



## **Advisory Guidelines Implementing Executive Order 13287, “Preserve America” Section 3: Improving Federal Agency Planning and Accountability**

October 2003

### **Introduction**

The Advisory Council on Historic Preservation (ACHP) is publishing advisory guidelines intended to assist Federal agencies with real property management responsibilities in preparing the assessments and reports outlined in Executive Order 13287.

Agencies are encouraged to use the advisory guidelines as a template to ensure that adequate, complete, and useful information is submitted to the ACHP. The ACHP will use the agency’s information to prepare its report for the President on the state of the Federal Government’s historic properties and their contribution to local economic development.

Federal agencies with real property management responsibilities must submit the initial Executive Order 13287, Section 3, Report to the ACHP and the Secretary of the Interior on or before September 30, 2004.

Federal agencies with real property management responsibilities must submit the subsequent Executive Order 13287, Section 3, progress reports to the ACHP and the Secretary of the Interior on or before September 30, 2005, and every third year thereafter.

### **Background**

On March 3, 2003, President Bush issued Executive Order 13287, “Preserve America,” to reaffirm the Administration’s commitment to Federal stewardship of historic properties, and to promote intergovernmental cooperation and partnership for the preservation and use of historic properties. The Executive Order includes a number of actions that are intended to encourage better accountability for the use of federally owned historic properties, as defined in the National Historic Preservation Act of 1966, as amended (NHPA).

In addition, the Executive Order addresses many of the findings and recommendations included in *Caring for the Past Managing for the Future: Federal Stewardship and America’s Historic Legacy* (ACHP, 2001).

The intent of Executive Order 13287 is to:

- provide leadership in preserving America’s heritage by actively advancing the protection, enhancement, and contemporary use of the historic properties of the Federal Government;
- promote intergovernmental cooperation and partnerships for the preservation and use of historic properties;
- direct Federal agencies to increase their knowledge of historic properties under their care and to enhance the management of these assets;
- encourage agencies to seek partnerships with State, tribal, and local governments and the private sector to make more efficient and informed use of their resources for economic development and other recognized public benefits; and
- better combine historic preservation and nature tourism by directing the agencies to assist in the development of local and regional nature tourism programs and historic resources that are a significant feature of many State and local economies.

The issuance of Executive Order 13287 is a continuation of the Administration’s effort to improve the stewardship of Federal real property<sup>1</sup> assets that have an estimated value of \$300 billion or more, based on a recent report prepared by the General Accounting Office (GAO). Many of these assets are more than 50 years old, and many are, or may be, historic and eligible for listing in the National Register of Historic Places as defined in NHPA.

Therefore, it is vital that Federal real property managers become more knowledgeable about their historic assets to improve their overall management and use. This includes archeological sites and historic properties of traditional, cultural, and religious significance to Indian tribes and Native Hawaiians, which are sometimes overlooked as real property assets.

Section 3 of Executive Order 13287, “Improving Federal Agency Planning and Accountability,” is a major component of the Executive Order and calls for collection of data on historic property holdings. Currently, such data is not readily available and there are no mandatory government-wide reporting requirements for real property assets. Most attempts at gathering this information have proven challenging due to incomplete or inconsistent data, poor record keeping, and lack of quality controls in data collection.

Agencies’ knowledge of their historic property inventory therefore may not be reliable for detailed planning, budgeting, capital investment, and management purposes. Many of these valuable assets that could be better used for agency missions—or made available for other uses that benefit the public and private sector—are neglected, underused, or completely overlooked.

Since the passage of NHPA in 1966, agencies have been required to develop historic preservation programs and policies to ensure sound management and protection of historic properties under Federal ownership or control. Not only did NHPA require Federal agencies to establish a leadership role in historic preservation, it also promoted the sound stewardship of federally owned and controlled historic properties so that they would become a part of the community, based on their esthetic, economic, social,

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<sup>1</sup> The General Accounting Office defines real property as facilities, land, and anything constructed on, growing on, or attached to the land.

and cultural value. Further, NHPA encouraged public and private partnerships to foster broad-based support for the reuse and preservation of historic properties, whether federally or privately owned.

In subsequent amendments to NHPA in 1980 and 1992, Sections 110 and 111 were expanded to reaffirm the need for Federal stewardship and sound management policies that promote the protection, preservation, and use of federally owned historic properties.

