties.



Clay S. Johnson, III, Deputy Director for Management, Office of Management and Budget, addressing senior policy officials on February 20, 2004, at a session dedicated to explaining the importance of heritage, the Preserve America initiative, and compliance with Executive Order 13287. Eisenhower Executive Office Building, Washington, D.C. (Advisory Council on Historic Preservation)

Progress reports, due one year after the initial reports, were to focus on recent developments made by the agency in identifying, protecting, and using historic properties in its ownership. These reports clarified or expanded on a number of issues that the ACHP and the NPS included in their comments on the initial Section 3 reports. In general, the information submitted addressed the 10 patterns and trends from the agency’s perspective.

The reports also illustrated how agencies were supporting the *Preserve America* initiative. The reports described creative actions such as outleasing unneeded properties, finding uses for underutilized buildings, forming public-private partnerships, taking actions to complement and support local heritage tourism programs, and giving priority to *Preserve America* communities applying for Federal grants.



John L. Nau, III, Chairman, Advisory Council on Historic Preservation, addresses Federal agency policy officials in the Indian Treaty Room of the Eisenhower Executive Office Building, part of the White House complex. (Advisory Council on Historic Preservation)

The state of Federal historic property management can be summarized as improving but in need of greater agency commitment and more oversight by the Administration. Many may assume that additional funding or property disposal would alleviate all of an agency's management challenges related to historic property stewardship, but that is not the conclusion of this report. Instead, the report suggests that concurrent with efforts to improve the asset and Federal property management system, the Federal Government needs to develop an ethic that considers the preservation and use of agency historic properties from the broader perspective of public benefits. Accordingly, the findings and recommendations outlined in the report are intended to assist agencies in taking appropriate measures to meet their stewardship obligations while recognizing the potential for historic properties in their inventory to be a catalyst for community development.

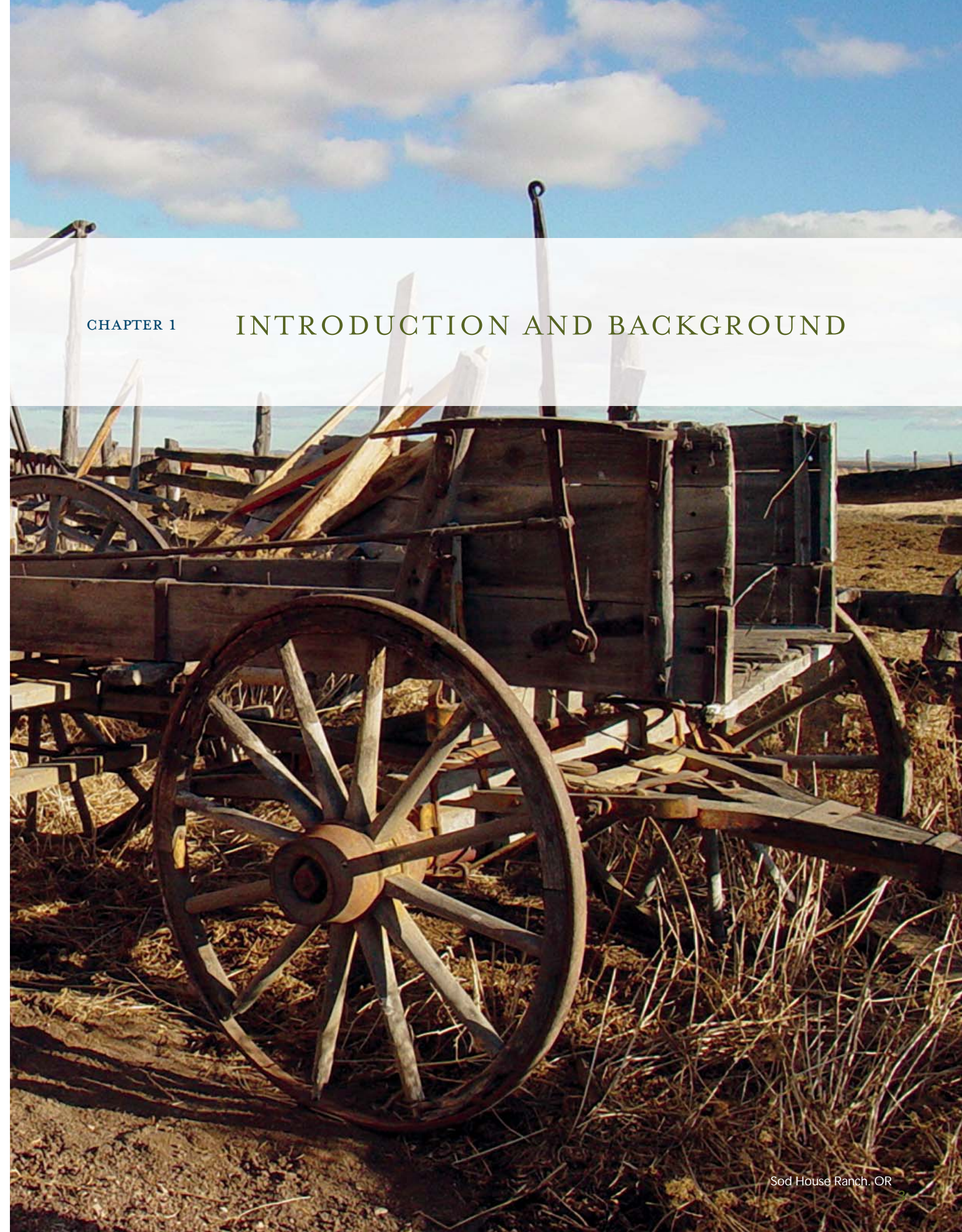
The six major findings of the report can be summarized as follows:

1. Real property managing agencies with large inventories need comprehensive knowledge of the historic property assets they manage.
2. Strategic plans prepared by real property managing agencies should recognize and address historic property management needs in the development of business plans, facilities management activities, and capital improvement plans and projects.
3. Agencies should review staffing and funding priorities for their historic preservation programs in order to meet the goals of the NHPA and EO 13287.
4. Agency-specific directives and guidance are needed to implement the Administration's policies regarding public-private partnerships for managing Federal historic properties in ways that support agency missions and foster local economic development.
5. Agencies need to adopt internal procedures that ensure timely consideration of alternative uses of historic properties declared excess to an agency's mission.
6. Greater oversight is needed to ensure that agencies fulfill their stewardship responsibilities, including assessing the suitability and availability of Federal historic properties for local economic development initiatives.

The recommendations accompanying the findings offer a range of actions by which Federal property management agencies, the ACHP, and the Administration can fulfill the goals of EO 13287 and the NHPA. The ACHP is committed to moving forward with these recommendations so that future actions proposed by the Administration and agencies recognize historic properties as important public assets that are worthy of full consideration in Federal property and asset management.

CHAPTER 1

INTRODUCTION AND BACKGROUND



INTRODUCTION AND BACKGROUND

Executive Order No. 13287, “Preserve America,” issued on March 3, 2003, was a defining moment in the Federal stewardship of historic property. Rather than continuing to consider all real property holdings in a similar manner, agencies were required to recognize that Federal historic properties are valuable assets that can support agency missions and also stimulate local economic development. Agencies have long acknowledged that their real property inventory generally includes historic properties¹ that are important to the nation as well as the agency. Nevertheless, each agency approaches its oversight and management of historic properties differently based upon budgetary, program, and management considerations. While many agencies have made the preservation and protection of historic properties a priority, others face daunting challenges given the sheer volume of their historic property inventory and recent changes in agency mission.

In order to better fulfill their stewardship responsibilities, agencies have been required

.....
¹ National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470 et seq. (Section 301(5)) Historic property or historic properties means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on, the National Register, including artifacts, records, and material remains related to such a property or resource.

to consider historic properties as assets that must be cared for in a manner that reflects the broader public interest. To that end, EO 13287 requires agencies to explore partnerships for sustaining the long-term preservation and productive use of such properties. Specifically, the EO, which applies to executive branch agencies and departments, encourages agencies to foster viable partnerships with tribal, State, and local heritage tourism programs for the use of historic properties.

The requirement that executive branch agencies inventory, protect, and use historic properties in a sound and practical manner was initially set forth in the National Historic Preservation Act (NHPA) of 1966. Section 2 of the NHPA states the following:

It shall be the policy of the Federal Government, in partnership with other nations and in partnership with States, local governments, Indian tribes, and private organizations, and individuals to:

...(3) administer federally owned, administered, or controlled prehistoric and historic resources in a spirit of stewardship for the inspiration and benefit of present and future generations...

EO 11593, “Protection and Enhancement of the Cultural Environment,” issued in 1971, clarified Federal inventory and evaluation requirements and set a two-year time limit for the completion of such inventories. Subsequent amendments to the NHPA in 1980 and 1992 codified the requirements of this EO in Section 110 and expanded the responsibilities of Federal real property managing agencies by specifying the actions that agencies must take to demonstrate leadership in historic preservation and responsible stewardship. Section 110(a)(2) directs each Federal agency to “establish, in consultation with the Secretary [of the Interior], a preservation program for the identification, evaluation, and nomination to the National Register of Historic Places, and protection of historic properties.” This provision prescribes benchmarks for an agency program, including the requirements to maintain and manage historic properties in a way that considers the preservation of their historic, archeological, and architectural values; to carry out agency preservation-related activities in consultation with other Federal, State, and local agencies, Indian tribes, Native Hawaiian organizations, and the private sector; and to give full consideration in planning for the preservation of historic properties not under the direct jurisdiction or control of the agency, but subject to effects by agency actions. Section 110, therefore, sets the framework for how an agency should carry out its historic preservation responsibilities, particularly the stewardship of its historic properties.

As of 2000, it was estimated that the Federal Government owns, manages, and administers more than 665 million acres of land and 430,000 buildings comprising approximately 2.9 billion square feet.² Unfortunately, data showing the actual percentage or numbers of properties within this universe that meet the NHPA definition of historic property are unavailable or unreliable because agencies use varying standards and terms for defining historic properties.

The types of historic Federal property range from courthouses to missile silos, farmsteads to battlefields, expansive archeological districts to isolated Native American sacred sites, and vernacular residences to mansions. Since agencies own, acquire, and manage such diverse properties and administer a variety of programs that may affect them, each agency has developed its own internal protocols for inventory and management. Consequently, data collection



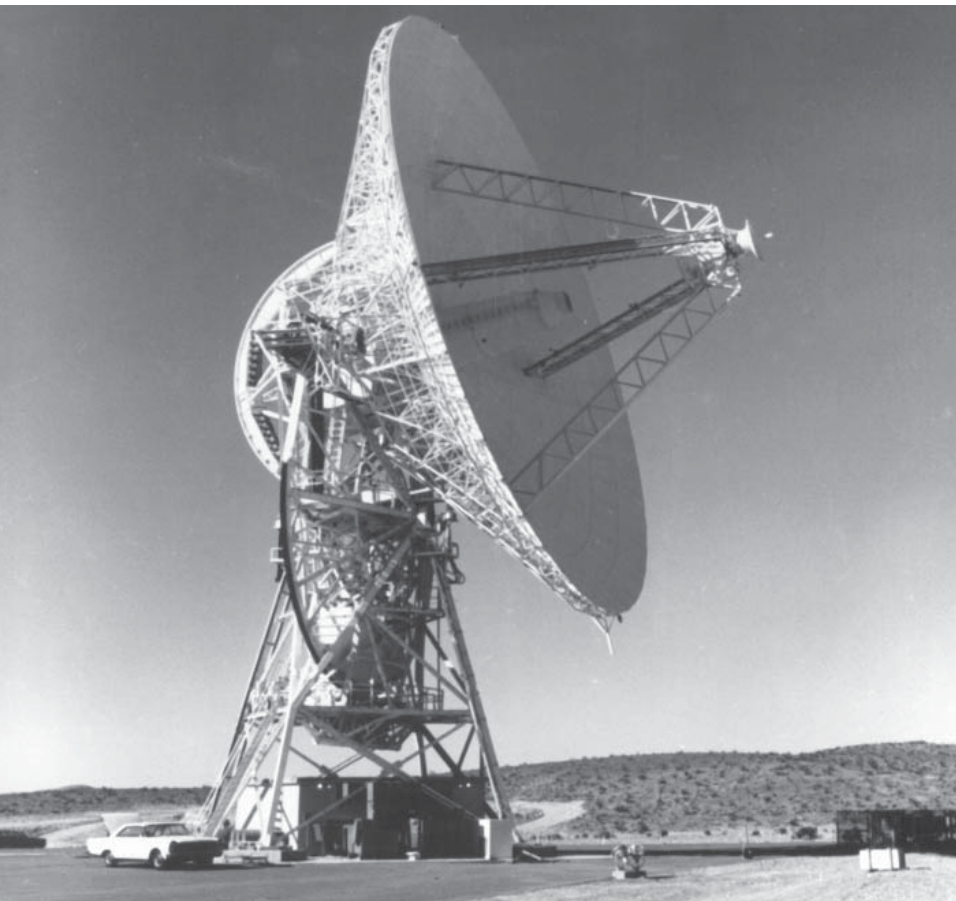
and information systems are not uniform, making it difficult, if not impossible, to determine accurately the scope of the Federal inventory of historic properties, their condition, and their management needs.

Conformance to the NHPA also has not been uniform. During the 40 years since its passage, agencies that own and control real property have not all developed policies and procedures to comply with the NHPA or earlier EOs related to historic property management. For this and other reasons, EO 13287 was issued on March 3, 2003.

By way of background, EO 13287, “Preserve America,” carries forward a number of the recommendations that were included in the

.....
² ACHP, March 2001, Caring for the Past, Managing for the Future: Federal Stewardship and America's Historic Legacy, page 7 (Washington, D.C.).

Sloan Canyon National Conservation Area has been called the “Sistine Chapel of petroglyphs” for its unparalleled collection of rock art that was created over a span of two thousand years and which is sacred for Native Americans. Clark County, Nevada (Nevada State Historic Preservation Office)



The Apollo Unified S-Band System antenna provided communications for the historic Apollo space flights that took the United States—and humankind—to the moon. Goldstone, California (National Aeronautics and Space Administration)

ACHP's 2001 report, *Caring for the Past, Managing for the Future: Federal Stewardship and America's Historic Legacy*.³ The most notable recommendation of the report was that agencies needed to be more accountable for their historic properties. Issuance of an EO was another major recommendation of that report.

The policy set forth in Section 1 of EO 13287 reaffirms the major principles in the NHPA. It states the following:

It is the policy of the Federal Government to provide leadership in preserving America's heritage by actively advancing the protection, enhancement, and contemporary use of the historic properties owned by the Federal government, and by promoting intergovernmental

³ ACHP, March 2001, *Caring for the Past, Managing for the Future: Federal Stewardship and America's Historic Legacy*, page 7 (Washington, D.C.).

cooperation and partnerships for the preservation and use of historic properties. The Federal Government shall recognize and manage the historic properties in its ownership as assets that can support the department and agency missions while contributing to the vitality of the economic well being of the Nation's communities and fostering broader appreciation for the development of the United States and its underlying values....

Section 2 of the EO focuses on the need for agencies to build preservation partnerships that are consistent with agency missions and governing authorities. This provision calls for the following:

Each agency shall examine its policies, procedures, and capabilities to ensure that its actions encourage, support, and foster public-private initiatives and investment in the use, reuse, and rehabilitation of historic properties, to the extent such support is not inconsistent with other provisions of law, the Secretary of the Interior's Standards for Archeology and Preservation, and essential national department and agency mission requirements.

Section 3 of the EO establishes an accountability system to gauge agency implementation of the mandates of the NHPA and the EO. It requires the ACHP to prepare a report to the President on the current state of the Federal Government's historic properties and their contribution to local economic development. The report is to incorporate data submitted by real property managing agencies in accordance with Sections 3(a), (b), and (c) of the EO.

