

Reclamation Manual

Directives and Standards

- Subject:** Operation and Maintenance (O&M) of Project Works that are Historic Properties
- Purpose:** To ensure that historic properties receive the appropriate care, maintenance, and preservation commensurate with their status as a historic property when O&M activities are undertaken. Also, to ensure that historic properties and unevaluated properties that may be historic are not affected by an O&M action prior to compliance with the National Historic Preservation Act (NHPA) and implementing regulations 36 CFR part 800. This Directive and Standard (D&S) establishes requirements and procedures for compliance with the NHPA and 36 CFR part 800 and notification to the Bureau of Reclamation when actions are planned by a project beneficiary that could affect historic properties. It also ensures that necessary treatment actions are taken so as to preserve the integrity and value of affected historic properties. The benefit of this D&S is increased accountability for Reclamation's historic properties through improved coordination, application of sound historic preservation practices, compliance with Federal historic preservation laws and regulations, and increased public access to, and use of, Reclamation's historic properties, as appropriate.
- Authority:** Reclamation Act of 1902 and Amendatory and Supplementary Acts; NHPA of 1966, as amended (16 U.S.C. 470 et seq.); Waiver of Federal Agency Responsibilities Under Section 110 of the NHPA (36 CFR part 78); Protection of Historic Properties (36 CFR part 800); Real Property Disposal (41 CFR part 102-75); Preserve America (Executive Order 13287); Federal Real Property Asset Management (Executive Order 13327); Department of the Interior Property Management Directives supplement to the Federal Property Management Regulations (FPMR; 41 CFR part 101); and Reclamation Supplements to the FPMR 114S-60.
- Approving Official:** Director, Policy and Administration
- Contact:** Land Resources Division, 84-53000
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1. **Introduction.** All project works, either reserved or transferred, are the property of the United States and remain under Reclamation authority and control. Reclamation is responsible for ensuring compliance with historic property management requirements for all project works, even when O&M has been transferred to a project beneficiary. Both identified historic properties (e.g., buildings, structures, facilities, or equipment) and unevaluated properties that may be historic are among both reserved and transferred project works. Reclamation manages all project works that are historic properties in a manner that takes into account their historic status when they are potentially affected by an undertaking. When it is determined that an undertaking being initiated or approved by Reclamation or a

Reclamation Manual

Directives and Standards

project beneficiary has the potential to affect a project works historic property, Reclamation initiates and completes the cultural resources management (CRM) compliance process required by the NHPA and 36 CFR part 800, and articulated in Reclamation Manual (RM) D&S, *Cultural Resources Management*, LND 02-01. For transferred project works, Reclamation ensures the project beneficiary is aware of and complies with requirements defined in this D&S and manages transferred works in a manner that protects their historic values.

2. **Applicability.** This D&S applies to all Reclamation offices and managers who oversee project works (both reserved and transferred), O&M transfers, and inspections of project works.
3. **Definitions.**
 - A. **Adverse Effect.** An adverse effect is defined in LND 02-01.
 - B. **Annual Condition Assessment (ACA).** An ACA is a condition assessment that is conducted annually. ACAs are designed to document the existence of a building or structure and to update any changes from the previous year in its maintenance condition. These data are captured on the standard Reclamation ACA checklist. An ACA is intended to be a less detailed assessment than the Comprehensive Condition Agreement.
 - C. **Comprehensive Condition Assessment (CCA).** A CCA notes the condition of a Federal asset (building or structure) consistent with requirements identified in the Department of the Interior's *Real Property Financial Management Policy* and RM D&S, *Review of Operation and Maintenance (RO&M) Program Examination of Associated Facilities (Facilities Other Than High- and Significant-Hazard Dams)*, FAC 01-04, Paragraphs 6.B. and 7.D.
 - D. **Historic Integrity.** Historic integrity refers to the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic period. The significance of a historic property is conveyed through a composite of the physical characteristics that comprise integrity; these are location, design, setting, materials, workmanship, feeling, and association. All seven qualities do not need to be present, only enough to convey an overall sense of a past time and place.
 - E. **Historic Property.** A historic property is defined in RM Policy, *Cultural Resources Management*, LND P01.
 - F. **Object.** An object is defined in LND 02-01.