In 1989, the Secretary of the Interior issued the report, *Section 110 Guidelines: The Secretary of Interior Issued Annotated Guidelines for Federal Agency Responsibilities under Section 110 of the NHPA*. In 1998, additional guidance entitled *The Secretary of Interior's Standards and Guidelines for Federal Agency Historic Preservation Programs Pursuant to the National Historic Preservation Act* was issued by the Secretary of the Interior and the ACHP.

The Section 110 guidance was the catalyst for a number of agencies to improve their management of historic properties and to integrate historic preservation policies and procedures into their ongoing administration of programs and activities. Executive Order 13287 provides the impetus to reinforce this national policy to ensure efficient management and continued viable use of historic properties, many of which are now vacant, underused, functionally obsolete, and seemingly incompatible with agencies' changing missions in the 21<sup>st</sup> century.

### **Preparation of Executive Order 13287, Section 3, Reports**

Section 3(c) of Executive Order 13287 requires the ACHP to prepare a report to the President by February 2006, and every third year thereafter, on the state of the Federal Government's historic properties and their contribution to local economic development.

The primary basis for this report will be provided by agencies with real property management responsibilities in accordance with the provisions of Sections 3(a)-(c) of the Executive Order. Agencies are to prepare and, not later than September 30, 2004, submit to the Chairman of the ACHP and the Secretary of the Interior an assessment of:

- 1) the current status of their inventory of historic properties as required by Section 110(a)(2) of NHPA;
- 2) the general conditions and management needs of such properties;
- 3) the steps underway or planned to meet the management needs of such properties; and
- 4) an evaluation of the suitability of the agencies' types of historic properties to contribute to community economic development initiatives, including heritage tourism.

In addition, agencies are to review their regulations, management policies, and operating procedures for compliance with Sections 110 and 111 of NHPA, and provide the results of that review to the ACHP and the Secretary of the Interior no later than September 30, 2004.

Subsequently, on September 30, 2005, and every third year thereafter, each agency with real property management responsibilities must prepare and submit to the ACHP and the Secretary of the Interior a report detailing the progress that the agency has made in identifying, protecting and using historic properties in its ownership.

Based upon discussions with an interagency work group established by the ACHP to advise it on the development of Executive Order 13287, Section 3, advisory guidelines, it was agreed that agencies would be allowed to submit an integrated report that addresses all of the issues outlined in Section 3(a)-(b). Since this information is interrelated, and also pertains to the requirements of Sections 110 and 111 of NHPA, a comprehensive report will be sufficient to allow the ACHP to assemble the data needed to prepare its report to the President. Once an agency prepares its initial Section 3 Report, it can be used as baseline information upon which an agency's future progress can be measured and judged.

Section 3(d) of Executive Order 13287 states that agencies may use existing information gathering and reporting systems to fulfill the assessment and reporting requirements outlined in Section 3(a)-(c) of the order. Agencies with established preservation programs, however, may find these advisory guidelines useful although they have been developed primarily to assist agencies that do not otherwise have readily available detailed information regarding historic properties. The use of these guidelines is not mandatory. Nonetheless, agencies are encouraged to use them to ensure that the information they submit is comparable and assists the ACHP in organizing in a meaningful and useful way the data regarding the status of the Federal stewardship of historic properties in its report to the President.

In preparing the assessment and reports outlined in Executive Order 13287, Section 3(a)-(c), questions were developed to assist agencies in completing their reports (see box below). By responding to these questions, agencies can clarify how they are meeting their stewardship responsibilities for historic properties by identifying, protecting, and using historic properties under their ownership or control.

### **10 Major Questions to Address in 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 NHPA?
6. How is your agency complying with Section 111 of 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 and 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 Executive Order 13287, Section 3, Report?

## Issues to Consider When Responding to the Major Questions

To help agencies respond to the above questions, each question is topically highlighted below with the applicable citation from Executive Order 13287, Section 3, and a summary of issues to consider when preparing the agency's response.

### Collection of Data

*"Each agency with real property management responsibilities shall prepare an assessment of the current status of its inventory of historic properties as required by Section 110(a)(2) of the NHPA, the general condition and management needs of such properties and the steps underway or planned to meet those management needs."*  
Executive Order 13287, Section 3(a)

#### 1. What types of historic properties does your agency own or manage, and how is this information collected and maintained?