Sections 3(a) and (b) called for agency reports by September 30, 2004, that would include an assessment of the agency's historic property inventory and a summary of the status and effectiveness of its current historic preservation program. Specifically, each agency was asked to

submit to the ACHP and to the Secretary of the Interior an assessment of the following:

- the status of its inventory of historic properties;
- the general condition and management needs of such properties and steps underway to meet the management needs;
- the suitability of the agency's types of properties to contribute to community economic development initiatives, including heritage tourism;
- agency regulations, management policies, and operating procedures that comply with the requirements in Sections 110 and 111 of the NHPA; and
- the need to revise agency regulations, management policies, and operating procedures to bring them into compliance with Sections 110 and 111 of the NHPA.

The Section 3 reports established a baseline of the status of agency historic property inventories and their stewardship programs. They provided agencies the opportunity to highlight successes and impediments to their stewardship of historic properties and their collaboration with tribal, State, and local governments and the private sector.

Section 3(c) requires agencies to submit subsequent progress reports to the ACHP and the Secretary of Interior. It further directs the ACHP to submit to the President triennially a report on Federal stewardship and use of historic properties. Section 3(c) states the following:

Each agency with real property management responsibilities shall, by September 30, 2005, and every third year thereafter, prepare a report on its progress in identifying, protecting, and using historic properties in its ownership and make the report available to the Council and the Secretary of Interior. The Council shall incorporate this data into a report on the state of the Federal Government's historic

properties and their contribution to local economic development and submit this report to the President by February 15, 2006, and every third year thereafter.



The remaining provisions in EO 13287 require agencies to improve Federal stewardship of historic properties (Section 4) and to promote preservation through heritage tourism (Section 5).

Following outreach efforts by the ACHP to the senior policy officials⁴ in real property managing agencies, 35 agencies, 33 of which actually have real property managing responsibilities, submitted Section 3 reports to the ACHP and Secretary of Interior in September 2004 in response to the EO. (See Appendix D, page 66). The findings and recommendations in this first Report to the President are based upon these agency reports and the subsequent progress reports submitted on September 30, 2005.

⁴ Designated pursuant to Section 3(e) of EO 13287.

Built in 1753 by a French Huguenot family that fled religious persecution in Europe, Allee House remains in near-original condition and is an irreplaceable vestige of our national heritage. Bombay Hook National Wildlife Refuge, Delaware (U.S. Fish and Wildlife Service)

This report is submitted at a time when other asset management and Federal real property management initiatives are underway in the executive branch, including the December 2005 submission of asset management plans in accordance with EO 13327, “Federal Real Property Management.” Agencies are required



Clover Hill Tavern, a historic stagecoach stop dating from 1819, is among the oldest extant buildings at Appomattox Court House National Historical Park, the preserved location where the Civil War effectively ended when General Lee surrendered to General Grant in April 1865. Appomattox, Virginia (National Park Service)

to incorporate in the EO 13327 asset management plans, “planning and management requirements for historic properties under EO 13287.” The findings and recommendations of the ACHP’s Report to the President should be considered in conjunction with the Office of Management and Budget (OMB) review of the asset management plans.

The Section 3 reports submitted to the ACHP and Secretary of Interior in 2004 and 2005 afforded agency officials the opportunity to explain their historic preservation programs and their approach to stewardship of historic properties. Agencies were allowed to use their existing information gathering and reporting systems to prepare the reports. They also had the option of using advisory guidelines drafted by the ACHP in October 2003 following its collaboration with a working group comprising real property managing agency officials.⁵

The advisory guidelines, which the majority of agencies used, presented a framework for agencies to consider the areas and issues that were to be assessed and reported on. Ten major questions were posed to agencies in the guidelines to assist them in responding to the assessments required by the EO. Providing the agencies with uniform questions that addressed particular areas and issues helped the ACHP and Secretary of Interior to discern patterns and trends while reviewing the reports. (See Figure 1)

Although the 2004 Section 3 reports are considered baseline information from which future agency progress would be measured, the reports do not emphasize quantitative data, which the advisory guidelines working group did not believe would be readily available. Instead, each agency was encouraged to tell its own story about historic preservation by providing an overview of how the agency identifies, protects, manages, and uses historic properties. In addition, each agency was asked to describe those internal policies that allowed it to support independently, or as part of a partnership, the use of Federal properties in local economic development initiatives, particularly heritage tourism.

The progress reports due September 30, 2005, were submitted only by those agencies that first reported in 2004. The 2005 reports assessed how the agency improved its efforts to identify, protect, and use historic properties since the initial Section 3 report. Because there was only one year between reports, agencies stated that major changes were limited, but some had made progress with the development of action plans and proposals for improving their preservation programs. In the 2005 progress reports, agencies clarified and expanded upon information submitted in 2004, including public-private

⁵ The Advisory Guidelines Working Group was composed of the Bureau of Land Management, Forest Service, General Services Administration, Department of Defense, National Park Service, Bureau of Land Management, Department of Navy, National Aeronautics and Space Administration, Bureau of Indian Affairs, United States Postal Service, and United States Coast Guard.

Figure 1: Advisory Guidelines Implementing EO 13287, “Preserve America,” Section 3: Improving Federal Agency Planning and Accountability

10 MAJOR QUESTIONS FOR PREPARING THE SECTION 3 REPORTS

1. What types of historic properties does your agency own or manage, and how is this information collected and maintained?
2. How would you characterize the distribution and general condition of these properties?
3. What reporting mechanisms and systems are used by your agency for carrying out its resource management responsibilities?
4. Does your agency coordinate its data gathering for historic properties under its ownership or control with required Federal audit, accounting, and financial management reporting?
5. How is your agency fulfilling its historic preservation program responsibilities under Section 110 of the NHPA?
6. How is your agency complying with Section 111 of the NHPA when historic properties are transferred, leased, or sold?
7. If your agency does not currently have a historic preservation program or procedures for complying with Sections 110 and 111, what future actions will be taken to meet these statutory requirements?
8. What issues regarding your agency’s mission, internal policies, location of its inventory of historic properties, or use of such properties could potentially hinder the agency’s ability to contribute to community economic development initiatives?
9. Does your agency have programs or policies that help it to identify historic preservation opportunities and promote preservation through partnerships?
10. How would your agency characterize its overall progress in meeting its property management and stewardship responsibilities since filing its last EO 13287, Section 3 Report?

partnerships and linkages between agency programs and the *Preserve America* initiative. Thus, the primary benefit to the ACHP and Department of the Interior (DOI) in the first progress reports was learning the approaches agencies were taking to review internal historic preservation policies and procedures and to make needed modifications to better comply with Sections 110 and 111 of the NHPA and EO 13287.

Concurrent with its collaboration with agencies regarding Section 3 reports, the ACHP has been working closely with the *Preserve America* Steering Committee⁶ to explore opportunities to

⁶ The Preserve America Steering Committee comprises the Departments of the Interior, Commerce, Defense, Education, Housing and Urban Development, Agriculture, and Transportation; the National Endowment for the Humanities; the President’s Committee on the Arts and Humanities; the Council on Environmental Quality; the Office of Management and Budget; the ACHP; and the White House.

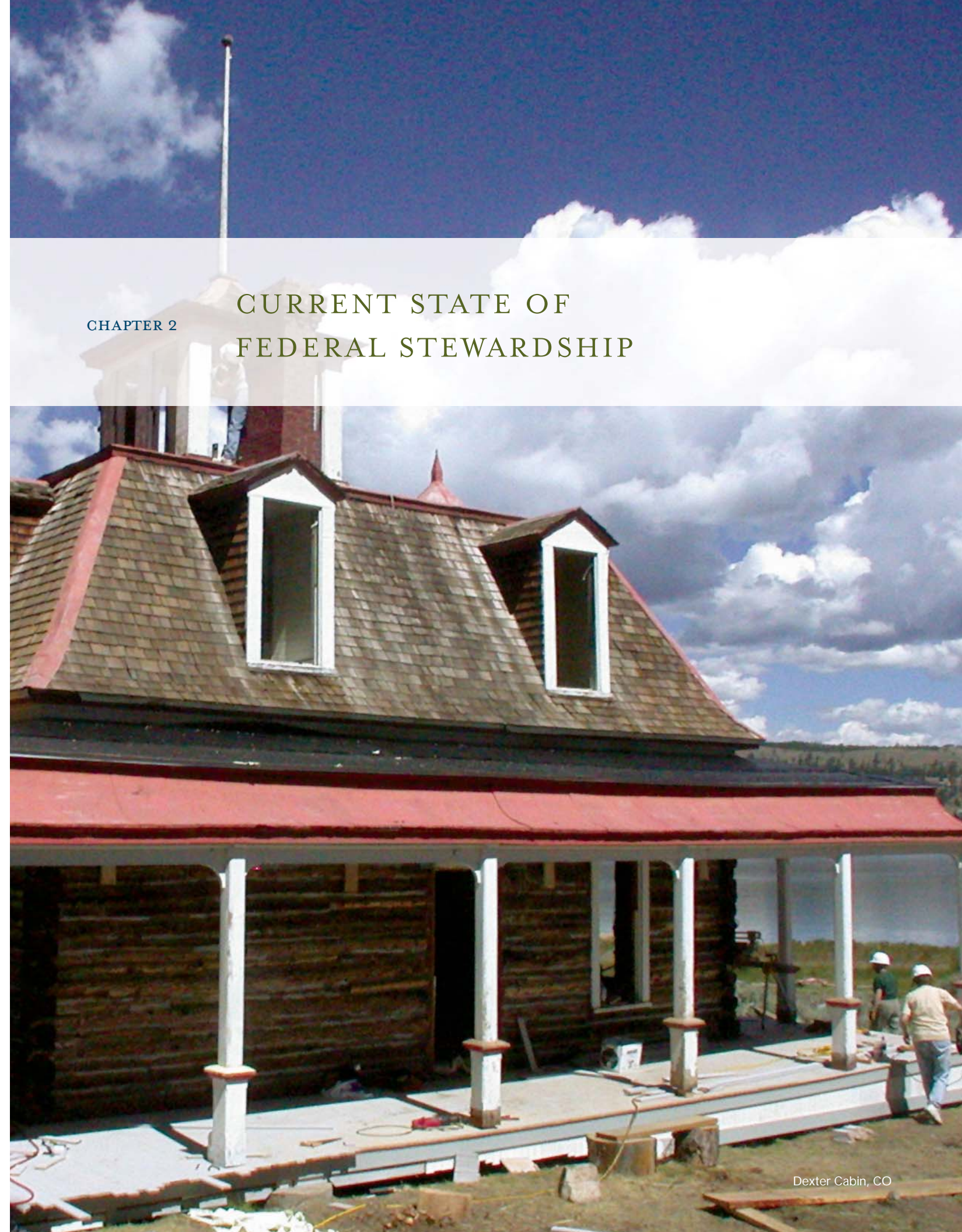


At Malheur National Wildlife Refuge, this old wagon is among the remains of Sod House Ranch, a largely intact 1870s-era ranch notable for its huge landholdings and importance in east Oregon's settlement history. (*U.S. Fish and Wildlife Service*)

meet other policy goals of the EO. In this context, the ACHP has identified creative strategies and partnership opportunities to improve the use of Federal historic properties for local community economic development, heritage tourism, educational outreach, and job creation. A recent ACHP publication, *Becoming Better Stewards of Our Past*,⁷ required by Section 4(e) of EO 13287, included recommendations to Federal agencies regarding opportunities to enhance the Federal management of historic properties. This information has been shared with agency heads, local communities, stakeholders, and the public to stimulate conversation among them regarding future opportunities.

⁷ ACHP, March 2004, *Becoming Better Stewards of Our Past* (Washington, D.C.).

The specific recommendations in this report offer concrete principles for advancing the stewardship of Federal historic properties. The recommendations correspond to specific findings and identify the responsible parties to implement the suggested actions. A consistent theme running through the recommendations is the need for interagency collaboration, information exchange, and partnerships. Only through ongoing discussions, sharing of best practices, and consistent and structured oversight will agencies effectively pursue government-wide and department-wide policies and procedures that promote efficiency, creativity, and initiative in Federal stewardship of historic properties in the 21st century.



CURRENT STATE OF FEDERAL STEWARDSHIP

CURRENT STATE OF FEDERAL STEWARDSHIP

The state of Federal historic property management can be summarized as improving, but in need of greater agency commitment and greater oversight and coordination. This conclusion is an acknowledgement, shared by several agencies, that only incremental improvements have been made in the last five years since the publication of the ACHP 2001 report, *Caring for the Past, Managing for the Future: Federal Stewardship and America's Historic Legacy*. Given the scope and magnitude of financial, programmatic, and management challenges associated with Federal real property in the 1990s, particularly the increased maintenance and operating costs, it was critical that agencies improve their property management systems and become more accountable for their actions.

These needs were highlighted in published reports from the Government Accountability Office, Congressional oversight hearings, symposia, and conferences on Federal property, assets, and facilities management. The knowledge and experience of Federal officials, as well as private-sector corporate experience with facilities management, contributed to the understanding of the challenges. In addition, there has been ongoing dialogue with academia and the National Research Council

has assisted Federal, State, and local officials in framing the issues and developing recommendations and implementation strategies for the future.

Encouraging Recent Improvements

The Administration has taken five major actions since 2003 that should result in major improvements in Federal stewardship of historic properties. The first was the decision by the Federal Accounting Standards Board (FASAB) to recategorize the reporting of heritage assets and stewardship and make it a mandatory reporting requirement to comply with the Chief Financial Officers Act of 1990.⁸ The second action was the addition of a Federal Property Asset Management Initiative to the President's Management Agenda in 2004. Third was the President's issuance of EO 13327, "Federal Real Property Asset Management," in February 2004. This EO is designed to improve government-wide Federal property management through the designation of a Senior Real Property Officer for each agency that manages real property

⁸ The Chief Financial Officers Act of 1990 established the role of the Office of Management and Budget in directing Federal financial management, modernizing overall financial management systems, and improving financial reporting. The Act established in all major agencies a Chief Financial Officer responsible for establishing an annual financial statement and accompanying report.

and the creation of the Federal Real Property Council (FRPC) overseen by OMB. The FRPC operates with four standing committees—asset management plans, inventory, performance measures, and systems—each of which is responsible for implementing provisions in EO 13327. The fourth major action was the issuance of the Federal Management Regulation, the successor to the Federal Property Management Regulation, effective on November 8, 2005, which includes comprehensive up-to-date provisions regarding all aspects of property management. Finally, the Administration advanced legislation recently passed by Congress that grants authority to select property managing agencies to pursue enhanced-used lease agreements and use some of the proceeds to assist the agencies in carrying out their stewardship responsibilities.

While all of these actions are significant, the addition of the Federal Property Asset Management Initiative to the President's Management Agenda has had the most immediate and far-reaching effects on real property. As a result of this directive, the agencies that own and manage real property followed guidance issued by the FRPC on October 27, 2004, to improve their awareness of their assets, including historic properties. Further, as stated by F. Joseph Moravec, former commissioner of the General Services Administration (GSA) Public Buildings Service, when the guidance was issued to agencies, they serve as the "ten commandments" of property management for agencies that need to improve their performance. They call for each agency to inventory all of its assets, get rid of unneeded holdings, and implement asset management plans. Although many of these requirements exist in other regulations, EOs, and directives, agencies took notice of their importance when the FRPC, with the support of OMB, indicated that these requirements would be the basis upon which their performance would be publicly scored each quarter.

Federal Stewardship Issues Addressed by Recent Improvements

When considering the major actions taken since the issuance of EO 13287, it is important to know the issues that present the greatest challenge to agencies. The issues, identified in one form or the other by the executive and legislative branches of government, included the following:

- lack of accurate and available information regarding the presence and value of historic assets in the agency's real property portfolio;
- limited resources to support historic property identification, condition assessments, maintenance, and capital improvements projects;
- existence of multiple regulations and directives regarding the management of historic properties; and
- lack of agency experience and guidance on creative strategies for using historic properties to support agency missions.