Reclamation Manual

Directives and Standards

G. **Operation and Maintenance or O&M.**

- (1) **Maintenance.** Maintenance is the act of keeping fixed assets in an acceptable condition. It includes preventative maintenance, normal repairs, replacement of parts and structural components, and other activities needed to preserve the asset so that it continues to provide acceptable services and achieves its expected use-life. Maintenance and repair excludes activities aimed at expanding the capacity of an asset or otherwise upgrading it to serve needs different from, or significantly greater than, those originally intended.
- (2) **Operation.** The administration, management, coordination, and performance of services, either by Reclamation or a project beneficiary, needed to ensure that Reclamation facilities provide for the delivery of water, power, flood control, fish and wildlife, and recreation activities commensurate with authorized purposes.

H. **Project Works.** Any project, including incidental features thereof, authorized by the Federal reclamation laws, or constructed by the United States pursuant to said statutes, or in connection with which there is a repayment contract, or other water service contract, executed by the United States, pursuant to said statutes, or any project constructed or operated and maintained by the Secretary through Reclamation for the reclaiming of arid lands or other purposes.

I. **Reserved Works.** Reserved works are buildings, structures, facilities, or equipment that are Reclamation-owned for which the O&M is performed by Reclamation personnel or by contract, regardless of funding source.

J. **Responsible Reclamation Office.** Any regional or area office, or organizational unit that has the authority to administer O&M transfers, manage project works, and/or manage Reclamation historic properties.

K. **Transferred Works.** Transferred works are buildings, structures, facilities, or equipment that are Reclamation-owned for which the day-to-day responsibility for O&M and funding (generally) of the project facilities has been transferred, pursuant to Reclamation law, to a project beneficiary. Under the terms of the formal O&M transfer, the project beneficiary performing the day-to-day O&M is accountable to Reclamation for proper performance of the O&M. The long-term oversight responsibility of the Federal project resides with Reclamation.

L. **Treatment.** An action taken on a historic property that is intended to reduce or mitigate an effect that could change the historic integrity and value of the property (e.g., restoring or replacing the windows, window frames, and window sills of a building in a manner that retains its inherent historic integrity and values).

M. **Undertaking.** An undertaking is defined in LND 02-01.

Reclamation Manual

Directives and Standards

4. **Responsibilities.** Reclamation has the responsibility to manage and protect the historic properties it owns or controls in a positive manner in compliance with historic preservation laws, regulations, and Departmental policies and mandates.
 - A. **Commissioner.** The Commissioner's responsibilities are specified in LND P01.
 - B. **Federal Preservation Officer (FPO).** The FPO's responsibilities are specified in LND 02-01.
 - C. **Regional Directors.** A regional director's responsibilities are specified in LND P01.
 - D. **Area Managers.** An area manager's responsibilities are specified in LND 02-01.
5. **Ownership of Project Works.** All project works, either reserved or transferred, are the property of the Federal government and remain under Reclamation's authority and control as prescribed under the Reclamation Act of 1902 and Amendatory and Supplementary Acts and in RM D&S, *Transfer of Operation and Maintenance (O&M) Responsibility of Project Works*, FAC 01-05.
6. **Implementation of Historic Preservation Responsibilities for Project Works.** The Reclamation office responsible for the oversight and management of a historic property shall ensure completion of the section 106 consultation and compliance process, as per the regulatory procedures in 36 CFR part 800, when an undertaking is identified that could affect Reclamation-owned historic properties.
 - A. The responsible Reclamation office shall maintain an up-to-date list of the historic properties under its jurisdiction, and provide the list to the FPO with annual updates, as appropriate.
 - B. Reclamation shall ensure that reserved works historic properties are managed in a manner that takes into account the historic status of the properties.
 - C. Reclamation shall ensure that managers and O&M staff are knowledgeable of the compliance processes outlined in 36 CFR part 800, comply with the processes outlined in that regulation, and coordinate management decisions involving project works historic properties with the appropriate CRM staff.
 - D. The responsible Reclamation office shall notify project beneficiaries of all transferred works historic properties for which the project beneficiary has assumed O&M responsibility.
 - E. The responsible Reclamation office shall notify project beneficiaries responsible for O&M of transferred works historic properties of the compliance requirements under section 106 of the NHPA and the regulatory procedures in 36 CFR part 800.

