



**Recommendations to Improve the Structure of the  
Federal Historic Preservation Program**

**February 20, 2009**



Memorandum

To: Advisory Council on Historic Preservation

From: Chairman and Vice Chairman of the Expert Panel

Date: February 20, 2009

In March 2008, John L. Nau III, Chairman of the Advisory Council on Historic Preservation, and P. Lynn Scarlett, former Deputy Secretary of the Interior, created a panel and then charged it with evaluating the structure of the federal historic preservation program and producing a report with recommendations for improvements. The panel has completed its deliberations, and we are submitting to you our report, "Recommendations to Improve the Structure of the Federal Historic Preservation Program." The purpose of this report is to provide recommendations for improving the effectiveness of the historic preservation program in the federal government. This comprehensive and detailed report is the product of extensive research, discussion, and deliberation.

We thank all the members of the public who responded to our survey, the dedicated people who presented information to us, the staff from the ACHP and the Department of the Interior who helped us work together, and especially the members of the panel for their time, deliberation, and advice.

If you have any questions about our recommendations please contact Doug Wheeler at (202) 637-5556 or David Morgan at (202) 546-0012.

Sincerely,

Doug Wheeler  
Chair

David Morgan  
Vice Chair

## **Introduction**

A national Preserve America Summit took place on the 40th anniversary of the National Historic Preservation (NHPA) in New Orleans. The Summit concluded with 13 recommendations for increasing the effectiveness and benefits from the national preservation system. Among them was the charge to the Advisory Council on Historic Preservation (ACHP) and the Department of the Interior to “explore improvements in the program structure of the federal preservation program through creation of an independent review panel.” Ten leaders who represent varied perspectives in the field of historic preservation were selected by the co-chairs of the Preserve America Steering Committee—Deputy Secretary of the Interior P. Lynn Scarlett and ACHP Chairman John L. Nau, III—as an independent review panel. The expert panel met to identify the challenges, approaches to improve the program, and possible recommendations. They discussed challenges and improvements with Agency and other preservation experts and learned from previous studies and reports. They also solicited feedback from stakeholders through a national survey. This report, with its seven recommendations, encompasses the discussions, challenges, and possible improvements and enhancements to today’s national historic preservation program.

## **Summary of Recommendations**

### ***Federal Preservation Programs Lack Strong Leadership***

***Recommendation:*** The ACHP should be headed by a chairperson who is appointed by the President with the advice and consent of the Senate. The chairperson should lead the agency full time. Additionally, to recognize the role historic preservation can play in addressing many national issues, the chairperson of the ACHP should be appointed as a member of the White House Domestic Policy Council.

### ***Department of the Interior Preservation Programs Require Better Coordination, Greater Visibility***

***Recommendation:*** Within the Office of the Secretary of the Interior, a new Office of Preservation Policy and Procedure (OPPP) should be established to oversee implementation of the NHPA throughout the entire Department of the Interior’s bureaus and offices. The OPPP would provide leadership and direction in the coordination and achievement of historic preservation performance, evaluate achievement, secure appropriate levels of funding, and provide for a coordinated and unified approach and response to historic preservation issues and compliance with the NHPA.

The office will also provide guidance for the Department’s execution of the full range of existing historic preservation statutes, Executive Orders, regulations, and other requirements. The office would provide independent preservation advice to the Secretary; Deputy Secretary; the Assistant Secretary for Policy, Management, and Budget; and other senior Department officials. The office would operate in a capacity similar to the Office of Environmental Policy and Compliance within the Department of the Interior.

### ***Natural Resource and Cultural Resource Programs Should Be Better Integrated***

***Recommendation:*** The expert panel proposes the creation of an Associate Director for Cultural Resources within the White House Council on Environmental Quality.

### ***Federal Preservation Officers Are Not Fully Effective Within Their Agencies***

***Recommendation:*** The expert panel recommends ensuring the full implementation of Section 110 of the NHPA and Section 3(e) of Executive Order 13287 (Preserve America) concerning the appointment and visibility of Federal Preservation Officers.

### ***Federal Funding is Inadequate to Meet the Mandates of the National Historic Preservation Act***

Recommendation: The expert panel recommends fully funding the Historic Preservation Fund and allocating additional funds to Tribal Historic Preservation Offices (THPOs).