Agencies own or control numerous historic properties for use consistent with their missions, for use by other Federal agencies in furtherance of their missions, or for use by other parties for public recreational or educational purposes. Each agency has a methodology or combination of methods for collecting information regarding its inventory of historic properties. The methodologies used to gather this information may be a component of a real property-based record-keeping program, or one developed to comply with government-wide auditing or accounting requirements where identification of historic properties is a subset of other asset management accounting.

Record keeping may distinguish between various types of historic properties, such as prehistoric and historic districts, sites, buildings, structures, and objects included in or eligible for inclusion in the National Register of Historic Places, and may include records and remains that are related to such properties. In some instances, agency records may reference individual resources included in districts, cultural landscapes, thematic nominations, and ethnographic resources. Ultimately, agencies should have as complete an inventory as possible of their historic real property holdings that identifies those that have historic and other values that need to be preserved, protected, and managed in accordance with NHPA.

***In preparing your response, consider the following subset of questions:***

- How does your agency determine the percentage of real property holdings that might meet the statutory definition of historic properties (16 V.S.C. 470w(5))?
- How does your agency quantitatively track its inventory of historic properties?
- What are the sources for this information and how does the inventory discriminate between different types of historic properties?
- How specific and reliable is this information?
- How often is this information reviewed and updated?
- Does your agency have internal procedures to document additions to or losses of historic properties in its inventory?
- What procedures does your agency have in place to identify the location of associated artifacts, records, and remains that have been removed from historic properties?

## 2. How would you characterize the distribution and general condition of these properties?

Pursuant to Section 110(a)(2) of NHPA, an agency is responsible for managing and maintaining its historic properties to ensure consideration of their preservation. To evaluate the general condition of historic properties, it is important to know:

- 1) where they are located;
- 2) the characteristics that qualify the property for the National Register of Historic Places; and
- 3) how the property is currently used.

Since an agency's real property holdings are generally not limited to a specific locale or location, agencies should consider what impact, if any, the distribution of historic properties has on data collection, management, and protection.

To meet its trust responsibilities for all of its holdings, agencies should have a long-term plan or plans for the maintenance and use of its historic properties. Deferred maintenance and "benign" neglect have far-reaching consequences for the historic properties and the communities in which they are located.

Effective stewardship, therefore, should include the development of management plans that also address the physical, financial, and legal implications of failing to preserve and maintain historic properties as valuable assets.

***In preparing your response, consider the following subset of questions:***

- On a scale of 1 to 10, with 10 representing "excellent" and 1 representing "poor," how would you rate the overall condition of your agency's inventory of historic properties? Give examples that clarify your response.
- What is the geographical distribution of your agency's historic properties throughout the Nation, and does this have an impact on maintenance as well as use? Are there some States or regions that have a particularly high density of properties?
- What procedures does your agency have for determining the budgetary requirements for the maintenance of historic properties?
- How does your agency evaluate the condition of its historic properties on an ongoing basis? How does your agency calculate the long-term and short-term costs required to maintain and to operate historic properties?
- Has your agency been able to use facilities or installation master plans as a tool for evaluating the condition of historic properties and determining maintenance needs? If so, please explain.
- How does your agency classify its inventory of historic properties that are considered vacant, underutilized, obsolete, or excess to the agency mission needs?
- Has your agency entered into any management contracts with other parties to manage your historic properties, including monitoring, repair, stabilization, and rehabilitation? If yes, has this been an effective arrangement, and what are the advantages and disadvantages?

## Existing Reporting Systems

*“Agencies may use existing information gathering and reporting systems to fulfill the assessment and reporting requirements of subsections 3(a)-(c) of this order.”* Executive Order 13287, Section 3(d)

### 3. What reporting mechanisms and systems are used by your agency for carrying out its resource management responsibilities?

Currently, with the exception of the Federal Archeology Program (FAP) Report to Congress,<sup>2</sup> there are no government-wide procedures that establish how agencies should report on the management of historic properties. Although the FAP does not have a 100 percent response rate, the report does provide a useful summary of information, such as how many acres of land have been surveyed for archeological resources, and the status of existing records and archeological collections maintained by, or on behalf of, Federal agencies. Therefore, an agency that has provided accurate data for the FAP report could likely utilize much of the same information when preparing the Executive Order 13287, Section 3, Report as it relates to archeological historic properties.