Reclamation Manual

Directives and Standards

- F. Reclamation offices that administer O&M transfers shall require project beneficiaries to provide notice of undertakings sufficiently prior to the undertaking so that Reclamation may complete the section 106 consultation and compliance process. One appropriate method of prior notification would be for the project beneficiary to submit an annual O&M work plan to Reclamation for review and concurrence.
- G. The appropriate Reclamation CRM staff shall review project beneficiary and Reclamation notifications of undertakings. Reclamation CRM staff shall complete the section 106 compliance, as required by LND 02-01.
- H. The responsible Reclamation office shall ensure that O&M undertakings do not begin until the section 106 compliance has been completed by CRM staff, and Reclamation provides notification to proceed to the project beneficiary for transferred works and the O&M manager for reserved works.
- I. The responsible Reclamation office shall conduct condition assessments of the buildings, structures, and facilities it owns or controls pursuant to the Department's *Real Property Financial Management Policy* and required Reclamation standards.
- (1) Condition assessments shall include an assessment of the condition of historic properties, including an evaluation of the characteristics that make the property historic, to determine if those characteristics are at risk of being lost or removed. CCAs are to be conducted on a 5-year schedule as established in the *Real Property Financial Management Policy*; however, Reclamation offices conduct condition assessments for other programs at various frequencies (e.g., Type 1 bridges every 2 years, dams every 3 years, and distribution facilities every 4-6 years). In order to promote efficiency, condition assessments of historic properties shall be included in established Reclamation review schedules, as appropriate.
 - (2) Documentation/reports resulting from a condition assessment shall include recommendations regarding specific treatments to historic properties, as necessary, that Reclamation believes are required in order to maintain the property's historic integrity. All recommendations shall be documented in an appropriate regional data management system, and provided to the FPO annually.
 - (3) CCAs and ACAs must include CRM staff on the review team, and their role must be appropriate for the level of potential effects to historic properties.
- J. Reclamation shall enter the data acquired on historic properties into the Federal Real Property Profile, as appropriate, and shall update the records as required by Temporary Reclamation Manual Release (TRMR) D&S, *Real Property Asset Inventory and Financial Reconciliation of Buildings and Structures*, FAC TRMR-28.

Reclamation Manual

Directives and Standards

- K. Reclamation shall ensure that project works historic properties are managed so as to maintain the elements and characteristics that made the properties historic (i.e., neither Reclamation nor a project beneficiary shall do anything that changes or diminishes the value of the historic properties or their designation as historic properties, unless such a change is approved by Reclamation after completion of the compliance process outlined in 36 CFR part 800). Management of transferred works historic properties shall be conducted in consultation with Reclamation, and all treatments are subject to Reclamation approval.
- (1) The project beneficiary will be invited to assist Reclamation in assessing the condition of transferred works historic properties.
 - (2) The project beneficiary will be invited to assist Reclamation with the completion of the NHPA compliance process, as appropriate.
 - (3) The project beneficiary will be invited to assist Reclamation in determining and applying an appropriate treatment for identified O&M undertakings that cause an adverse affect on transferred works historic properties.
7. **Disposal of Historic Properties.** Historic properties designated for disposal shall be disposed of as prescribed in 41 CFR part 102-75, and only after compliance with section 111 of NHPA and 36 CFR part 800 are concluded. Prior to disposal, the FPO shall provide oversight for the disposal of historic properties, and the FPO and appropriate regional CRM staff shall review and make recommendations on all proposed historic property disposals.
8. **O&M Transfers.** Reclamation shall ensure that historic property considerations are included in all O&M transfers, including new agreements, renewal agreements, and existing agreements; for the latter, where legally applicable. Such agreements shall include actions to be taken by Reclamation and the project beneficiary to ensure compliance with Federal historic preservation laws and regulations.
9. **Emergency Situations.** Occasionally, natural disasters or emergency situations arise that may cause the historic characteristics of a historic property to be adversely affected. As prescribed in 36 CFR part 78, natural disasters or imminent threats to national security are declared by the head of the Federal agency. Under declared emergency situations, it is Reclamation's priority to protect humans from death or injury, and then to protect property, including historic properties, from damage or destruction. In such cases, with regard to historic properties, Reclamation, and/or the project beneficiary, shall act in compliance with 36 CFR part 78 in their response to threats to life or property and in compliance with 36 CFR part 800. Such action shall include consideration of the affected historic values and integrity of the historic property, as appropriate. Once the emergency has ended, Reclamation shall conduct analyses of affected historic properties and complete the compliance process as prescribed by section 106 of the NHPA and the regulatory procedures in 36 CFR part 78 and 36 CFR part 800.