### ***Funding and Technical Support to THPOs is Woefully Inadequate***

Recommendation: The expert panel recommends greatly enhancing the visibility and capacity of tribal preservation efforts through comprehensive training for tribal leaders, through the creation of a dedicated position within the OPPP to address Native American issues, and through dispensing adequate funding to THPOs and to the Native American Advisory Group located in the ACHP.

### ***The Section 106 Function is Lagging and Must Be Strengthened***

Recommendation: The expert panel members strongly reaffirm that oversight of Section 106 of the NHPA is the most important function of the ACHP. ACHP involvement in individual Section 106 cases has a substantial and beneficial influence on the outcome of the consultation process and should be encouraged and expanded. Therefore, additional resources should be provided to support the ACHP's crucial role in Section 106 involvement, oversight, and training.

## **Expert Panel Process**

### **Expert Panel Formation**

The National Historic Preservation Act of 1966 created the national historic preservation infrastructure. The NHPA established a partnership between the federal government and state, tribal, and local governments that is supported by federal funding and technical assistance for preservation activities. Building upon this foundation, the federal government has developed additional policies, legislation, and programs that promote preservation. While all federal agencies have historic preservation responsibilities under the NHPA, the Department of the Interior (DOI) and the ACHP have the primary preservation responsibilities in the federal government. Each has specific duties to administer core programs, such as the National Register of Historic Places, the Historic Preservation Fund, historic preservation tax credits, and the Section 106 historic preservation review process.

In 2003, President Bush signed Executive Order 13287 "Preserve America" which reaffirmed the importance of federal stewardship and the need to partner with non-federal parties to promote productive use of historic properties.

The ACHP convened the Preserve America Summit in 2006 in New Orleans on the 40th anniversary of the Act. The Summit concluded with 13 recommendations for increasing the effectiveness and benefits from the national preservation system. Among them was the charge to the ACHP and DOI to "explore improvements in the program structure of the federal preservation program through creation of an independent review panel."

DOI and the ACHP created the expert panel to evaluate the current federal historic preservation program and make recommendations toward its continuous improvement.

### **Panel Members**

Deputy Secretary of the Interior P. Lynn Scarlett and ACHP Chairman John L. Nau, III selected 10 experts and stakeholders to form the independent panel. The expert panel included individuals who

represent a cross section of community and public interests on historic preservation.

**Susan Barnes**, president and chief executive officer, the Landmark Group of Companies, and ACHP vice chair

**Philip Grone**, a director at Cisco Systems, former Deputy Undersecretary of Defense for Installations and Environment, Department of Defense

**Daniel P. Jordan**, former president, Thomas Jefferson Foundation, and trustee of the National Trust for Historic Preservation

**Frank G. Matero**, professor of architecture, chair of the graduate program in historic preservation at the Graduate School of Fine Arts, and director of the Architectural Conservation Laboratory at the University of Pennsylvania

**Richard Moe**, president, National Trust for Historic Preservation

**David Morgan**, former Kentucky State Historic Preservation Officer (SHPO)

**Ellen Moyer**, mayor of Annapolis, Maryland

**Theresa Pasqual**, executive director, Historic Preservation Office-Acoma Pueblo, New Mexico

**Jay D. Vogt**, South Dakota SHPO, and president of the National Conference of State Historic Preservation Officers

**Douglas P. Wheeler**, partner, Hogan & Hartson

### **The Charge**

The goal of the expert panel was to:

- 1) Synthesize and review information, assess needs for and direct staff to develop any new information needed to develop recommendations, and explore solution options and alternatives;
- 2) Consider the benefits and consequences of possible improvements to the structure of the federal historic preservation program to improve effectiveness;
- 3) Consider mechanisms to implement any program improvements including administrative orders, or enacting legislation; and
- 4) Develop consensus recommendations to improve the structure of the federal historic preservation programs.

### **The Process**

The expert panel met five times in person and several times by conference call.

In the first meeting in May 2009, Chairman Nau and Deputy Secretary Scarlett reviewed the task for the expert panel and the timeline. Members discussed the scope of the inquiry. They decided that the scope should focus on what historic preservation should accomplish and then what the structure should be to accomplish that objective. Expert panel members discussed criteria for a good recommendation to revise the federal structure. Structure revisions should:

- Support interagency, tribal, state, and non-governmental organization engagement and coordination;
- Sustain and increase investments and funding;
- Encourage innovation and flexibility while maintaining stable programs and management;
- Increase accountability for program outcomes and efficiencies;
- Support leadership and visibility.