Further, since there are no similar government-wide Federal reporting requirements for historic buildings and structures, reporting on the management of such properties is typically established through internal procedures that are responsive to the agency’s mission, management, budget, and policies.

For example, the General Services Administration (GSA) has had noteworthy success in its use of Historic Buildings Preservation Plans and Historic Structures Reports to evaluate and manage historic properties. These reports assist with inventory information and establish budget needs for maintenance and repairs. The GSA model for building management is one that meets the requirements of Section 110 and provides an opportunity to preserve and use real property that is valuable to the agency and local community. Similarly, the National Park Service uses its List of Classified Structures and its Cultural Sites Inventory in conjunction with individual park unit management plans. Other agencies that manage historic properties may benefit from reviewing these approaches.

***In preparing your response, consider the following subset of questions:***

- Does your agency consider the existence of and requirements for historic properties during the preparation of any of your agency’s strategic plans and annual performance plans? If so, what procedures are followed?
- What types of performance criteria must be met in the stewardship and capital planning for such properties?
- Does your agency provide data to the National Park Service for the Secretary of the Interior’s FAP Report to Congress? If so, what were its findings regarding the status of its inventory of archeological resources?
- Does your agency have a database for documenting other types of historic properties in its inventory? Please explain.
- How can your agency use existing record keeping procedures and systems to document changes in the use and condition of its inventory of historic properties?
- Are managers required to regularly review agency historic property data for completeness and accuracy? How are discrepancies reconciled?

<sup>2</sup> The FAP Report to Congress is a periodic assessment of the impact of Federal projects on archeological sites that is compiled and transmitted by the Secretary of the Interior.

#### **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?**

A majority of Executive Branch agencies are now required to prepare accountability reports pursuant to the Chief Financial Officers (CFO) Act. Since 1998, the Federal Accounting Standards Advisory Board (FASAB) has prepared guidance for reporting agencies and established a supplemental reporting requirement for “heritage assets,” which includes historic properties.

The intent of this report was to ensure that agencies provide regular information on heritage assets and consider their management costs, liability, and deferred maintenance. Based upon recent discussions with FASAB, it is apparent that not all agencies have provided this information in the past. However, if your agency has routinely submitted this information, the heritage asset report may help your agency prepare the Section 3 Report.

Some agencies use financial management and auditing procedures that are distinct from those established by FASAB. These alternate record-keeping measures often involve the use of database systems that have proven effective to tracking real property inventory. Other forms of record keeping may include the maintenance of lists for the National Register of Historic Places.

***In preparing your response, consider the following subset of questions:***

- Does your agency prepare financial statements in accordance with the CFO Act? If so, does your agency comply with the FASAB’s supplemental Federal financial accounting standard No.8, Supplementary Stewardship Report, which reports on heritage assets?
- If your agency does not prepare financial statements under the CFO Act, what other accounting and financial management procedures are used to document your agency’s real property holdings, including historic properties? What are the strengths and deficiencies of these procedures?
- Within the past five years, has your agency received comments from GAO, Congressional appropriations committees, or the Office of Management and Budget regarding its management of historic properties? What were the major findings and recommendations of such reports, and has the agency taken any specific steps to address the findings?

### **Program Evaluation**

*“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....”*

Executive Order 13287, Section 3(b)

#### **5. How is your agency fulfilling its historic preservation program responsibilities under Section 110 of NHPA?**

Federal agencies are required to exercise stewardship over a vast inventory of properties, many of which are classified as historic. The basic intent of Section 110 of NHPA is to ensure that each agency develops and manages an integrated historic preservation program. Although this section of NHPA, and related Executive Orders such as Executive Order 11593 (1971), have sensitized many agencies to their stewardship responsibilities, the level of compliance is still uneven among agencies. Section 110

recognizes that agencies have varied missions and different levels of property management responsibilities. Nonetheless, this section of NHPA requires those agencies that manage public lands and buildings as well as other assets to take appropriate measures to meet this statutory mandate.