These issues are discussed in more detail below.

Lack of accurate and available information regarding the presence and value of historic assets in the agency's real property portfolio.

Despite the existence of several laws, regulations, and Executive Orders, most agencies still have not made completion of their historic property inventory a priority. Smaller agencies with limited real property typically have completed their inventory and monitor the operation and performance of these assets. Larger agencies managing more land and buildings have tended to take a phased approach to property identification that results in a percentage of land and buildings being surveyed annually or the completion of project-driven field surveys. However, these approaches often forgo the essential step of evaluating properties against the National Register criteria. Where an agency has actually completed surveys,

Department of Transportation

RELOCATION AND ADAPTIVE REUSE OF BUILDING 51 AT NEWARK INTERNATIONAL AIRPORT
Elizabeth, New Jersey

Newark International Airport's Building 51 (built about 1935), also known as the Airport Administration Building, was the hangout of early aviation pioneers such as Charles Lindbergh and Amelia Earhart. Constructed adjacent to the world's first paved runway, it housed the world's first airport traffic control tower and the nation's first airport hotel/restaurant, and was the site of the nation's first airport weather bureau. Building 51 is on the National Register and the New Jersey Register of Historic Places and is a designated historic architectural landmark.

Over time the building was enlarged as an air-passenger facility, later as a medical clinic and U.S. Post Office handling facility, and finally as the site of a National Weather Service office. The building was also physically modified and suffered some deterioration. Then, because of its location in the runway

protection zone, where people may not congregate due to safety restrictions, Building 51 became inaccessible to the general public. As a result, the Port Authority of New York and New Jersey, the airport sponsor, proposed to relocate Building 51, construct an addition to the relocated building that incorporated it into the plans of the new administration building, and fully restore it for use by the Port Authority and the public.

All of the relocation and reconstruction work was accomplished in just 18 months. The building is now fully restored to its original splendor and is accessible to the general public for the first time in decades.



After



Before

Dedicated by Amelia Earhart in 1935, the historic art deco Building 51 was moved out of the way of runway expansion and incorporated into the new terminal, where it continues to both serve present needs and educate persons about their nation's past. Newark International Airport, Elizabeth, New Jersey (Federal Aviation Administration)

the information tends not to be updated to reflect new properties or changes resulting in a property's loss of integrity. Agencies have continued to lag in the establishment of comprehensive databases of historic properties, even though technological advances have made the task easier and more cost effective. Accordingly, information prepared by field staff is not always readily available for data calls from headquarters. Some agencies do not use the same methodology or information systems internally to assemble data, which compromises the information-sharing process critical to effective decision-making regarding the stewardship of historic properties. While many agencies recognize the need to improve data gathering and to use new technologies, the commitment of resources for such initiatives is still lagging.

In accordance with EO 13327, Federal agencies are responsible for collecting 23 mandatory data elements at the asset level that will be included in a database maintained by GSA's Office of Government-wide Policy. Historic properties are one of the 23 mandatory data elements that assist with the overall management of Federal properties and the establishment of a comprehensive government-wide database. Although the database will not be a complete list of all types of historic properties, it can be used along with other government-wide reporting systems such as the Department of Interior's Federal Archeology Program (FAP) Report to Congress.

In addition to the historic properties, other mandatory data elements to be collected by agencies that are directly related to Federal stewardship include use, condition index, mission dependency, and replacement value. Once this database is populated, GSA will maintain this useful tool to provide the Administration with uniform and updated information regarding real property activities within each reporting agency. One point of concern, however,

is that the historic property database to be established by GSA under the FRPC will not address the full universe of historic properties managed by executive branch agencies.

The database will not necessarily include all types of real property, such as archeological and traditional cultural sites located on the public domain lands of the United States, when agencies chose not to report on such assets.⁹ This does not refer to the withholding of information on such properties in accordance with EO 13007, "Sacred Sites," or to Section 304 of the National Historic Preservation Act where information is not disclosed to protect or safeguard the property. The historic property database will not include personal property such as museum collections associated with these types of historic properties either. An accurate inventory of all historic property types on these lands is critical to establishing a sound Federal stewardship program.

Knowing the replacement value of historic properties is an issue of importance not only from the perspective of good stewardship, but also to respond to the need for improved agency financial accounting. Since agencies do not routinely obtain financial appraisals for Federal historic property, the plant/functional replacement value of these assets, which would ideally consider the intrinsic value of its historic designation, is often unknown to program or budget officers. The exception is when a property has been declared excess to the agency's needs and either GSA or the agency establishes the value in order to market the property for transfer, lease, or sale. Another peculiarity is the practice of the Federal Government to value the land only and not the improvements such as buildings and structures, thereby skewing the actual value of a historic asset. Agencies that manage resources such as dams and navigation systems

⁹ The DOI's data includes archeological and traditional cultural sites on public domain lands.

have not assessed the value of these resources beyond what they cost to build. Consequently, the dollar value is rarely accurately depicted in reports and studies.

The Section 3 baseline reports included a number of stories where an agency has determined a greater value for a historic property based upon intangible elements such as the prestige of living in a unique historic property. As agencies are successful in securing a good financial return from the lease, sale, or transfer of historic properties within the historic property inventory, these experiences motivate agency officials to be more diligent in completing inventories and securing accurate appraisals.

Limited resources to support historic property identification, condition assessments, maintenance, and capital improvements projects.

Since the passage of the NHPA, agencies have often found it difficult to commit adequate and sustained funding for historic preservation that is not related to Section 106 compliance activities. Funding that is allocated is often later shifted to other agency program priorities, leaving agencies in a “catch up” mode in future years with regard to historic preservation needs. Property identification efforts within agencies are also hindered due to limited professional staff to carry out work in-house. While the number of qualified preservation professionals on Federal payrolls has certainly increased over the past decade, they often have multiple duties so that work plans for identification cannot be implemented. There is also a proclivity among qualified preservation professionals to focus more on the predominant type of historic property owned by the agency than on all types of property.

Condition assessments, critical to the stewardship of historic properties, are also conducted by agencies in an uneven and often ad hoc manner. Some agencies have indicated that not only is there limited funding to carry out this

task but also that data used to direct this effort may be inaccurate. An exception to this practice is GSA, which has required its Regional Offices to develop Building Preservation Plans (BPP) for all historic properties that establish the historic significance, condition of materials, importance of spatial zones, and the priorities for maintenance and rehabilitation. Thus, the facilities manager has baseline information from which changes to a building can be tracked and needs addressed in budget requests. When developed in the 1990s, the BPP was a major technological advance that could be used as a prototype by other agencies. GSA continues to share the success of this tool in its publications on historic properties.¹⁰ Additionally, GSA is committed to ongoing education and outreach to executive branch agencies that own and manage historic properties and has attempted to impress upon all the need for baseline and follow-up condition assessments.

Due to lack of information regarding the historic property inventory, inadequate condition assessments, and poorly documented statements of significance, properties become prime candidates for deferred maintenance. Previous GAO reports cited particular agencies that had substantial backlogs of deferred maintenance, which resulted in substantial loss of revenue to the agency.¹¹ Since the issuance of the GAO report *High Risk Series: Federal Real Property* in 2003,¹² the incidence of deferred maintenance, particularly of properties that did not support agency missions, has resulted in a number of buildings having to be demolished because they present a threat to the health and safety of employees or the community. Further, lack of timely maintenance has caused buildings to lose their

¹⁰ GSA Public Building Service, 1999, “Held in Public Trust” (Washington, D.C.); GSA Public Building Service, 2004, *Extending the Legacy: GSA Historic Building Stewardship* (Washington, D.C.).

¹¹ U.S. General Accounting Office, January 2003, *High-Risk Series: Federal Real Property* (Washington, D.C.).

¹² Ibid.

Department of Agriculture

DEXTER CABIN RESTORATION PROJECT, INTERLAKEN RESORT

San Isabel National Forest, Colorado

The Interlaken Resort, located near Leadville, Colorado, was constructed in 1879 as a remote recreational gateway for affluent travelers visiting nearby mining communities. The resort was later bought by James V. Dexter in 1883 and expanded during the period 1881–1895. Dexter’s private cabin was constructed in the mid-1890s to reflect his nautical background, complete with a glass enclosed cupola. Sadly, the resort fell out of favor shortly after the turn of the century. Eventually nearly all the buildings were abandoned and began to deteriorate.

In 2004, the Forest Service began a four-year restoration project of the Dexter Cabin. Funding for this project was made possible through partnerships with the nonprofit Rocky Mountain Heritage Society and Colorado Preservation, Inc. Over 60 volunteers joined the restoration team. Project managers were recently recognized by the Forest Service for excellence and presented with the Regional Forester’s Honor Award.

Volunteers work to preserve and update the historic Dexter Cabin, part of the former Interlaken Resort, a premier 19th century resort that now serves new generations of visitors and generates revenue in the process. San Isabel National Forest, Colorado (Department of Agriculture)



integrity and historic designation. Regrettably, National Historic Landmarks have suffered, as have buildings of local significance, bringing increased public awareness of poor stewardship practices in the Federal Government.

Authorities such as Section 111 of the NHPA provide agencies with a mechanism to channel proceeds from the lease, transfer, or exchanges of historic properties into preservation activities related to that building or others. Rarely has this authority been used, however, to fund a comprehensive and systematic program for maintenance and rehabilitation. Efforts are being made by GSA and the ACHP to share success stories to encourage broader use of these provisions. Legislation for specific agency programs has recently been enacted to earmark proceeds of an agency's disposal of properties back into the agency's budget and programs.¹³ Since such programs have only recently been established, there is limited evidence of their success at protecting and facilitating the reuse of historic buildings, but this concept is promising.

Existence of multiple regulations and directives regarding the management of historic properties. The management of historic properties is subject to a variety of laws that deal with property management, stewardship, environmental issues, and historic preservation. In the ACHP's 2001 report, *Caring for the Past: Managing for the Future*, one of the 12 findings states the following:

The legal framework for Federal stewardship and historic resources is comprehensive, and there are numerous statutes addressing Government-wide responsibilities, as well as targeted agency resource management. Periodic oversight occurs through the appropriations process or congressional program

¹³ Forest Service: Facility Realignment Enhancement Act, PL 109-54, 119 Stat. 499; Department of Veterans Affairs: Capital Asset Realignment for Enhanced Services (CARES), PL 108-422, 118 Stat. 2379.

reauthorization, supplemented with General Accounting Office studies. Most of these mandates, however, are self-policing. There is little accountability and few incentives through established performance standards, regular program monitoring, or reporting for meeting requirements.

This assessment explains why agencies have not fulfilled many of the mandates that would promote historic property stewardship. In fact, when asked how they coordinate many of these responsibilities, many agency officials are unaware of those responsibilities established more than five years ago. Accordingly, adherence to these rules is compromised without agency procedures that reaffirm their applicability and establish accountability and performance measures. (See Figure 2).

The absence of complete and readily available information on Federal property management laws and regulations contributes to this problem. Many of the laws reinforce each other and collectively provide a blueprint for how to identify historic properties, how to use them for agency mission or other efforts that support Federal agencies and the community, the benefit of public-private partnerships, and the need to develop management practices that preserve a cultural and historic asset for the nation. The challenge is bringing the relevant information to the Federal property manager.

Lack of agency experience and guidance on creative strategies for using historic properties to support agency missions. One of the major dilemmas for Federal agencies is how to use functionally obsolete, vacant, or underutilized buildings or sites for changing agency missions. Not only are officials daunted by the operational and structural issues, but also they must confront remediation concerns related to the existence of hazardous materials found in older buildings and sites previously exposed to contaminants. While an agency

Figure 2: Selected Federal Statutes, Regulations, and Guidelines Regarding Federal Property Management

EXECUTIVE ORDERS

EO 11593 (1971), "Protection and Enhancement of the Cultural Environment"
EO 13006 (1996), "Locating Federal Facilities on Historic Properties in the Nation's Central Cities"
EO 13327 (2004), "Federal Real Property Asset Management"

STATUTES

Antiquities Act, 16 U.S.C. 431 et seq.
Historic Sites Act, 16 U.S.C. 461 et seq.
Federal Property and Administrative Services Act, 40 U.S.C. 471 et seq.
Reservoir Salvage Act, 16 U.S.C. 469 et seq.
National Historic Preservation Act, 16 U.S.C. 470 et seq.
National Environmental Policy Act, 42 U.S.C. 4321 et seq.
An Act to Facilitate the Preservation of Historic Monuments and for Other Purposes, 40 U.S.C. 550(h)
Historical and Archeological Data Preservation Act, 16 U.S.C. 469
Public Buildings Cooperative Use Act, 40 U.S.C. 3306
American Indian Religious Freedom Act, 42 U.S.C. 1996
Archeological Resources Protection Act, 16 U.S.C. 470aa et seq.
Architectural Barriers Act, 42 U.S.C. 4151 et seq.
Americans with Disabilities Act, 42 U.S.C. 12101 et seq.
McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11301 et seq.
Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001 et seq.

REGULATIONS

Protection of Historic Properties, 36 C.F.R. part 800
Curation of Federally Owned and Administered Archeological Collections, 36 C.F.R. part 79
Real Estate Acquisition, 41 C.F.R. part 102-73
Real Property Disposal, 41 C.F.R. part 102-75
Historic Preservation, 41 C.F.R. part 102-78
Assignment and Utilization of Space, 41 C.F.R. part 102-79

GUIDELINES

Section 110 Guidelines: The Secretary of the Interior's Standards and Guidelines for Federal Agency Historic Preservation Programs Pursuant to the National Historic Preservation Act, 63 Fed. Reg. 20495-20508 (April 24, 1998).

may believe that an industrial building can be adapted for administrative services, problems may arise with having to spend agency funds to abate lead, asbestos, and other contaminants. Cost as well as the challenge of developing a design or treatment that meets both Federal health standards and preservation guidelines become considerations.

Information has not been readily available to Federal property managers on best practices for the retention and reuse of properties for agency missions using creative management and funding strategies. When dealing with Federal property management issues, many agency officials do not consult with stakeholders or other agencies and the full range of alternative uses is not explored. In those instances where an agency has collaborated with other stakeholders, including GSA (which is the government's technical expert on reusing historic buildings), tribal, State, and local governments and the private sector, successful outcomes have been achieved, aided by the broader expertise brought to the table.

An example of an agency that regularly has successful collaborations is GSA. Typically, GSA consults with Federal tenants and local government representatives when determining how to provide space in historic buildings such as courthouses and customhouses. It is not unusual for the agency to reach a compromise that allows retention and continued use of the historic building while additional space is located in adjacent buildings or created by expansion of the existing historic property. The commitment to exploring creative strategies to protect and use underutilized or excess properties results in a better performing asset as well as continued use of a significant historic property.

As agencies include staff from various program areas in the analysis of alternatives, the exchange of information is often enlightening and leads to successful compromise. For instance, a facilities manager focused on operations and maintenance can meet with the cultural resources staff to learn about contemporary standards for rehabilitation that preserve significant historic features while adapting the building for the agency's mission. Likewise, budget officers may learn about the potential revenue that can be generated from outleasing an agency property from a program manager who is aware of public-private partnerships and the ability to use such arrangements to bring contractors on-site or in proximity to the agency's operations.

Public-private partnerships, as a concept, are embraced in many agencies. However, no government-wide standard or guidance currently exists that advises agencies how these arrangements should be approached. GAO noted in the 1999 report it prepared on public-private partnerships, "government-wide management reforms as well as fiscal and community pressures were among the factors that led agencies to seek ways to better manage their properties including the formation of partnerships with the private sector."¹⁴ Many agencies including GSA recognize that the government would benefit from alliances with the private sector, since this would be an opportunity to secure additional funding for the repair, rehabilitation, and maintenance of historic properties. In addition, such arrangements can help agencies meet performance measures and keep projects within established budgets.