Members also chose a chair and a vice chair to work with the facilitator to keep the process moving forward, informed, and strategic. The chair and vice chair would also be available to report on and present the recommendation to the ACHP. Members developed a list of information needs from previous studies and workshops.

Members studied the following information:

- National Academy of Public Administration (NAPA) study of the federal historic preservation program;
- NAPA study of National Park Cultural Resources Programs;
- Preserve America Summit final report;
- National Park Service's scope of work for NAPA study on performance measures for the federal historic preservation program;
- *The National Historic Preservation Act And The National Park Service: A History*, Barry Mackintosh
- Information about the National Conference of State Historic Preservation Officers;
- Information about Tribal Historic Preservation Offices;
- Information about the Section 106 process and trends at the state and federal levels;
- Information about the Council on Environmental Quality and the Department of the Interior, Office of Environmental Policy and Compliance;
- Information from the FY07 DOI Budget in Brief.

Staff from the ACHP Office of Federal Agency Programs, Department of Interior Office of Budget, Office of Environmental Policy and Compliance, DOI Bureaus, and the Office of the Secretary provided information and answered panel questions. Expert panel members also developed a draft survey to gather feedback from stakeholders. The survey and analysis are in the Appendices.

The expert panel's second meeting focused on learning the history of the federal structure for historic preservation and previous studies and recommendations. Amos Loveday, of Atchley Hardin and Lane, LLC, discussed the history of the National Historic Preservation Act and how the Act's prescriptions were structured in new and existing federal structures. The panel reviewed the findings of the National Academy of Sciences review of the historic preservation program with Toni Lee, assistant associate director for historical documentation, National Park Service. They discussed the recommendations from the final report from the Preserve America Summit. They also listened to presentations from Nancy Schamu, executive director of the National Conference of State Historic Preservation Officers, and D. Bambi Kraus, president, National Association of Tribal Historic Preservation Officers.

In July, the expert panel met by conference call. Don Klima, director of the Office of Federal Agency Programs, ACHP, reviewed milestones, roles, and responsibilities for a typical Section 106 review. Expert panel members discussed the challenges of Section 106 reviews and identified dilemmas for agencies and consulting parties in meeting the timetable for large or controversial projects.

Over the summer, the expert panel sent a survey to stakeholders to solicit restructuring ideas. The survey went to a wide range of government, non-profit, academic, and other people interested in historic preservation. In September, staff supporting the expert panel analyzed the data.

The expert panel met in October to review the findings from the survey and develop recommendations. They discussed the problems that the recommendations should seek to solve. Using the criteria they identified in the first meeting, they proposed several program changes, which taken together, would address the problems in the federal structure.

In December, the expert panel met to revise their recommendations and discuss implementation strategies for their recommendations. The panel wrote the recommendations report and revised it in conference calls in December and January.

## **Recommendations**

### ***Issue: Federal Preservation Programs Lack Strong Leadership***

*Recommendation:* The Advisory Council on Historic Preservation should be headed by a chairperson who is appointed by the President with the advice and consent of the Senate. The chairperson should lead the agency full time. Additionally, to recognize the role historic preservation can play in addressing many national issues, the chairperson of the ACHP should be appointed as a member of the Domestic Policy Council.

*Justification:* Since the passage of the National Historic Preservation Act in 1966, the role of the Advisory Council on Historic Preservation and the expectations for the leadership of the ACHP have shifted significantly as broader conceptions of the role of historic preservation in broad national policy questions have emerged. The core function of the ACHP as administrator of the Section 106 compliance process, combined with the emergent role of the ACHP as a key collaborative partner in the development of effective public policy solutions, create complexity for the ACHP mission.

As contemplated by the NHPA, the case-focused aspects of Section 106 continue to be the most important aspect of the ACHP's and its chairperson's work. Recently, the ACHP has enhanced the application of Section 110 and developed important programs to address significant national regulatory and collaborative questions. Under the agency's leadership, the Preserve America program has become an important part of the federal preservation program.

A chairperson, appointed by the President and subject to Senate confirmation, will ensure critical, daily operational guidance for the ACHP. Since the chair currently only serves in a part-time, volunteer capacity, he has not been able to have as much influence on federal interagency processes. Elevating the position will enhance the chairperson's effectiveness. A full-time chairperson will have the time to devote to resolving complex issues within the federal interagency process and with other federal agency leaders.