To assist the Federal Government in its identification, management, and protection of historic properties, the Secretary of the Interior and the ACHP published *The Secretary of Interior's Standards and Guidelines for Federal Agency Historic Preservation Programs Pursuant to the National Historic Preservation Act: The Section 110 Guidelines* (63 FR 20496, April 24, 1998). These standards and guidelines 1) outline the procedures agencies should follow to ensure that agencies fully integrate historic preservation into their programs, and 2) recommend a systematic approach for agencies to meet their stewardship responsibilities.

According to the Section 110 guidelines, as part of an agency's preservation program, major stakeholders who have an interest in the stewardship of historic properties owned and controlled by the Federal Government should be allowed to assist in property identification and evaluation, particularly State, local, and tribal governments.

***In preparing your response, consider the following subset of questions:***

- Does your agency have an established historic preservation program to comply with the provisions of Section 110? If so, how effective is the agency's program in taking into account how its mission, budget, staffing, property management policies, and education and outreach affect historic properties?
- Has your agency established internal policies and procedures that adhere to the standards and guidelines outlined in the Section 110 guidelines? How are they disseminated and used by program, regional, and field staff?
- What procedures does your agency use to evaluate real property to determine whether it is historic? Does your agency have a program in place that plans for the completion of the identification and evaluation of its historic properties?
- How does your agency consult with stakeholders when complying with Section 110?
- How does your agency ensure that the use of historic properties is given priority in carrying out its missions?
- What challenges does your agency have in meeting its Section 110 responsibilities, taking into account budgetary, management, capital planning, and statutory requirements?

**6. How is your agency complying with Section 111 of NHPA when historic properties are transferred, leased, or sold?**

Section 111 of NHPA authorizes Federal agencies to sell, lease, or exchange historic properties that they own or control to non-Federal entities for their mutual benefit. Agencies are encouraged to take measures that will preserve the historic integrity of properties once they leave Federal ownership. In addition, this section of NHPA allows agencies to use funds obtained through lease arrangements involving historic properties so that they can assist with the management cost of that property or other historic properties. The exchange of land and building between agencies, or between agencies and non-Federal parties, often

allows more efficient management and facilitates the use, or continued use, of historic properties that an agency is no longer able to operate or maintain.

Ideally, Section 111 of NHPA should be coordinated with the project reviews required under Section 106 of NHPA. Rarely, however, have Federal agencies coordinated adequately with stakeholders when Federal property is being transferred, leased, or sold. This has often resulted in historic properties leaving Federal ownership without full consideration of lease or exchange options, which should be considered prior to reaching a decision to dispose of such properties.

Another challenge in implementing Section 111 is the failure of many agencies to include legal protection in transfer deeds to ensure the long-term protection of historic properties once they have left Federal ownership. GSA, the National Park Service, the Bureau of Land Management, and the U.S. Forest Service have developed model programs that have successfully ensured the protection and reuse of historic properties that are leased and exchanged.

A noteworthy example of effective Section 111 coordination by an agency for a major Federal action was the Base Realignment and Closure (BRAC) Program. Although this program was legislatively mandated to focus on property disposal, the U.S. Department of Defense was proactive when it approached the ACHP regarding the challenges in negotiating legal instruments to convey excess military installations.

As a result of early consultation with the ACHP, the military services were able to streamline conveyances to State and local governments and the private sector. The redevelopment of the closed military bases have been a major boon to the local economies, and frequently included the preservation and reuse of historic properties.

***In preparing your response, consider the following subset of questions:***

- Has your agency established internal procedures for complying with Section 111 of NHPA? If so, how effective are such procedures and what are the major challenges in implementing this section of NHPA?
- If your agency does not have Section 111 procedures, what are the impediments for using this authority and how can such impediments be resolved?
- Does your agency adhere to any other Federal regulations or authorities in lieu of Section 111 of NHPA when transferring or disposing of its historic properties (e.g., 36 CFR Part 18, Public Building Cooperative Use Act, or regulations developed for use by specific agencies)?
- When negotiating leases, how does your agency budget for the use of lease proceeds in the rehabilitation and maintenance of historic properties?
- Has your agency been able to establish cooperative management agreements with other parties for the preservation and operation of historic properties? Please explain.
- Does your agency have protocols for its managers to identify historic properties that are available for transfer, lease, or sale? What criteria are considered when recommending such actions?