¹⁴ GAO, February 1999, Public-Private Partnerships (Washington, D.C.).

Department of Defense

THE PENTAGON Arlington, Virginia

Note: This case study is taken from the 2004 Department of Defense baseline report, submitted in accordance with EO 13287, Section 3.

One of the most recognized buildings in the world is the DoD headquarters, the Pentagon, located on a 280-acre site in Arlington, Virginia. This recognition comes from its distinctive art deco-inspired design, unusual five-sided configuration, and its international association with the United States military. The Department of the Interior added the Pentagon to its National Register of Historic Places and designated it a Historic Landmark in 1992.

On September 11, 2001, the 60th anniversary of the start of the construction of the building, terrorists attacked the Pentagon, which sustained significant damage to all five floors of three of its outer rings of corridors. As devastating a blow as it was, this attack inspired Project Phoenix, which succeeded in completely rebuilding and restoring the function of the damaged portion of the Pentagon within one year of the attack. The DoD commitment to historic preservation is evident in the project, which utilized like materials and forms to reconstruct the damaged building fabric while coordinating the reconstruction with key stakeholders and the public.

Built with amazing speed to serve the vast expansion of the nation's military in the opening years of World War II, the Pentagon was restored and improved after suffering a direct hit in a terrorist attack by a hijacked passenger airplane on September 11, 2001. Arlington, Virginia (Department of Defense)



Under Section 106 of the National Historic Preservation Act, consulting parties examine Payne Spring meadow, a property of traditional religious and cultural significance to the Pit River Tribe. Medicine Lake Highlands, California. (Advisory Council on Historic Preservation)



CHAPTER 3

OVERVIEW OF AGENCY
SECTION 3 REPORTS



OVERVIEW OF AGENCY SECTION 3 REPORTS

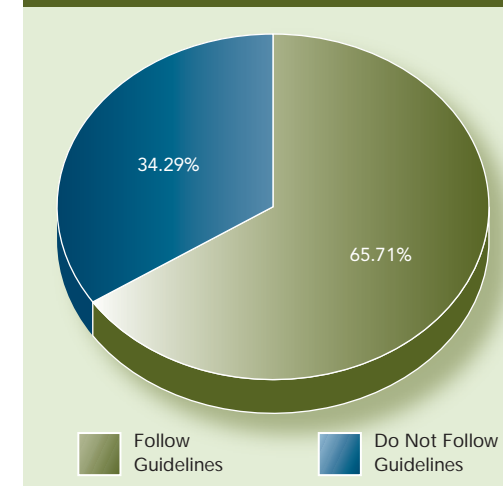
The implementation of Section 3 of EO 13287 required the ACHP and the Secretary of Interior to develop procedures that would allow agencies with real property management responsibilities to conduct a comprehensive assessment of their historic property inventory and historic preservation programs. Accordingly, the ACHP, in coordination with an interagency working group, developed advisory guidelines to ensure that each reporting agency subject to the requirements of the EO would provide consistent information on the following:

- the status of its inventory of historic properties;
- the general condition and management needs of such properties and steps underway to meet the management needs;
- the suitability of the agency's types of properties to contribute to community economic development initiatives, including heritage tourism;
- agency regulations, management policies, and operating procedures that comply with the requirements in Sections 110 and 111 of the NHPA; and
- the need to revise agency regulations, management policies, and operating procedures to bring them into compliance with Sections 110 and 111 of the NHPA.

The advisory guidelines were structured to allow agencies "to tell their historic preservation story" by responding to 10 major questions (See Figure 1, page 11) that further interpreted the reporting requirements set forth in Section 3(a) and (b) of the EO. Each of the major questions included a set of related questions to assist the agency in explaining how they approached the task on which they needed to report. The information requested from the agencies was not intended to focus on quantitative data since it was unclear how many agencies actually had quantitative reporting systems in place. Consequently, the reports are qualitative and focus on who, what, when, where, and how to explain an agency's approach to documenting its inventory, assessing conditions and management needs, determining the suitability of properties for local economic development initiatives, and complying with NHPA requirements. The ACHP and DOI considered the initial Section 3 reports to serve as baseline information from which future agency progress could be measured.

Of the 35 agencies that submitted reports, 23 agencies adhered to the advisory guidelines. The reports ranged in size from 2 pages to a 143-page bound publication from

Figure 3: Agency use of ACHP advisory guidelines



GSA, *Extending the Legacy: GSA Historic Building Stewardship*.¹⁵ Many reports were prepared in-house by agency staff, while some were prepared under contract by cultural resource firms whose services were procured specifically to assist the agency in complying with this reporting requirement. Some of the larger departments within the executive branch (such as the Department of Agriculture and Department of Interior) that include multiple agencies with different missions and a variety of historic property types had each bureau or agency submit their own report. This was a useful approach since various agencies within a department may use different databases, information collecting procedures, and management practices for historic properties. (See Figure 3).

The FRPC, created under EO 13327, has required agencies to submit information on the historic properties in their databases so it can be included in a comprehensive government-wide inventory. For those agencies that do not include public domain lands, this will be a helpful tool for collecting more uniform data that can be used in the Section 3 reports and for updating historic property inventories.

At the outset, the most noteworthy observation was the candor and openness of each agency in describing the status of its historic preservation program and historic property inventory. Agencies revealed that properties that were not used to support the agency mission, or those located in remote areas, often were not well maintained or included in management plans.

The majority of agencies do not have a systematic approach for identifying historic properties but rather use the compliance process set forth in Section 106 of the NHPA¹⁶ to add historic properties to the inventory and to develop management plans for individual properties or a specific type of property on a case-by-case basis. This reliance on the project planning process stands in sharp contrast to the provisions of Federal Property Management Regulations (41 C.F.R part 101-47.201-2), recently re-issued as the Federal Management Regulations (41 C.F.R part 102-2) in November 2005. One section of the previous regulations specifically required that at least annually agencies survey real property under their control to identify that which is not needed, underutilized, or not being put to optimum use. While agencies rarely adhered to the earlier regulations, the new Federal Management Regulations is a positive direction that may change agency practices regarding its real property inventory, including historic properties. (See Appendix C, page 63).

Ten major patterns and trends, identified by DOI and the ACHP in their review of the reports, can be summarized as follows:

1. While all reporting agencies indicated that a completed or partially completed inventory of historic properties was

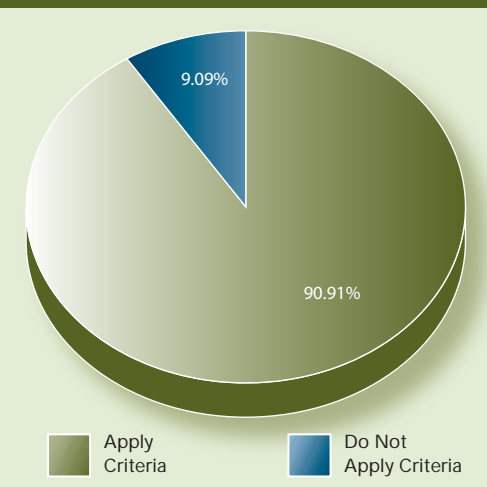
¹⁵ GSA Public Building Service, 2004.

¹⁶ Section 106 is the review process set forth in the NHPA that requires Federal agencies that may fund, license, permit, or approve of undertakings to take into account the effects of the undertakings on historic properties and afford the ACHP a reasonable opportunity to comment.

available, only smaller agencies had completed inventories, with even those in need of updating. Further, many agencies were unclear whether their inventories included all types of historic properties, including archeological sites and properties to which Indian tribes and Native Hawaiians attach religious or cultural significance.

2. A number of agencies used different terminology to reference historic properties. This made it difficult to determine whether agency historic property inventories were exclusively listed or eligible for listing on the National Register of Historic Places, or comprised a more diverse mix of properties defined as heritage assets and cultural resources.
3. Thirty of the 33 agencies indicated that they evaluate historic properties included in their inventory to determine eligibility for listing in the National Register of Historic Places, but less than half had internal policies for the next step, formal nomination for listing. (See Figure 4).

Figure 4: Agency application of National register criteria



4. Approximately half of the 33 reporting agencies reported they have qualified professionals who routinely monitor the conditions of historic properties and develop management plans for short- and long-term maintenance.
5. Only 11 agencies reported that they have established internal procedures and directives to implement a historic preservation program in accordance with Section 110 of the NHPA.
6. Five agencies have developed agency procedures to comply with Section 111 of the NHPA that addresses leases and exchanges of Federal historic properties.
7. Approximately half of the Federal Preservation Officers have other duties within the agency in addition to coordinating the historic preservation program, reducing the time available to deal with historic preservation matters.
8. Twelve agencies indicated that stakeholders such as local governments and Indian tribes are not involved in either planning or management decisions related to historic properties.
9. Nineteen agencies indicated that they have security and restricted access issues that to a greater or lesser extent preclude the use of their properties to support economic development initiatives, including heritage tourism.
10. Twenty-three agencies have partnership arrangements with Federal and non-Federal entities to manage and operate Federal historic properties. However, none of the agencies indicated that they have internal

National Park Service

VANISHING TREASURES INITIATIVE OF THE TRES PIEDRAS Group of Parks, New Mexico

Note: This case study is taken from the 2004 NPS baseline report submitted in accordance with EO 13287, Section 3.

In 1998, the NPS launched the Vanishing Treasures Initiative to address serious threats to the existence of irreplaceable prehistoric and historic ruins in several parks in the southwestern United States. Projects range from conducting condition assessments to documentation and interpretation. To date, the NPS has committed nearly \$8.7 million to complete 78 high-priority projects in 30 parks and hire 56 preservation specialists in 22 parks under the Vanishing Treasures Initiative.

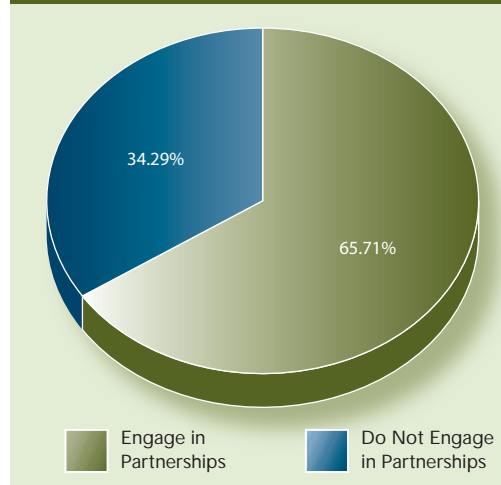
An example of a current project under Vanishing Treasures involves the El Morro National Monument in New Mexico. Historic Resources at El Morro range from small 13th century households to the enormous 700-year old Atsinna Pueblo, which has 800–900 rooms. Accomplishments under Vanishing Treasures include the renovation of a drainage system beneath the structure, condition assessments completed for over 70 wall surfaces, and the removal and replacement of previous preservation treatments harmful to the original fabric.

Vanishing Treasures masonry worker treating a gap in a 700-year-old wall at Atsinna Pueblo, El Morro National Monument, New Mexico. (National Park Service)



procedures to help determine the appropriate use of Federal properties to support local economic development initiatives. (See Figure 5).

Figure 5: Agency partnerships

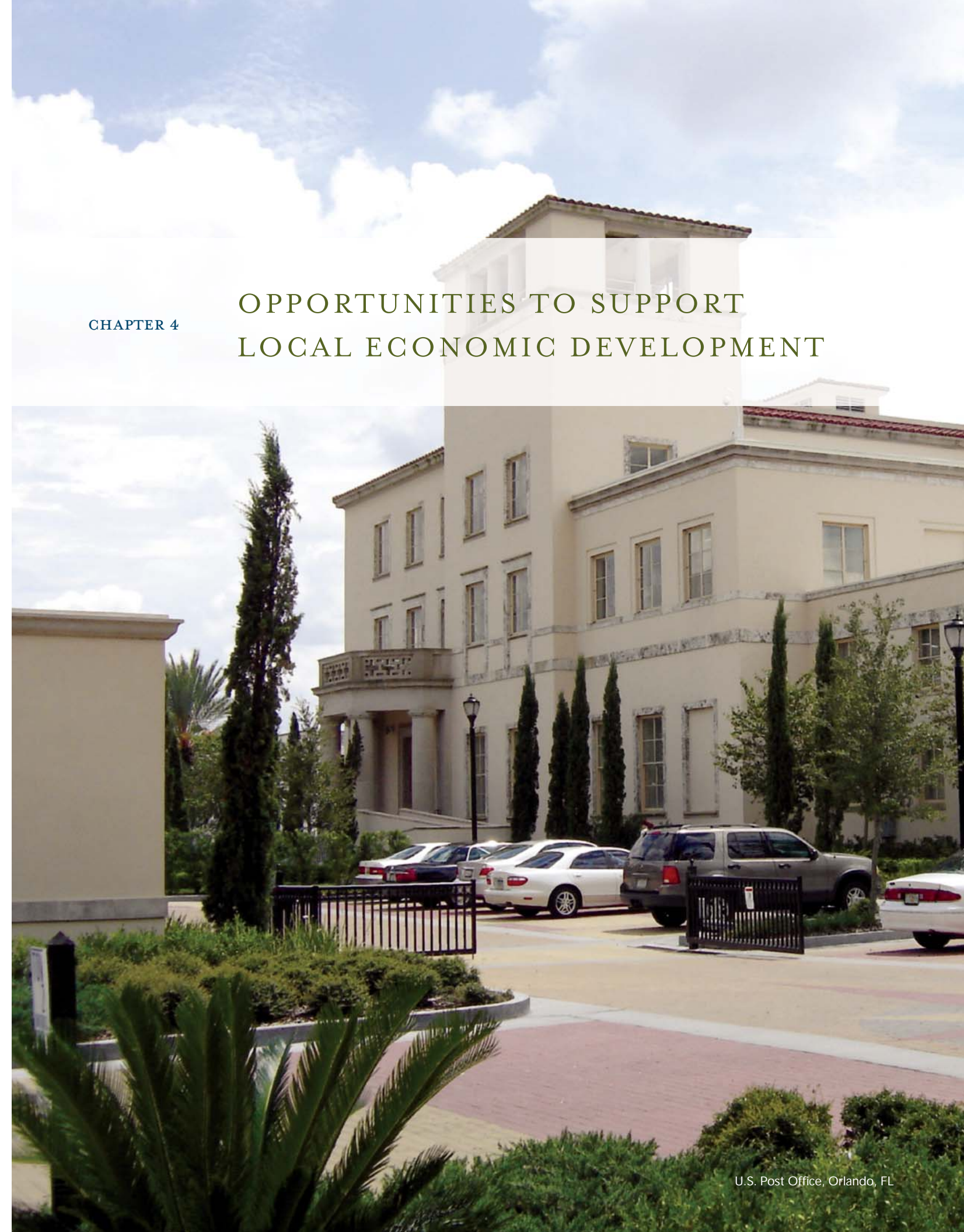


In summary, the patterns and trends revealed that agencies have made varied progress but still have much to do to meet their NHPA obligations. They are particularly in need of training and guidance on many aspects of Sections 110 and 111 of the NHPA. Agencies also need a better understanding of how they can support the goals of the *Preserve America* initiative by using Federal properties in a manner that is mutually beneficial to the agency and the local communities.

The initial Section 3 reports were prepared with the knowledge that Federal property management, including the stewardship of historic properties, is a priority for both the executive and legislative branches. Since the management of these resources has a direct bearing on the agency's assets and fiscal soundness, learning how the management and operations costs of historic properties affect agency budgets is essential. Specifically, the information presented in the Section 3 reports should enable agencies to inform OMB about the present inventory of historic properties, the condition and value of such properties, how these properties affect facilities management and operations, the capacity for properties to continue to support the agency mission, and the opportunity to reuse excess and surplus properties in a different manner or to support local economic development initiatives, particularly heritage tourism.