A full-time chairperson will also be integral to collaboration among governments at all levels, the non-profit community, and the private sector. A full-time chairperson will be better able to engage in government-to-government consultation with Indian tribes.

Senate confirmation of a chairperson will provide an important venue for timely debate on the direction of federal preservation policy. Historic preservation, and the role of the federal preservation program, is increasingly part of the national dialogue in a number of policy areas. In addition to traditional concepts of the role of federal preservation policy and programs in tourism and economic development, historic preservation has become critical in urban and rural policy concerns, climate change and sustainability,

transportation, housing, disaster preparedness and response. The concept of historic preservation itself is evolving from one concerned solely with the built environment to one that is sensitive to a systemic view of the built and natural environments. Recognizing the evolution in the concept of historic preservation and the role the preservation ethos can play in developing broader federal policy and programs, the expert panel also recommends that the President include the ACHP chairperson as a member of the Domestic Policy Council.

*Implementation:* The National Historic Preservation Act of 1966 should be amended by Congress to provide for the appointment of a full-time chairperson by the President, with the advice and consent of the Senate, to head the agency. The President should also designate the chairperson to serve as a member of the Domestic Policy Council. Executive Order 12859, which defines the members of the Domestic Policy Council, states that in addition to the enumerated members, the President can include “such other officials of Executive departments or agencies as the President may, from time to time, designate.” As a result, no new Executive Order should be necessary.

***Issue: Department of the Interior Preservation Programs Require Better Coordination, Greater Visibility***

*Recommendation:* Within the Office of the Secretary of the Interior, a new Office of Preservation Policy, and Procedure should be established to oversee implementation of the NHPA throughout the entire Department of the Interior’s bureaus and offices. The OPPP would provide leadership and direction in the coordination and achievement of historic preservation performance, evaluate achievement, secure appropriate levels of funding, and provide for a coordinated and unified approach and response to historic preservation issues and compliance with the NHPA.

The office will also provide guidance for the Department’s execution of the full range of existing historic preservation statutes, Executive Orders, regulations, and other requirements. The office would provide independent preservation advice to the Secretary; Deputy Secretary; the Assistant Secretary for Policy, Management, and Budget; and other senior Department officials. The office would operate in a capacity similar to the Office of Environmental Policy and Compliance within the Department of the Interior.

*Justification:* The Secretary of the Interior is charged with implementing many important provisions of the NHPA, and much of that authority has been delegated to the director of the National Park Service (NPS). Within the NPS, the Cultural Resources Program, managed by an associate director, administers the National Register of Historic Places and related historic preservation/cultural resource programs or “external programs.” Despite the Department’s overall responsibility for these external programs, the cultural resource programs are too often forced to give way to other priorities, both within the NPS and in the Department as a whole. Understandably, the parks, and to a lesser extent their historic properties and resources, often take precedence over the “external” historic preservation and cultural resource programs. As a result, the Department lacks a sustained approach to historic preservation policy as to issues outside the parks. Further, neither the NPS nor the ACHP has the authority to work across the Department to ensure conformity with the NHPA. For example, although the NPS has worked hard to update its nationwide Programmatic Agreement to implement Section 106 in the parks, the ACHP has struggled for years with the Bureau of Indian Affairs, the Bureau of Land Management, and the Office of Surface Mining, to adequately consider cultural and historic properties in their operations. As a land-managing department, the Department of the Interior oversees vast properties containing historic buildings and structures and archaeological sites as well as sites of cultural significance to Indian tribes.

The OPPP would provide the Secretary the mechanism to assure Department-wide compliance with the NHPA, supply guidance on implementing the Secretary of the Interior’s Standards for the Treatment of Historic Properties, promote sustainable preservation practices, and provide leadership in historic

preservation in general. The Office of Environmental Policy and Compliance has achieved success with the National Environmental Policy Act (NEPA) within the Department, similarly, the Office of Preservation Policy and Procedure can do the same for historic preservation and cultural resource management.