**7. If your agency does not currently have a historic preservation program or procedures for complying with Sections 110 and 111 of NHPA, what future actions will be taken to meet these statutory requirements?**

Despite the statutory requirement that agencies comply with Sections 110 and 111 of NHPA, the ACHP observed in its report, *Caring for the Past Managing for the Future: Federal Stewardship and America's Historic Legacy*:

Most Federal agencies lack a unified strategy or implementation plan for identifying, evaluating, protecting, and managing the historic properties entrusted in their care.... Few comprehensive programs are in place that fully integrate preservation into agency missions and activities (2001).

The failure of an agency to establish and integrate a historic preservation program with the rest of the agency's activities most assuredly relegates stewardship to a low priority with limited funding and staff resources to protect valuable agency assets. "Risk management" is the typical operating procedure, with technical and procedural issues considered only in a crisis mode.

In such cases, compliance with Sections 110 and 111 of NHPA becomes an issue only when there is the threat of litigation, a governmental audit, or Congressional oversight. Each agency that does not have a historic preservation program—or that has one in concept only—should use this opportunity to conduct an objective and independent assessment of how it can comply or better comply with Sections 110 and 111 of NHPA and what resources are needed to do so. A public-private partnership that can facilitate an adequate program might also be considered.

***In preparing your response, consider the following subset of questions:***

- What types of historic properties are owned and controlled by your agency, and how are they currently inventoried, protected, and managed?
- What factors have contributed to your agency's decision not to develop and support a historic preservation program as stipulated in Section 110?
- What are the specific steps, in sequential order, that your agency must take to achieve a fully functioning and integrated preservation program and procedures?
- What is the proposed schedule for meeting this goal?
- Does the agency anticipate it can secure funding to establish a historic preservation program? Please explain.

## **Economic Development**

*"The assessment shall also include an evaluation of the suitability of the agency's 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."*

Executive Order 13287, Section 3(a)

**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?**

As stewards of historic properties, Federal agencies are expected to manage these resources in a manner that advances the agency’s real property goals and maximizes the value of these assets. When an agency indicates that it cannot use a historic property, it often creates a management dilemma and elicits expressions of concern from local residents who are unaware of the agency’s decision making process. There are numerous examples nationwide of “white elephants” (historic properties owned by Federal agencies that are deteriorating from neglect and lack of use).

Consequently, agencies are encouraged to give full consideration to using excess historic properties in their programs and activities. When use of such properties is determined infeasible, the agency should identify what, if any, internal policies or legal impediments may restrict opportunities for reuse of historic properties in a manner that benefits the properties, the local economy, and the public. Such impediments should be identified, and an assessment should be made regarding how they may be reduced or eliminated to enhance stewardship efforts.

If, however, the agency has concluded that its mission, the location or the use of historic properties, or a lack of funding limits its ability to participate in local economic development, it would be helpful to understand why. By clarifying the criteria used to reach this conclusion, the agency will provide insight into what stakeholders can reasonably expect when consulting about future reuse opportunities.

***In preparing your response, consider the following subset of questions:***

- What aspects of your agency’s mission could be a challenge to the use or reuse of its historic properties for local economic development initiatives and heritage tourism?
- What criteria does your agency use to evaluate reuse options for historic properties by either the agency or the local community (e.g., marketability, liability, environmental remediation, hazardous abatement, or rehabilitation costs)?
- To what extent have security issues or restricted access limited the availability of historic properties for federally funded or public/private economic development or heritage tourism?
- How does the location (i.e., remoteness, inaccessibility, or unique nature of a site) limit your agency’s ability to promote local economic development activities?

**9. Does your agency have programs and policies that help it to identify historic preservation opportunities or promote historic preservation through partnerships?**

Pursuant to Section 110 of NHPA, agency preservation programs should ensure that historic properties under the jurisdiction or control of the agency—as well as those properties not under the jurisdiction or control of the agency, but subject to effects from agency actions—are given full consideration in planning. Further, NHPA states that the agency should consult with other parties in carrying out its historic preservation planning activities. Agencies, therefore, should assess how their public consultation procedures facilitate partnerships or other arrangements with stakeholders to protect and preserve historic properties.