While a number of agencies possess substantial real property that is excess and surplus to agency mission and should be sold or otherwise disposed of, historic properties have intangible value that needs to be addressed using different economic models. The Section 3 reports establish that while agencies have a good sense of how historic properties may fit into their overall mission, additional analyses on the cost of historic preservation is needed before agencies are willing to make long-term commitments regarding the reuse or rehabilitation of historic properties.

OPPORTUNITIES TO SUPPORT LOCAL ECONOMIC DEVELOPMENT



OPPORTUNITIES TO SUPPORT LOCAL ECONOMIC DEVELOPMENT

The Lodore School was constructed in 1911 and served for decades as the educational and social center of a sparsely settled area in northwest Colorado. Browns Park National Wildlife Refuge, Colorado (U.S. Fish and Wildlife Service)



EO 13287 has resulted in agencies documenting and sharing via the Internet and publications noteworthy examples of projects that enabled them to be better and more responsible stewards of historic properties. Some of these projects have been the work of the agency alone, but most have been accomplished through partnership arrangements with other Federal agencies or non-Federal entities. Federal funding for the management of historic properties has been leveraged

with private investments, non-Federal grants, lease arrangements, and volunteer efforts. “At risk” properties that might have otherwise been demolished or mothballed indefinitely found new uses that resulted from collaborations with stakeholders and an interest on the agency’s part to turn around underperforming assets in its portfolio.

One of the primary factors to be considered when developing partnerships and cooperative management arrangements involving Federal historic property is the importance of the asset to the local community. The historic significance of Federal historic properties frequently is associated with its importance to the community or region as well as its relationship to events, people, and architecture associated with the Federal Government. Hence, the presence of a Federal courthouse, national park, national research laboratory, military base, or dam in a community has a direct impact on the local economy of the community or region. The term “gateway community” is frequently used to describe the nexus between the local community and such Federal management units. The Federal presence, embodied in the historic property, becomes a catalyst for jobs, housing development, commercial expansion, and infrastructure improvements.

The management actions of Federal agencies that have long-term associations with historic properties are critical to the community in general and tribal, State, and local governments in particular. Federal agencies are generally involved in local or regional planning that will directly affect their real property and operations. Unfortunately, the reverse is not always true. Local governments have expressed concern about not being involved during the latter stages of planning when Federal agencies propose to transfer, lease, or sell properties. This is particularly problematic with historic properties since their significance to a community often goes beyond the economic value and is intimately linked to the history and culture of the community.

Some communities and regions rely heavily on the presence of national forests, national parks, or other Federal governmental assets for their heritage tourism. Therefore, issues related to maintenance, access, capital improvements, or security all have a bearing on a community’s ability to sustain a significant portion of its economic livelihood. While agencies do not always involve stakeholders in the early stages of project planning, such collaboration is an essential element of Federal stewardship. It is the stakeholders who can provide information on the economics of Federal historic properties to the community and bring to an agency’s attention the community’s long-term vision and goals for using such properties.

Public-private partnerships, lease agreements, and cooperative management arrangements are generally intended to preserve a specific historic property and operate it to leverage Federal funds. The ACHP’ report *Becoming Better Stewards of Our Past*¹⁷ provides a number of examples about partnerships that have spurred heritage tourism and economic development around historic properties that otherwise may

17 ACHP, March 2004.

have suffered from deferred maintenance, been demolished, or had access permanently curtailed. Agencies are often receptive to the idea of public-private partnerships, but many do not believe that they have the legal authority to consummate these arrangements without the approval of Congress. Since public-private partnerships often benefit local economic development, agencies need legal interpretations of whether existing laws and government-wide regulations and procedures are adequate to support these arrangements.



Agencies shared in their 2004 Section 3 reports several initiatives that are supporting local economic development and the vitality of communities. In sharing these initiatives, agencies also indicated that security measures have greatly curtailed the agency’s ability to open historic properties to visitation or cooperative public uses that support heritage tourism and other community economic goals. Nonetheless, the agencies indicate a willingness to work with local heritage tourism offices, elected officials, and chambers of commerce to compensate for lack of access.

Volunteers in the Forest Service’s Passport in Time program (Department of Agriculture)



Citizens learn about the government's work on their behalf during tours of historic facilities such as this presentation at the Dryden Flight Research Center, Edwards, California (National Aeronautics and Space Administration)

Examples of initiatives cited by agencies include heritage education programs, virtual tours, controlled access tours, and alteration of perimeter boundaries to exclude certain historic properties, museums, or visitor facilities from secured areas.

The Section 3 reports reveal that no agencies have formal policies and procedures in place that address the use of Federal properties to support local economic development. Programs such as the Department of Defense's (DoD) Base Realignment and Closure (BRAC) and the Department of Veterans Affairs' (VA) Capital Asset Realignment for Enhanced Services (CARES) Program recognize the need to address local economic development in proposed actions. However, most agencies handle decision-making regarding the use of Federal historic properties on a case-by-case basis. Issues that are routinely addressed when determining how to support local initiatives include legal liability, costs to the Federal Government, Federal oversight, stakeholder involvement, and performance measures. Written policies and procedures would greatly assist Federal property managers in determining the framework for negotiating formal and informal arrangements to support local economic development.

United States Postal Service

UNITED STATES POST OFFICE BUILDING Orlando, Florida

Located at 46 East Robinson Street in downtown Orlando, Florida, the U.S. Post Office is built in the style known as Northern Italian Palazzo Revival and has three stories, a basement, and towers on the north and south ends. The approximately 75,000 square foot facility was built on property once owned by an adjacent church. Construction started in 1939 during the Roosevelt administration and was completed in 1941 for a total cost of \$575,000. The completed building was designated as both the Post Office and the Federal Courthouse.

Restoration in 2002 demonstrated how historic architecture could be refined and adapted into a modern institutional building. Redevelopment was completed at no cost to local or Federal taxpayers; all work was privately financed. The historic beauty and interiors of the original Post Office were restored. The building also was expanded for commercial and institutional uses in a way that was sympathetic to its historic origins and that strictly adhered to Redevelopment and Design Guidelines jointly created by U.S. Post Office, the redevelopment consultant, and the City of Orlando.



The Post Office building is centrally located in Orlando and is served by free mass transit. It is convenient to many businesses and is one block from the new Orange County Courthouse and the Orange County Regional History Center.

Restored and redeveloped by private interests without cost to Federal or local taxpayers, the Italian Revival-style Main Post Office in Orlando, Florida helped revitalize a unique downtown property and improve an urban area. (ACI Inc.)

Appearing much as it did two centuries ago, large stretches of the Missouri River Wild and Scenic River and the Lewis and Clark National Historic Trail are located on a mosaic of private and public lands. Montana (*Bureau of Land Management*)



CHAPTER 5 2005 PROGRESS REPORTS

2005 PROGRESS REPORTS

Section 3(c) of EO 13287 requires each agency with real property management responsibilities to prepare a report by September 30, 2005, on its progress in identifying, protecting, and using historic properties in its ownership. Twenty-three of the 35 agencies that submitted baseline reports also prepared progress reports. The Section 3 progress reports respond in part to comments provided by the ACHP and DOI on the baseline reports. The primary benefit to the ACHP in reviewing these reports was to learn what progress had been made since the submission of the initial report and to clarify linkages to the *Preserve America* initiative. Accordingly, the ACHP review focused on progress in the three primary areas set forth in the EO: the identification, protection, and use of Federal historic properties.

While the EO established only a one-year period to measure initial progress, this period was adequate for agencies to get acclimated to the requirements of the EO and to take into account comments provided by the ACHP and DOI on the baseline reports. The response by agencies to the requirement that progress reports be submitted is encouraging and demonstrates their commitment to improved Federal stewardship and the *Preserve America* initiative. Moreover, agencies indicated that the baseline information in the initial Section 3 report had been used within

their respective agencies to increase awareness of the need to improve the preservation program and take steps to better account for and manage historic properties. The National Aeronautics and Space Administration stated in their 2005 progress report the following:

The 2004 EO 13287 Section 3 Report provided NASA with a useful overview of the state of the agency's CRM [Cultural Resource Management] programs. The process of collecting information for the report revealed that NASA Headquarters was not fully aware of all of the CRM activities being undertaken by the field installations. The report identified the need to collect NASA CRM documents, and create a system for sharing this information among the installations. The report revealed that NASA CRM activities were not being conducted consistently among the installations. Thus the initial 2004 report served as a catalyst for change.

Ultimately, the progress reports should serve as a blueprint for how each agency will proceed during the next three years to meet the overall goals of EO 13287 with regards to stewardship, partnering opportunities, and heritage tourism. Many agencies have expressed a willingness to reevaluate current programs and consider

needed changes. An example of this commitment is illustrated in the 2005 progress report from the United States Postal Service in which they indicate the following:

Completion of the 2004 report has increased awareness of the Postal Service's cultural resources at multiple levels. Greater attention is being paid to ensuring that the Postal Service complies with existing policies and procedures as well as federal laws. Increased awareness has also led to additional consideration of cultural resource activities when developing the FY06 budget....

The progress reports clarify and expand on a number of issues presented by the ACHP and DOI in their comments. Most of the issues addressed the 10 major trends and patterns outlined in Chapter 3. Thus, the ACHP was able to gain more insight into the types of historic properties included in each agency inventory, the protocols for nominating properties when determined eligible for inclusion in the National Register, and opportunities for Federal historic properties to help sustain local economics.

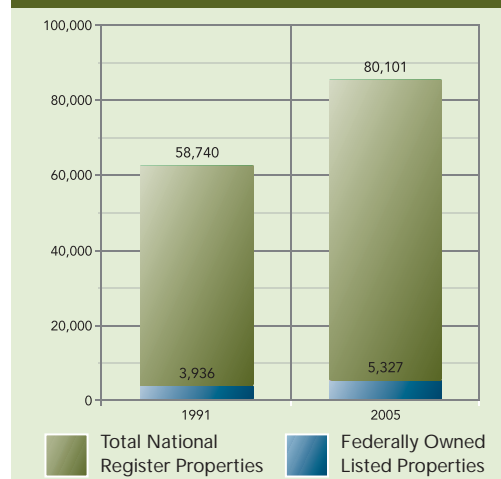
The agencies also used the progress reports to showcase special agency initiatives underway that tie directly or indirectly to the *Preserve America* initiative. Since many of the agencies are regularly briefed through participation on the *Preserve America* Steering Committee on how other agencies are advancing the initiative, agencies have sought to find opportunities to support *Preserve America* with creative projects and financial support for partnerships involving Federal historic properties. Additionally, the progress reports formalize the nexus between Section 3 of EO 13287 and the reporting requirements set forth in EO 13327 with regard to real property asset management. As previously noted, under EO 13327, agencies are required to report on historic assets as one of 23 mandatory data elements. The primary goal of the FRPC established in EO 13327 is to maintain the Federal portfolio of real

property assets at the right size, cost, and condition to meet Federal need. Inventory is one tool utilized by Federal agencies to meet that goal. GSA will establish and maintain the database of all real property, including historic properties.

Similar to the Section 3 baseline reports, distinct patterns and trends emerged in the ACHP/DOI reviews of the 2005 progress reports. They can be summarized as follows:

- In response to the observation that agencies did not report on all types of properties, several agencies indicated that their historic property inventories are planned or are underway, and actually do include archeological sites and sites of religious and cultural significance to Indian tribes and Native Hawaiian organizations. Agencies reported that identification is ongoing subject to the availability of resources.
- Some of the agencies that appeared to only evaluate properties for National Register eligibility advised the ACHP that they actually have agency procedures for nominating properties to the National Register despite the fact that they are not routinely implemented. (See Figure 6).

Figure 6: Federally owned properties listed on the National Register



Bureau of Land Management

UNDAUNTED STEWARDSHIP
Montana

Undaunted Stewardship is a Bureau of Land Management partnership in Montana that opens private lands to heritage travelers. It was created by the Bureau of Land Management, the Montana Stockgrowers Association, Montana State University, and U.S. Senator Conrad Burns.

Undaunted Stewardship was originated by Montana's ranching and agricultural community and officially began in April 2001. It is experiencing steady growth as more landowners join the program, which recognizes and encourages stewardship of natural and cultural resources by

private landowners. The program spurs development of management plans. It also assists landowners in creating information kiosks and other interpretive resources for public visitation and education on private lands containing historic sites, and other associated efforts.

Undaunted Stewardship was the recipient of the Advisory Council on Historic Preservation's 2005 Chairman's Award for Federal Achievement in Historic Preservation. As John L. Nau, III, chairman of the ACHP, remarked at the ACHP's award ceremony for this project:

"Montana's landscape today vividly recalls the pristine country traversed by the Lewis and Clark expedition 200 years ago, in large measure because of wise stewardship on both private and public lands. Just as public land stewards protect and provide reasonable access to sites important to our heritage, private landowners in Montana are encouraging appropriate heritage travel to historic sites on their property through the Undaunted Stewardship program while preserving and enhancing cultural and natural resources. This is a wonderful model for similar partnerships across the nation."

This site on private land is associated with the Lewis & Clark Expedition and was made available to the public through a partnership among the Montana Stockgrowers Association, Montana State University, and the Bureau of Land Management. (Bureau of Land Management)



- Most agencies do not regularly prepare condition assessments for historic properties. However, several agencies clarified that they have procedures for monitoring the conditions of historic properties, and these procedures will be used in the future on a regular basis to establish a condition index for each asset in accordance with EO 13327. Details were not provided, however, regarding when condition assessments will be conducted, who will conduct them, and how the information will be used.
- Impediments such as security, environmental contamination, and accessibility are still a challenge, but agencies are exploring creative ways to work around these challenges and interpret the significance of historic properties, such as through virtual tourism and heritage education programs.
- Most notably, many agencies engage in partnerships, economic development

programs, and heritage tourism initiatives that they believe will advance the goals of *Preserve America*. Noteworthy examples are referenced in Figure 7.

Over the next three years and prior to the reporting deadline for the next triennial progress report, the ACHP and DOI intend to consult with agencies to help them gain the support of senior managers regarding the need to fully staff and coordinate preservation programs that support the agency's mission and operations. Consultations among the agency, the ACHP, and other stakeholders may help to determine how the agency can improve its stewardship while supporting local economic development activities. It is important that agencies come to terms with how to best manage excess Federal properties that could generate income for the Federal Government and be the focal point of local redevelopment and heritage tourism projects.

Figure 7: Excerpts from 2005 Section 3 Progress Reports that Demonstrate Improved Federal Stewardship

- **National Park Service:** In FY 2004, 28 parks leased a total of 134 historic properties using the authority of Section 111 and 36 C.F.R part 18. Over 30 percent of the leases provide for lessee performed rehabilitation work in lieu of rent. These leases generated \$3 million in revenue in FY 2003 that was used to preserve other park historic resources.
- **Rural Development:** In March 2005, RD's community facilities program began an initiative where Preserve America communities applying to Rural Development would be given priority points for funding.
- **National Aeronautics and Space Administration:** NASA has awarded a contract to support the development of digital renderings and three-dimensional visualization of the Full Scale Tunnel located at the NASA Langley Research Center that has been listed as an NHL [National Historic Landmark] since 1985. The purpose of the visualization work is to develop a virtual prototype of the facility with sufficient functionality to support increased heritage tourism of NASA NHLs. Virtual tourism is being considered by NASA as a possible alternative to allowing public access to NHLs that are located in restricted areas of NASA installations.
- **Department of Energy:** DOE has sought to reindustrialize some complex sites such as the K-25 plant at Oak Ridge, Tennessee and the Mound plant in Miamisburg, Ohio by turning over plants and warehouses to business and industry and by promoting the construction, by the private sector, of new buildings and facilities.

Department of the Interior

CATHLAPOTLE ARCHEOLOGICAL SITE
RESEARCH PROJECT
U.S. Fish and Wildlife Service

The Cathlapotle Archeological Site is located along the Columbia River on Ridgefield National Wildlife Refuge in Washington State. The site includes a village, first documented by Lewis and Clark in 1805, that was one of the largest and most important Chinook settlements on the Columbia River and demonstrates evidence of at least 2,300 years of human habitation.

The project was designed as a proactive research and educational outreach effort to share a disappearing aspect of the Columbia River legacy with its inheritors, educate people in the area, generate a sense of stewardship among local residents, promote understanding of past and present Chinook culture, provide educational materials for schoolchildren, and draw tourists. Strong partnerships with Portland State University,

the Chinook Tribe, and a volunteer advisory panel of Vancouver-area teachers made the project possible. Supported by challenge grant funds, Portland State University studied and reported on the site, enabling the Fish and Wildlife Service (FWS) to conduct high-quality research for a relatively low cost.

The Chinook Tribe, an active partner, recognized the project as an opportunity to delve deeper into its own heritage and share its knowledge of Chinook history with the people who now live in its traditional territory. Through outreach programs and products developed for the project, FWS also established an ongoing and positive partnership with the local community, which has benefited the site through increased awareness and a sense of stewardship generated among residents for the cultural heritage in their own backyard. Outreach aspects of the project have involved public tours of the excavation, a community archeology festival, and presenting information at events such as powwows and public outreach programs.

Currently, excavation of the site is complete, and lab research, public interpretation, and education are ongoing. Present emphasis is on developing educational materials and outreach opportunities to bring the story of Cathlapotle to the public. The FWS's nonprofit partner, the Lewis & Clark Bicentennial Committee of Vancouver/Clark County, is raising funds for the project; to date, the project has received over \$80,000 in grants and donations.

Lewis and Clark estimated 900 people of the "Quathlapotle Nation" lived in a large Chinook community (today called Cathlapotle) when they visited in 1806, but disease withered the population and the town of cedar plank structures was abandoned by 1840. Archeologists, scholars, and Native Americans are among the partners rediscovering and interpreting the site for new generations. Ridgefield National Wildlife Refuge, Washington (U.S. Fish and Wildlife Service)



CHAPTER 6

FINDINGS AND RECOMMENDATIONS



United States Courthouse, Erie, PA

FINDINGS AND RECOMMENDATIONS

This chapter contains the ACHP's conclusions regarding the current state of Federal historic property management and its recommendations for improvement. While the primary basis for these recommendations is the reports submitted by Federal agencies, the ACHP also took note of recent actions that are underway to address the systemic problems agencies encounter in their stewardship of historic properties. Many may assume that additional funding or property disposal would alleviate all of an agency's management challenges, but the ACHP does not believe that to be the case. Instead, concurrent with efforts to improve the asset and Federal property management system, the Federal Government needs to develop an ethic that considers the preservation and use of agency historic properties from the broader perspective of public benefits. This public includes not only tribal, State, and local communities, but also the private sector that has invested, or desires to invest, in heritage tourism and local economic development initiatives. Widespread appreciation by Federal property managers of the unique resources in their inventories will lead to wiser management practices and decisions that will benefit Federal agencies, the local community, and the historic assets themselves.

FINDING NO. 1

Many of the agencies that own and control Federal real property have made significant progress since 2001 in identifying the historic properties for which they are responsible. However, many agencies continue to lack accurate, comprehensive information regarding the historic property assets in their inventory and may not fully understand their property's value and management requirements.

The information provided by the majority of property managing agencies indicates that because of recent reforms in government accounting and management, these agencies now regularly collect information on heritage assets and cultural resources for inclusion in required annual government-wide reports. However, methodologies and data systems for collecting such information vary from agency to agency, and sometimes even are inconsistent among the various field offices within a particular agency. Problems are also exacerbated by the use of poorly defined or inconsistent terminology (such as the overlapping terms "historic properties" and "cultural resources"), which also skews the results of data gathering and reporting. This makes it difficult to summarize comparable findings or use one data system to compile

information and prepare input for the Chief Financial Officers Report and the EO 13287 Section 3 report concurrently.

Agencies that own and manage more limited real property holdings comprising a similar type property, such as courthouses or postal facilities, typically have a good grasp of their historic property inventory and compile accurate and uniform data. The majority of agencies by their own admission have compiled information on a broader variety of historic properties that was often deemed unreliable, inaccurate, and not comprehensive. Data that had been collected over the years was not updated or verified with recent site visits by field staff. Adjustments had not been made to reflect recent alterations to historic properties from agency actions or mitigation measures carried out in accordance with the NHPA and other authorities. Guidance to field staff on data collection was either not provided or was unclear, resulting in inconsistent practices within the agency. Perhaps most noteworthy is the fact that historic property data were not routinely collected by qualified professionals or even by individuals who had historic property management or preservation training. Even when data had been collected in the context of fulfilling compliance responsibilities for specific projects or programs, the information was not regularly incorporated into existing historic property management databases.

As stated above, the lack of "useful and comparable data" was one of the problems cited in the Federal Real Property Asset Management Agenda, a component of the 2004 President's Management Agenda subsequently included in EO 13327. The reports submitted to OMB by real property agencies in December 2005 in response to EO 13327 provided data on a substantial number of historic properties that will further the understanding of the Federal government's real property assets and their needs. This information, however, is not

definitive, as all identified properties listed as heritage assets in the EO 13327 Reports have not been evaluated against the criteria for listing in the National Register of Historic Places. These reports also do not address archeological sites and traditional cultural properties on public domain lands, types of properties that were frequently overlooked in the data gathering by agencies. It should be noted that the omission of information on archeological sites and traditional cultural properties from some agencies' real property inventory may be attributed to the need to withhold confidential information from the public on select sites in accordance with Executive Order 13007, "Indian Sacred Sites," and Section 304 of the National Historic Preservation Act.

Recommendations

- In order to comply with the requirements of EO 11593, Section 110, of the NHPA and EO 13287, the Administration should consider requiring agencies that own or manage real property to establish benchmarks for the ongoing identification and evaluation of historic properties within the agency inventory. Benchmarks should be established by the affected agency in collaboration with the ACHP, the NPS, and GSA, and approved by the FPRC.
- Agencies with substantial real property holdings should consider securing the assistance and/or services of State Historic Preservation Officers, Tribal Historic Preservation Officers, other State and tribal agencies, and local and regional entities that have the expertise to complete needed survey work and National Register evaluations and to update existing State and regional databases used for asset and cultural resources management.
- The ACHP, in collaboration with the FRPC, should develop guidance on how

agencies can better coordinate the reporting requirements set forth in EO 13287 and EO 13327 to avoid duplication of effort, to advance the goal of uniform and consistent historic property data, and to improve overall coordination of government-wide reporting related to Federal real property management.

FINDING NO. 2

Agency strategic plans, which are prepared by senior policy-makers to assist in fulfilling the agency's mission, often do not address historic property management needs or target historic property issues related to the development of business plans, ongoing facilities management, and capital improvement projects and programs.

The Section 3 reports regularly stated that agencies do not address historic preservation responsibilities set forth in Section 110 of the NHPA through their strategic planning process. Since agency strategic plans assist in setting budget priorities and in addressing major facilities management plans and capital improvement projects, historic preservation planning should be reflected in these documents. Activities related to historic properties, such as maintenance, stabilization, and minor renovations, are not considered major programs and often are not supported through designated budgets. Several agencies stated that because these activities are not given priority status, vacant and underutilized buildings that do not appear to directly support the agency's mission suffer from neglect, deterioration, and even demolition.

The absence of management objectives and performance goals for historic property management in a strategic context sends the wrong message to Federal property managers. Rather than allocating funds solely for compliance

purposes or in response to potential threats to health and safety, agencies would do well to be proactive and fund actions that result in improved property management. The belief that historic properties are more costly and more complicated to use or reuse for agency operations and other public uses often becomes a self-fulfilling prophecy when an agency's inaction sets the stage for loss of important heritage assets.

Recommendations

- The Administration should consider requiring agency strategic plans to reference how management goals can promote improved historic preservation planning, including an assessment of how the agency could use historic properties to better support the agency's mission.
- The ACHP and GSA's Center for Historic Buildings should collaborate to determine what types of guidance and training on contemporary business models for portfolio management, including instruction on how to consider historic property values and needs in business plans, are needed by agencies.
- The ACHP and the NPS should develop guidance and share best practices with property managers that illustrate how historic preservation issues should be addressed as a component of facilities management and operations in support of the agency's mission.

FINDING NO. 3

Agency priorities do not typically include staffing and funds to support the historic property stewardship goals of the NHPA or to address at-risk and under-performing historic properties within the agency's inventory.

General Services Administration

UNITED STATES COURTHOUSE Erie, Pennsylvania

Note: This case study is taken from Extending the Legacy: GSA Historic Building Stewardship and "United States Courthouse Erie, Pennsylvania."

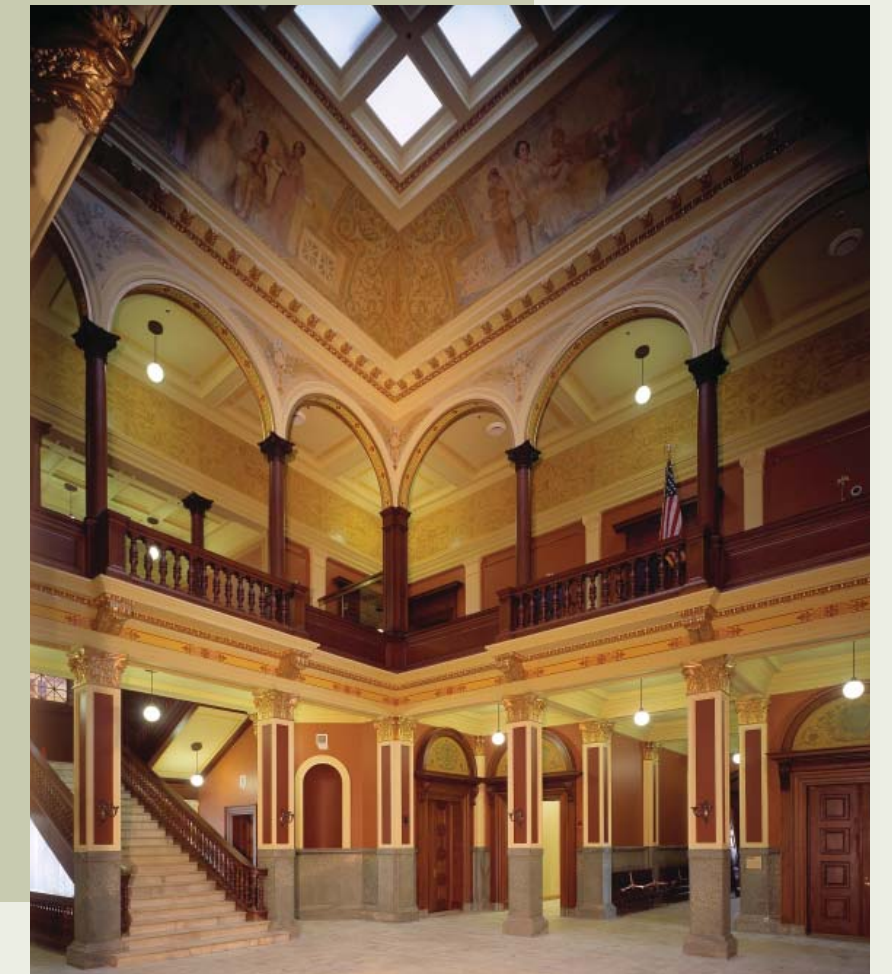
As federal space needs change, GSA keeps buildings viable by reprogramming them to serve new functions. The key to successful reprogramming is matching available buildings to suitable tenants. For expansion of the Federal courthouse in Erie, Pennsylvania, GSA acquired underutilized historic buildings: a beaux arts municipal library and a former art moderne clothing store now supplement GSA's 1930s art deco courthouse. The three structures are linked by a contemporary addition that serves as a gateway. Combining old and new structures doubled the amount of habitable space, not only enabling the site to meet the court's requirements, but also revitalizing the historic downtown.

The courthouse was completed in 2004. It serves the U.S. District Court for the Western District of Pennsylvania. The 135,000 square foot facility is composed of three historic buildings—the 1899 Erie Public Library, the 1937 Federal Building and U.S. Courthouse, and the 1946 Isaac Baker and Son Clothing Store Building—plus a new annex and connecting lobby structure. The 1.5-acre site held a courthouse, shops, and houses built in the late 19th century until they were demolished for the 1937 Federal Building and U.S. Courthouse and the 1946 Baker Store Building. Archeological excavations prior to the recent construction turned up approximately 20,000 artifacts, such as axe

heads, musket balls, bottles, and pottery, that will be displayed in the lobby of the new courthouse annex within the complex.

Formal financial planning for the building began in FY 1997, following several years of discussion between local and federal officials. Congress authorized \$3.3 million for the project and the Erie School district, which owned the 1896 library, sold it to the Federal Government for one dollar. Congress authorized final funding in the amount of \$30.7 million in FY 2002.

An interior view of the United States Courthouse in Erie Pennsylvania shows why a picture is worth a thousand words in explaining the importance of preserving these irreplaceable and unique places that showcase outstanding federal architecture. (General Services Administration)



Since most resource management and operational preservation activities occur at the field level, access to historic preservation and cultural resource management expertise for regional and field offices is important. The Section 3 reports from the largest property owners note that the employment of qualified staff is a challenge and often results in reactive rather than proactive surveys, resource evaluation, site protection, and condition assessments. Even the use of contractors in a number of these agencies fails to fill this gap, since most services are procured for specific undertakings rather than on a long-term resource management basis. This situation is often exacerbated by lack of training and guidance to the field regarding agency compliance priorities for Section 110 and limited agency directives on ongoing historic property planning and management.

Agencies have designated Federal Preservation Officers (FPOs) in accordance with Section 110 to help lead and coordinate agency-wide preservation activities. However, some of the FPOs lack the required training and professional background to meet the needs of their positions or the Secretary of the Interior's Historic Preservation Professional Qualification Standards. Conversely, many qualified FPOs are not given sufficient responsibility and involvement in the strategic planning and budgeting process and most lack the authority to provide oversight of activities of field-level personnel. Consequently, they are unable to effectively provide the leadership needed to improve their agency's historic preservation program. In agencies with more recently established historic preservation programs, it is not unusual for the FPO also to serve as the National Environmental Policy Act (NEPA) Coordinator with a focus on integrating historic preservation with NEPA reviews and other environmental requirements. Historic preservation may therefore be seen more as a collateral or secondary duty than a primary assignment.

Finally, the Section 3 reports indicate that there is often limited coordination between land or facilities managers and historic preservation and cultural resource staff in the ongoing management decisions affecting historic properties. While many agency programs require that Section 106 coordinators or cultural resource staff review project or program activities to identify historic properties and assess potential effects, there is rarely full integration of these staff into budgeting, long-term planning, and decision-making for capital improvement projects. Since historic properties are part of the agency's real estate portfolio, this often results in a failure to properly reflect historic values and preservation needs in management decisions.

Recommendations

- The Administration should encourage agencies to use qualified preservation professionals, rather than non-preservationists assigned to historic preservation as a collateral duty, to assist with establishing and implementing agency policies and protocols for complying with NHPA and related preservation regulations, directives, and guidelines.
- The Administration should reaffirm that real property managing agencies must show leadership in historic preservation and encourage policies and procedures that promote the use or reuse of historic properties to advance the agency's mission and support local economic development.
- The Administration should collaborate with the private sector to identify contemporary strategies for facilities management and oversight for historic properties as well as provide incentives for relevant research and development, technology transfer, and project innovation.