Executive Order 13287 is intended to promote public-private partnerships to encourage the use of vacant, underused, and excess Federal properties in the local community. Agencies are generally supportive of this goal, yet they have often failed to conduct the background research to identify resources they can contribute. Opportunities exist for cooperative management arrangements, for operation and maintenance partnerships, for privatization, and for long-term leases between agencies and stakeholders.

In addition, an agency could have authorization to transfer or lease its real property holdings as part of a comprehensive stewardship strategy intended to preserve endangered historic properties. Once this information is collected and shared with stakeholders, new doors may open for preserving historic properties in a creative and financially responsible manner that jointly benefits the agency and community.

***In preparing your response, consider the following subset of questions:***

- How has your agency recognized the value of partnerships for the preservation of historic properties? Does your agency seek such partnerships as part of its long-term planning and management of such properties? If so, please explain.
- What measures does your agency take to involve stakeholders in its resource management and planning efforts to identify opportunities for the use of its assets in economic development and heritage tourism? If your agency typically uses procedures under the National Environmental Policy Act for such involvement, is there value in using other public participation procedures to foster collaboration among stakeholders?
- What steps, if any, has your agency taken to explore the feasibility of privatization and cooperative management for the use or reuse of historic properties to fulfill agency missions?
- Does your agency have internal policies or procedures to facilitate use of historic properties for museums, educational and cultural facilities, public recreation sites, and heritage tourism destinations? If so, please explain.
- How does your agency provide financial assistance to support economic development and heritage tourism projects?
- Are there any statutory or legal restrictions that would preclude the agency from exploring partnerships for local economic development? Please explain.

### **Progress Reports (Subsequent Reports Only)**

*“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.”* Executive Order Section 3(c)

#### **10. How would your agency characterize its overall progress in meeting its property management and stewardship responsibilities since filing its last Executive Order 13287, Section 3, Report?**

Agencies are encouraged to use the baseline information prepared for the initial Section 3 Report to measure their ongoing performance in managing historic properties in their real property inventory. While the questions to be considered in the preparation of the initial report focus on process and the assessment of current conditions, subsequent progress reports should include quantitative data to support how

management and performance goals regarding the stewardship of historic properties have been achieved. Further, the progress report should highlight the measures that the agency has taken, or is planning to take, to expand opportunities to use its historic properties for local economic development.

If an agency has ongoing challenges in managing and using its historic properties for its mission, the progress report should explain such problems. Moreover, systemic problems that result in ongoing management or fiscal challenges should be documented along with measures that are being explored to resolve these problems through partnerships with local, State, and tribal governments and the private sector.

***In preparing your progress report responses, consider the following subset of questions:***

- What significant changes have occurred since the submission of your last Section 3 report with regard to the inventory, condition, and management of historic properties? Progress should be measured against the agency's previous responses to questions 1 through 10 above.
- Can you provide quantitative data to demonstrate the progress that has been made since your last report was filed? If yes, please explain.
- What additional resources have been allocated to integrate and better administer the agency's preservation program?
- Has your agency developed or improved procedures for supporting local economic development and heritage tourism? Please provide notable examples.
- How were the findings and conclusions set forth in your previous report(s) useful to your agency in assessing its stewardship of historic properties?
- Does your agency have any recommendations regarding how the Executive Order 13287, Section 3, Report can be improved and made more useful for your agency?

### **Supporting Information**

Agencies are encouraged to include with their report data, case studies, best practices, and Web sites that explain their responses to the 10 questions listed above. This information is useful not only to the ACHP in evaluating an agency's Section 3 Report, but also to those agencies that would like to learn how others are responding to the requirements of Sections 110 and 111 of NHPA and Executive Order 13287.

When submitting examples of policies and procedures, partnerships arrangements, local economic development initiatives, and creative stewardship, please clarify the role of State and local governments, tribes, civic or community organizations, and the private sector. If various funding sources were used to establish a partnership, identify the sources of all public and private funding including the use of public funds and philanthropic grants for feasibility studies and planning.

### **Contact Information for Inquiries About These Guidelines**

Finally, if you have questions about these guidelines, please address your inquiries to Charlene Dwin Vaughn, Office of Federal Agency Programs, ACHP, 1100 Pennsylvania Ave. NW, Suite 809, Washington, DC 20004. Fax: 202-606-8672. E-mail: [cvaughn@achp.gov](mailto:cvaughn@achp.gov).