FINDING NO. 4

Executive branch agencies would benefit from directives or guidelines that promote the establishment of private-public partnerships, consistent with agency missions and governing laws, for the preservation and use of federally owned and controlled historic properties in local economic development initiatives, including heritage tourism.

Federal agencies each identified practices and procedures that they used to help form public-private partnerships to manage real property, including historic properties. A pattern that emerged is that such partnerships often help leverage Federal funds and staff to ensure proper stewardship. Thus, a variety of "Friends of ..." groups, nonprofits, local advocacy groups, and civic associations have developed in recent years to help protect, manage, and use resources that might be at risk without non-Federal assistance.

Homeland security requirements and enhanced military security have hampered some programs, particularly those that must bring non-Federal employees or visitors within secure and restricted areas of Federal facilities and sites. Nonetheless, agencies continue to recognize the value of the financial, technical, and management assistance provided by partnerships. In fact, some agencies are providing seed funds to replicate successful programs throughout field and State offices.

What is notable is that few agencies actually have formal procedures or internal directives that explain and support agency partnerships on historic preservation with tribal, State, or local governments and the private sector, and in some cases there are significant policy or administrative obstacles to such collaboration. Many agencies stated that they rely on periodic or case-specific legal or program advice on how partnerships on historic preservation should be

structured, liability addressed, private funding handled, and staffing vetted. Absence of clearly defined policies and procedures impedes the development of effective public-private partnerships. This is especially true given the increasing role such partnerships could play in preserving and protecting Federal historic properties through leveraging Federal funds.

Recommendations

- The Administration should encourage agencies to recognize that historic properties under Federal control and management are an integral part of their local community or neighborhood as well as Federal assets, and that the local government and community representatives should be considered as major stakeholders when determining the appropriate use, reuse, and treatment of such properties.
- Agencies should actively involve tribal, State, and local governments in the planning process for Federal historic properties at the earliest stages to ensure that the goals of EO 13287 are met and opportunities for partnerships to use such properties for the benefit of the local community are fully explored, consistent with agency missions and applicable laws.
- The Administration, in consultation with GSA, the NPS, and the ACHP, should determine what guidance is needed to promote public-private partnerships that will support the use or reuse of historic properties and encourage agencies to adopt appropriate procedures to advance that goal.
- GSA, in consultation with the ACHP and the NPS, should provide and/or develop model covenants, leases, cooperative management arrangements, and easements to facilitate public-private partnerships.

FINDING NO. 5

Agencies generally lack procedures that ensure the timely consideration of alternative uses for historic properties that are excess to or no longer able to support an agency's mission.

A pattern that emerged from the Section 3 reports is the frequent existence of real property within an agency's portfolio that is incompatible with an agency's current mission and essentially nonperforming. While agencies with limited real property holdings have generally found uses for their historic properties, larger agencies such as the VA, the Forest Service, and the Bureau of Land Management indicate that a fairly large percentage of their inventories is excess to each agency's mission. They also concede that formal decisions regarding long-term disposition do not happen quickly. This often results in local communities' complaints about federally owned and neglected "white elephants" in the community.

The Section 3 reports recognize the financial and administrative challenges of managing underutilized or functionally obsolete properties. Although traditionally these properties are buildings and structures, in many instances historic districts, cultural landscapes, archeological sites, and traditional cultural properties are now included among these "at risk" historic properties. Following years of deferred maintenance and neglect, often the agency concludes that the cost of repair or rehabilitation is economically prohibitive. Demolition or site clearance, therefore, is considered the most viable alternative with the goal of redeveloping or transferring cleared parcels free of restrictions to redevelopment.

GSA, as the major Federal landlord, has been successful in promoting the retention and reuse of a number of significant local landmarks that were in its inventory after being

declared excess and surplus to the needs of specific Federal agencies. Recent projects located in various regions of the nation illustrate GSA's commitment to the Federal stewardship of historic buildings using contemporary business models and real estate practices. As part of GSA's retention-disposal analysis for properties within its inventory, the agency explores outleasing of buildings when it appears that there may be a market for Federal use in the future. In the context of developing long-term lease or comanagement agreements, GSA can determine whether to market a property for private investment or to enter into public-private partnerships that are beneficial to the government.

GSA uses the provisions of Section 111 of the NHPA to negotiate cutting-edge deals to preserve major local landmarks. Section 111 allows agencies to reinvest lease proceeds into historic preservation activities involving the subject property or other historic buildings. Consequently, historic preservation projects that may not have been considered a funding priority in a given fiscal year receive needed funding, allowing the Federal Government to be a good neighbor and catalyst for local revitalization initiatives. Similarly, the VA has had authority to enter into enhanced use leases since 1991. This authority is consistent with Section 111 and allows public-private partnerships that focus on improved stewardship and the reuse of excess real property.

In reviewing agency responses regarding their adherence to Section 111, it was evident that agencies do not use this provision of the NHPA when exploring options for addressing excess and surplus real property. Thus, opportunities to preserve historic properties excess to agency mission requirements or that are functionally obsolete for specific agency programs are not automatically considered for lease or exchange. The impediments to using Section 111 vary from agency to

Department of Agriculture

HISTORIC RAVEN NATURAL RESOURCE LEARNING CENTER

Kootenai National Forest, Montana

The Historic Raven Natural Resource Learning Center began its history in 1906 as the Raven Ranger Station. In the days of horse and mule transportation, it supported the newly created Forest Service as a supply station for the southern end of the 2.5 million acre Kootenai National Forest. Two nonprofit organizations, Communities for a Great Northwest and Provider Pals, teamed with almost 30 other partners, including the Forest Service, local communities, major foundations, schools, businesses, and individuals to preserve this historic place.

The partnership has created an educational program at the Historic Raven Natural Resource Learning Center that brings students and instructors from cities across the nation to learn about natural and cultural resources at the historic site. This project was a recipient of the 2004 Preserve America Presidential Awards.

Historic Raven Natural Resource Learning Center is a labor of love and a partnership where old structures are teaching youth about the importance of natural resources and stewardship. Kootenai National Forest, Montana (Forest Service)



The President and Mrs. Bush give Bruce Vincent, Executive Director, Provider Pals and Communities for a Great Northwest, and Bob Castaneda, Kootenai National Forest Supervisor, a Preserve America Presidential Award in the Oval Office for the Historic Raven Natural Resource Learning Center. Washington D.C. (Paul Morse, White House)



agency but can best be summarized as the staff's general lack of knowledge, including agency legal staff.

The Section 3 reports confirm that improvement in Federal asset management and historic property stewardship must incorporate strategies that value the uniqueness of historic properties and consider their cultural and social value to a community in addition to their economic value. The economic analyses that do not consider the potential for a reused or redeveloped Federal historic property to act as a catalyst for other revitalization efforts in the local community are faulty. This principle applies both to the Federal Government and to the private sector that uses Federal, State, and local tax incentives to assist in the reuse and redevelopment of historic properties.

Recommendations

- The Administration, in collaboration with the FRPC, should take steps to eliminate or reduce procedural impediments to disposing of vacant, underutilized, or functionally obsolete historic properties.
- The Administration, in consultation with GSA and the ACHP, should review the provisions of Section 111 to determine what obstacles preclude agencies from using this authority to redirect their proceeds from the sale, lease, or transfer of historic properties to other preservation projects in the absence of agency specific legislation.
- The Administration should review how enhanced use-lease authorities are granted and used by agencies to promote historic preservation goals and determine whether this authority can be incorporated in government-wide regulations rather than agency-by-agency legislation.

- The ACHP, in cooperation with the NPS and GSA, should share among agencies examples of successful outcomes resulting from using Section 111 leasing authorities.
- The ACHP should use opportunities presented by the DoD's current and past rounds of BRAC to determine whether there are appropriate economic redevelopment and reuse models that may be transferable.

FINDING NO. 6

Agencies that own and control real property would benefit from more coordinated and systematic Federal oversight that focuses on the stewardship of federally owned historic properties and their availability for local economic development initiatives.

The Federal Government has relied on agency compliance with the NHPA to ensure that its stewardship responsibilities as set forth in Section 110 were being met. Despite the oversight roles established for the NPS and the ACHP through changes to the law in 1992 and the issuance of the Section 110 Guidelines in 1998, the agencies have basically been self-policing with limited external review or monitoring. The issuance of EO 13287 changed this practice, and agencies for the first time were actually required to submit to outside scrutiny and receive feedback on how they have established and are managing their historic preservation programs. The progress made by many agencies since 1992 is certainly encouraging, and it is anticipated that agencies will make even more significant progress before the next ACHP Report to the President is submitted in 2009.

When the President issued EO 13327, the creation of the FRPC was a major component of this government-wide directive. The establish-

ment of this council under OMB has successfully commanded the attention of agency leadership. Improved Federal real property management has promised to increase agency resources by selling off excess properties. In addition, these efforts should improve management by focusing on resources that are critical to agency missions, streamline maintenance and repair by reducing property inventories, and increase necessary knowledge of the agencies' properties and their needs.

Through the reporting and coordinating mechanisms established by these EOs 13327 and 13287, an accountability system has been created that offers a great opportunity to improve Federal stewardship of historic properties over the long term. Analysis of the initial round of reports under both EOs is likely to lead to further refinement of those mechanisms.

Recommendations

- FRPC members should consult directly with officials that oversee their respective agency's preservation programs to discuss ways to incorporate stewardship

of federally owned historic properties into business planning and strategies for improving performance of historic properties. Such strategies include targeted reinvestment and giving priority to rehabilitation and expansion of historic facilities as opposed to replacement with new construction or relocation to contemporary leased space.

- The Administration, in consultation with the ACHP, the NPS, and GSA, should convene a triennial conference on historic property management and agency compliance with EOs 13287 and 13327 and thereby share findings and recommendations from submitted reports with the senior policy officials designated under EO 13287, the public, and the private sector.
- The FRPC should invite the ACHP to participate in its proceedings as an observer in order to bring the historic preservation expertise and perspective of this agency to the broader consideration of Federal real property management.

The Mabry Mill, VA, is the most photographed structure on the Blue Ridge Parkway. While its scenic beauty draws travelers, it also serves as a living classroom of mountain heritage, and provides access to the Mountain Industry Trail which offers interpretive insight into area history and culture. *(Photo by Cedric N. Chatterley)*



CHAPTER 7 NEXT STEPS



NEXT STEPS



"Bug Light," as the Portland Breakwater Light is known locally, is today a focal point of a scenic pedestrian trail. Built in 1875, it was modeled on a fourth century B.C. monument in Greece and is unique among lighthouses as a result. Portland, Maine (U.S. Coast Guard)

While a variety of agencies will be involved in evaluating and carrying out the steps recommended in this report, the ACHP is committed to moving forward on those actions it can take. In fiscal years 2006 through 2008, the ACHP in cooperation with its members will develop an action plan to assist real property managing agencies achieve the benchmarks that they have established in Federal real property and asset management. The focus of the ACHP's efforts will be on improving agency knowledge of and sensitivity to the basic stewardship principles set forth in the NHPA and EO 13287. To achieve this goal, the ACHP proposes a five-point plan that outlines the next steps the ACHP will implement to help agencies maintain their momentum in understanding and managing their Federal historic properties as valuable assets.

1. During FY 2006, the ACHP will consult with agencies to determine actions the agencies will take by 2008, to improve their historic preservation programs and to make progress in the identification, protection, and use of agency historic properties.
2. Prior to the 2006 deadline for the submission of EO 13327 asset

management plans to OMB, the ACHP will collaborate with GSA and OMB to determine how the FRPC could ensure that historic properties and stewardship goals as defined by the NHPA are addressed in business plans required for each reported asset.

3. During FY 2007, the ACHP will convene a Federal stewardship meeting that focuses on the reports submitted to ACHP pursuant to EO 13287 and to OMB pursuant to EO 13327.
4. During FY 2007, the ACHP will collaborate with GSA, the NPS, and another land managing agency to develop a primer on outleasing Federal historic buildings to improve nonperforming assets.
5. Beginning in FY 2006 and continuing through FY 2008, the ACHP will consult with non-Federal stakeholders to identify measures they believe will promote public-private partnerships and assist with local economic development initiatives and heritage tourism programs.



The ACHP will keep senior policy officials and senior real property officials apprised of the progress of these efforts and engage them as appropriate.

SUMMARY

EO 13287 has proven to be a useful tool for identifying the status of Federal historic property management and the achievements and needs of Federal agencies that manage real property. This first Report to the President is a milestone for Federal stewardship, representing the first overview based on agency self-examinations and independent ACHP evaluation. It comes at a time when the Administration is making significant strides in Federal property management. The ACHP is confident that the findings and recommendations included in this report will result in improvements to the overall operation and management of Federal historic properties. Moreover, the ACHP anticipates that the recommendations, once implemented, will improve the efficiency and effectiveness of agency efforts to become better stewards of their heritage assets. Federal agencies take seriously their responsibility to be leaders in historic preservation and with proper support, guidance, and oversight they will achieve that goal.

Unique structures such as this Romanesque-style Administration Building at the VA Medical Center in Hot Springs, South Dakota have been created nationwide since shortly after the Civil War to care for America's wounded veterans. (Department of Veterans Affairs)

APPENDICES

Sloan Canyon National Conservation Area petroglyphs, NV

EXECUTIVE ORDER 13287: PRESERVE AMERICA

APPENDIX A

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Historic Preservation Act (16 U.S.C. 470 et seq.) (NHPA) and the National Environmental Policy Act (42 U.S.C. 4321 et seq.), it is hereby ordered:

Sec 1. Statement of Policy.

It is the policy of the Federal Government to provide leadership in preserving America's heritage by actively advancing the protection, enhancement, and contemporary use of the historic properties owned by the Federal Government, and by promoting intergovernmental cooperation and partnerships for the preservation and use of historic properties. The Federal Government shall recognize and manage the historic properties in its ownership as assets that can support department and agency missions while contributing to the vitality and economic well-being of the Nation's communities and fostering a broader appreciation for the development of the United States and its underlying values. Where consistent with executive branch department and agency missions, governing law, applicable preservation standards, and where appropriate, executive branch departments and agencies ("agency" or "agencies") shall advance this policy through the protection and continued use of the historic properties owned by the Federal Government, and by pursuing partnerships with State and local governments, Indian tribes, and the private sector to promote the preservation of the unique cultural heritage of communities and of the Nation and to realize the economic benefit that these properties can provide. Agencies shall maximize efforts to integrate the policies, procedures, and practices of the NHPA and this order into their program activities in order to efficiently and effectively advance historic preservation objectives in the pursuit of their missions.

Sec. 2. Building Preservation Partnerships.

When carrying out its mission activities, each agency, where consistent with its mission and governing authorities, and where appropriate, shall seek partnerships with State and local governments, Indian tribes, and the private sector to promote local economic development and vitality through the use of historic properties in a manner that contributes to the long-term preservation and productive use of those properties. Each agency shall examine its policies, procedures, and capabilities to ensure that its actions encourage, support, and foster public-private initiatives and investment in the use, reuse, and rehabilitation of historic properties, to the extent such support is not inconsistent with other provisions of law, the Secretary of the Interior's Standards for Archeology and Historic Preservation, and essential national department and agency mission requirements.

Sec. 3. Improving Federal Agency Planning and Accountability.

(a) Accurate information on the state of Federally owned historic properties is essential to achieving the goals of this order and to promoting community economic development through local partnerships. Each agency with real property management responsibilities shall prepare an assessment of the current status of its inventory of historic properties required by section 110(a)(2) of the NHPA (16 U.S.C. 470h-2(a)(2)), the general condition and management needs of such properties, and the steps underway or planned to meet those management needs. The assessment shall also include an evaluation of the suitability of the agency's

APPENDIX A

types of historic properties to contribute to community economic development initiatives, including heritage tourism, taking into account agency mission needs, public access considerations, and the long-term preservation of the historic properties. No later than September 30, 2004, each covered agency shall complete a report of the assessment and make it available to the Chairman of the Advisory Council on Historic Preservation (Council) and the Secretary of the Interior (Secretary).

(b) No later than September 30, 2004, each agency with real property management responsibilities shall review its regulations, management policies, and operating procedures for compliance with sections 110 and 111 of the NHPA (16 U.S.C. 470h-2 & 470h-3) and make the results of its review available to the Council and the Secretary. If the agency determines that its regulations, management policies, and operating procedures are not in compliance with those authorities, the agency shall make amendments or revisions to bring them into compliance.

(c) Each agency with real property management responsibilities shall, by September 30, 2005, and every third year thereafter, prepare a report on its progress in identifying, protecting, and using historic properties in its ownership and make the report available to the Council and the Secretary. The Council shall incorporate this data into a report on the state of the Federal Government's historic properties and their contribution to local economic development and submit this report to the President by February 15, 2006, and every third year thereafter.

(d) Agencies may use existing information gathering and reporting systems to fulfill the assessment and reporting requirements of subsections 3(a)-(c) of this order. To assist agencies, the Council, in consultation with the Secretary, shall, by September 30, 2003, prepare advisory guidelines for agencies to use at their discretion.

(e) No later than June 30, 2003, the head of each agency shall designate a senior policy level official to have policy oversight responsibility for the agency's historic preservation program and notify the Council and the Secretary of the designation. This senior official shall be an assistant secretary, deputy assistant secretary, or the equivalent, as appropriate to the agency organization. This official, or a subordinate employee reporting directly to the official, shall serve as the agency's Federal Preservation Officer in accordance with section 110(c) of the NHPA. The senior official shall ensure that the Federal Preservation Officer is qualified consistent with guidelines established by the Secretary for that position and has access to adequate expertise and support to carry out the duties of the position.

Sec. 4. Improving Federal Stewardship of Historic Properties.

(a) Each agency shall ensure that the management of historic properties in its ownership is conducted in a manner that promotes the long-term preservation and use of those properties as Federal assets and, where consistent with agency missions, governing law, and the nature of the properties, contributes to the local community and its economy.

(b) Where consistent with agency missions and the Secretary of the Interior's Standards for Archeology and Historic Preservation, and where appropriate, agencies shall cooperate with communities to increase opportunities for public benefit from, and access to, Federally owned historic properties.

(c) The Council is directed to use its existing authority to encourage and accept donations of money, equipment, and other resources from public and private parties to assist other agencies in the preservation of historic properties in Federal ownership to fulfill the goals of the NHPA and this order.

(d) The National Park Service, working with the Council and in consultation with other agencies, shall make available existing materials and information for education, training, and awareness of historic property stewardship to ensure that all Federal personnel have access to information and can develop the skills necessary to continue the productive use of Federally owned historic properties while meeting their stewardship responsibilities.

(e) The Council, in consultation with the National Park Service and other agencies, shall encourage and recognize exceptional achievement by such agencies in meeting the goals of the NHPA and this order. By March 31, 2004, the Council shall submit to the President and the heads of agencies recommendations to further stimulate initiative, creativity, and efficiency in the Federal stewardship of historic properties.

Sec. 5. Promoting Preservation Through Heritage Tourism.

(a) To the extent permitted by law and within existing resources, the Secretary of Commerce, working with the Council and other agencies, shall assist States, Indian tribes, and local communities in promoting the use of historic properties for heritage tourism and related economic development in a manner that contributes to the long-term preservation and productive use of those properties. Such assistance shall include efforts to strengthen and improve heritage tourism activities throughout the country as they relate to Federally owned historic properties and significant natural assets on Federal lands.

(b) Where consistent with agency missions and governing law, and where appropriate, agencies shall use historic properties in their ownership in conjunction with State, tribal, and local tourism programs to foster viable economic partnerships, including, but not limited to, cooperation and coordination with tourism officials and others with interests in the properties.

Sec. 6. National and Homeland Security Considerations.

Nothing in this order shall be construed to require any agency to take any action or disclose any information that would conflict with or compromise national and homeland security goals, policies, programs, or activities.

Sec. 7. Definitions.

For the purposes of this order, the term "historic property" means any prehistoric or historic district, site, building, structure, and object included on or eligible for inclusion on the National Register of Historic Places in accordance with section 301(5) of the NHPA (16 U.S.C. 470w(5)). The term "heritage tourism" means the business and practice of attracting and accommodating visitors to a place or area based especially on the unique or special aspects of that locale's history, landscape (including trail systems), and culture. The terms "Federally owned" and "in Federal ownership," and similar terms, as used in this order, do not include properties acquired by agencies as a result of foreclosure or similar actions and that are held for a period of less than 5 years.

Sec. 8. Judicial Review.

This order is intended only to improve the internal management of the Federal Government and it is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

GEORGE W. BUSH

THE WHITE HOUSE,
March 3, 2003.

APPENDIX A

APPENDIX B

ADVISORY COUNCIL ON HISTORIC PRESERVATION MEMBERSHIP

JANUARY, 2006

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Vice Chairman

Bernadette Castro (New York)

Expert Members

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Julia A. King, Ph.D. (Maryland)

Ann Alexander Pritzlaff (Colorado)

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Gerald A. Jemison (New York)

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Secretary of Transportation

Hon. Norman Y. Mineta

Chairman,**National Trust for Historic Preservation**

Jonathan Kemper (Missouri)

President, National Conference of State Historic Preservation Officers

Jay D. Vogt (South Dakota)

Observer:**General Chairman, National Association of Tribal Historic Preservation Officers**

Alan S. Downer, Ph.D. (Navajo Nation)

Observer:**Secretary, Department of Commerce**

Hon. Carlos M. Gutierrez

Observer:**Secretary, Department of Education**

Hon. Margaret Spellings

Observer:**Secretary, Department of Housing and Urban Development**

Hon. Alphonso R. Jackson

TITLE 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

SUBTITLE C—FEDERAL PROPERTY MANAGEMENT REGULATIONS SYSTEM

CHAPTER 102—FEDERAL MANAGEMENT REGULATIONS

Part 102-78 Historic Preservation**Authority:** 16 U.S.C. 470h-2; 40 U.S.C. 121(c) and 581.**Source:** 70 FR 67848, Nov. 8, 2005, unless otherwise noted.**Subpart A—General Provisions****§ 102-78.5****What is the scope of this part?**

The real property policies contained in this part apply to Federal agencies, including GSA's Public Buildings Service (PBS), operating under, or subject to, the authorities of the Administrator of General Services. The policies in this part are in furtherance of GSA's preservation program under section 110 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470) and apply to properties under the jurisdiction or control of the Administrator and to any Federal agencies operating, maintaining, or protecting such properties under a delegation of authority from the Administrator.

§ 102-78.10**What basic historic preservation policy governs Federal agencies?**

To protect, enhance, and preserve historic and cultural property under their control, Federal

APPENDIX C

agencies must consider the effects of their undertakings on historic and cultural properties and give the Advisory Council on Historic Preservation (Advisory Council), the State Historic Preservation Officer (SHPO), and other consulting parties a reasonable opportunity to comment regarding the proposed undertakings.

Subpart B—Historic Preservation**§ 102-78.15****What are historic properties?**

Historic properties are those that are included in, or eligible for inclusion in, the National Register of Historic Places (National Register) as more specifically defined at 36 C.F.R. 800.16.

§ 102-78.20**Are Federal agencies required to identify historic properties?**

Yes, Federal agencies must identify all National Register or National Register-eligible historic properties under their control. In addition, Federal agencies must apply National Register Criteria (36 C.F.R. part 63) to properties that have not been previously evaluated for National Register eligibility and that may be affected by the undertakings of Federally sponsored activities.

§ 102-78.25**What is an undertaking?**

The term undertaking means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those—

- (a) Carried out by or on behalf of the agency;
- (b) Carried out with Federal financial assistance; or
- (c) Requiring a Federal permit, license, or approval.

§ 102-78.30**Who are consulting parties?**

As more particularly described in 36 C.F.R. 800.2(c), consulting parties are those parties having consultative roles in the Section 106 process (i.e., Section 106 of the National Historic Preservation Act), which requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the Council a reasonable opportunity to comment on such undertakings. Specifically, consulting parties include the State Historic Preservation Officer; the Tribal Historic Preservation Officer; Indian tribes and Native Hawaiian organizations; representatives of local governments; applicants for Federal assistance, permits, licenses, and other approvals; other individuals and organizations with a demonstrated interest in the undertaking; and the Advisory Council (if it elects to participate in the consultation).

§ 102-78.35**Are Federal agencies required to involve consulting parties in their historic preservation activities?**

Yes, Federal agencies must solicit information from consulting parties to carry out their responsibilities under historic and cultural preservation laws and regulations. Federal agencies must invite the participation of consulting parties through their normal public notification processes.

§ 102-78.40

What responsibilities do Federal agencies have when an undertaking adversely affects a historic or cultural property?

Federal agencies must not perform an undertaking that could alter, destroy, or modify an historic or cultural property until they have consulted with the SHPO and the Advisory Council. Federal agencies must minimize all adverse impacts of their undertakings on historic or cultural properties to the extent that it is feasible and prudent to do so. Federal agencies must follow the specific guidance on the protection of historic and cultural properties in 36 C.F.R. part 800.

§ 102-78.45**What are Federal agencies' responsibilities concerning nomination of properties to the National Register?**

Federal agencies must nominate to the National Register all properties under their control determined eligible for inclusion in the National Register.

§ 102-78.50**What historic preservation services must Federal agencies provide?**

Federal agencies must provide the following historic preservation services:

- (a) Prepare a Historic Building Preservation Plan for each National Register or National Register-eligible property under their control. When approved by consulting parties, such plans become a binding management plan for the property.
- (b) Investigate for historic and cultural factors all proposed sites for direct and leased construction.

§ 102-78.55**For which properties must Federal agencies assume historic preservation responsibilities?**

Federal agencies must assume historic preservation responsibilities for real property assets under their custody and control. Federal agencies occupying space in buildings under the custody and control of other Federal agencies must obtain approval from the agency having custody and control of the building.

§ 102-78.60**When leasing space, are Federal agencies able to give preference to space in historic properties or districts?**

Yes, Executive Order 13006 requires Federal agencies that have a mission requirement to locate in an urban area to give first consideration to space in historic buildings and districts inside

central business areas. Agencies may give a price preference of up to 10 percent to space in historic buildings and districts, in accordance with §§102-73.120 and 102-73.125 of this chapter.

§ 102-78.65

What are Federal agencies' historic preservation responsibilities when disposing of real property under their control?

Federal agencies must—

- (a) To the extent practicable, establish and implement alternatives for historic properties, including adaptive use, that are not needed for current or projected agency purposes. Agencies are required to get the Secretary of the Interior's approval of the plans of transferees of surplus Federally-owned historic properties; and
- (b) Review all proposed excess actions to identify any properties listed in or eligible for listing in the National Register. Federal agencies must not perform disposal actions that could result in the alteration, destruction, or modification of an historic or cultural property until Federal agencies have consulted with the SHPO and the Advisory Council.

§ 102-78.70**What are an agency's historic preservation responsibilities when disposing of another Federal agency's real property?**

Federal agencies must not accept property declared excess by another Federal agency nor act as an agent for transfer or sale of such properties until the holding agency provides evidence that the Federal agency has met its National Historic Preservation Act responsibilities.

APPENDIX D EXECUTIVE BRANCH AGENCIES COMPLIANCE

AGENCY	Agency Federal Preservation Officer designated	Agency Senior Policy Official designated per EO 13287	EO 13287: Section 3 2004 baseline report filed	EO 13287: Section 3 2005 progress report filed	Senior Real Property Officer designated in accordance with EO 13327
Agency for International Development					●
Department of Agriculture					●
Agricultural Research Service	●	●	●		
Forest Service	●	●	●	●	
Farm Services Agency	●	●	●	●	
Natural Resource Conservation Service	●	●	●	●	
Rural Development	●	●	●	●	
Department of Commerce	●	●	●		●
National Oceanic & Atmospheric Administration	●	▲	●		
Department of Defense	●	●	●		●
Department of Education	●	●	■		●
Department of Energy	●	●	●	●	●
Federal Energy Regulatory Commission	●	●	●		
Department of Health and Human Services	●	●	●	●	●
Department of Homeland Security	●	●	●	●	●
Department of Homeland Security—Law Enforcement and Training	●		●		
Department of Housing and Urban Development	●	●	●		●
Department of Interior	●	●			●
Bureau of Indian Affairs	●	●	●	●	
Bureau of Land Management	●	●	●	●	
Bureau of Reclamation	●	●	●		
Fish & Wildlife Service	●	●	●	●	
National Park Service	●	●	●	●	
United States Geological Survey	●	●	●	●	

WITH EXECUTIVE ORDER NO. 13287 AND NO. 13327 APPENDIX D

AGENCY	Agency Federal Preservation Officer designated	Agency Senior Policy Official designated per EO 13287	EO 13287: Section 3 2004 baseline report filed	EO 13287: Section 3 2005 progress report filed	Senior Real Property Officer designated in accordance with EO 13327
Department of Justice	●	●	●	●	●
Federal Bureau of Prisons	●		●	●	
Department of Labor	●	●	●	●	●
Department of State	●	●	●		●
Department of Transportation	●	●			●
Federal Aviation Administration	●	●	●	●	
Federal Highway Administration	●	●	●		
Surface Transportation Board	●	●	●		
Department of Treasury	●	●	●	●	●
Bureau of Engraving and Printing	●	●	●	●	
Department of Veterans Affairs	●	●	●		●
Environmental Protection Agency	●	●	●	●	●
General Services Administration	●	●	●	●	●
National Archives and Records Administration	●	●	●	●	
National Aeronautics and Space Administration	●	●	●	●	●
National Science Foundation	●	●	■		●
Nuclear Regulatory Commission	●	●	■		●
Office of Personnel Management					●
Small Business Administration	●	●	■		●
Social Security Administration					●
Tennessee Valley Authority	●	●	●		
United States Postal Service	●	●	●	●	

■ Agencies notified ACHP and stated that the provisions set forth in Section 3 of EO 13287 did not apply to them, because they did not own real property.

▲ The department notified the ACHP that the senior policy official for the agency will represent all sub-agencies.

APPENDIX E FEDERAL AGENCY WEBSITES

The following list of agency Websites includes sites with information on federally owned historic properties, heritage assets, and heritage tourism programs

Advisory Council on Historic Preservation
www.achp.gov

Bureau of Land Management
www.blm.gov

Department of Defense
www.dod.gov

Department of Energy
www.doe.gov

Department of the Air Force
www.af.mil

Department of the Army
www.army.mil

**Department of Commerce's National
Oceanic and Atmospheric Administration**
www.preserveamerica.noaa.gov

Department of the Navy
www.navy.mil

Federal Accounting Standards Advisory Board
www.fasab.gov

Federal Preservation Institute
www.ncptt.nps.gov/fpi/

General Services Administration
www.gsa.gov

**National Aeronautical and
Space Administration**
www.nasa.gov

National Historic Lighthouse Preservation Act
www.cr.nps.gov/maritime/nhlpa

National Park Service
www.nps.gov

Office of Management and Budget
www.whitehouse.gov/omb/

Preserve America
www.preserveamerica.gov

Take Pride in America
www.takepride.gov

U.S. Coast Guard
www.uscg.mil

U.S. Fish and Wildlife Service
www.fws.gov

USDA Forest Service
www.fs.fed.us

**USDA National Resources
Conservation Services**
www.nrcs.usda.gov

USDA Rural Development
www.rurdev.usda.gov