*Implementation:* The Department Manual (DM) should be amended to establish the OPPP. The DM is the authorized means of documenting and issuing instructions, policies, and procedures that have general and continuing applicability to Departmental activities or that are important to the management of the Department. The DM describes the organization and functions of the Department's bureaus and offices, documents delegations of the Secretary's authority, and prescribes the policies and general procedures for administrative activities and specific program operations. The DM is used to communicate the instructions of the Office of the Secretary throughout the Department, to provide guidance to the bureaus and offices in their administrative and program operations, and to serve as the primary source of information on organizational structure, authority to function, and policy and general procedures.

Bureaus and offices must comply with the provisions of the DM, except to the extent that the provisions are superseded by appropriate authority (e.g., a change in statute, regulation, or Executive Order; a Secretary's Order; or a court decision, etc.). The Office of Planning and Performance Management under the Deputy Assistant Secretary for Performance and Management is responsible for managing the DM System; for assigning Series, Part and Chapter numbers; coordinating the review and issuance of instructions in the DM; and for maintaining the currency and completeness of the DM.

***Issue: Natural Resource and Cultural Resource Programs Should Be Better Integrated***

*Recommendation:* The expert panel proposes the creation of an Associate Director for Cultural Resources within the Council on Environmental Quality (CEQ).

*Justification:* Federal historic preservation programs suffer from an inadequate profile within the Executive Office of the President and lack of coordination with environmental and natural resource counterparts. Although from the earliest days of environmental awareness, natural resources programs have had an Executive Office champion in the CEQ. The agency with comparable responsibilities for preservation programs (the ACHP) is not currently represented in the Executive Office.

CEQ was established pursuant to the NEPA and has a broad mission ranging from "assist[ing] and advis[ing] the President in the preparation of the Environmental Quality Report" to "develop[ing] and recommend[ing] to the President national policies to foster and promote the improvement of environmental quality" to "review[ing] and apprais[ing] the various programs and activities of the Federal Government" with respect to NEPA procedures. NEPA, which CEQ helps to implement, promotes a national policy designed to "preserve important historic, cultural, and natural aspects of our national heritage." The fact that NEPA has always included cultural and historic resources has often been overlooked or ignored.

A chairperson leads the CEQ. The President appoints and the Senate confirms the chairperson. For staff assistance, the CEQ chairperson "may employ such officers and employees as may be necessary to carry out [the Council's] functions under this Act." Currently, there are eight CEQ associate directors, four of whom are responsible for coordinating federal agency environmental compliance and program efforts within a particular practice area: NEPA, Natural Resources, Ocean & Coastal, and International Affairs and Climate. The remaining four associate directors (General Counsel, Deputy General Counsel, Special Assistant to the Chair, and Congressional Affairs) do not have programmatic responsibilities. None of these associate directors has specific purview over cultural preservation concerns, despite the fact that NEPA expressly is intended to protect "cultural [and] historic ... aspects of heritage."

The Associate Director for Cultural Resources would work on parallel responsibilities as other CEQ associate directors but focus on preservation issues. The expert panel envisions that the person in this position would assist the chairperson of the Advisory Council on Historic Preservation in developing the President's preservation initiatives, coordinating historic preservation programs across federal agencies, ensuring better integration of preservation and natural resources objectives, especially during NEPA review, and in ensuring that the Section 106 process is timely and effectively implemented. In addition, the establishment of this new position within the Office of the President, together with implementation of this panel's other recommendations, would signal that historic preservation is a priority of the new Administration.

*Implementation:* As noted above, the CEQ chairperson is authorized by statute to employ associate directors for areas of emphasis that he/she deems necessary to the discharge of CEQ's responsibilities. Two associate directors (NEPA and Deputy General Counsel) are career personnel, with the remaining associate directors being political appointees who do not require Senate confirmation. Historically, the number and responsibilities of associate directors in CEQ has varied depending on the priorities of a given Administration. The qualifications for Associate Director for Cultural Resources would be commensurate with the duties to be undertaken, but education and experience in administration of historic preservation programs is essential.

***Issue: Federal Preservation Officers Are Not Fully Effective within Their Agencies***

*Recommendation:* The expert panel recommends ensuring the full implementation of Section 110 of the NHPA and Section 3(e) of Executive Order 13287 (Preserve America) concerning the appointment and visibility of Federal Preservation Officers (FPOs) and Senior Policy Officials (SPOs). SPOs and FPOs should have agency-wide real property portfolio management responsibilities.

*Justification:* Section 110 of the NHPA requires the head of each federal agency to designate a qualified official to be known as the agency's FPO who shall be responsible for coordinating that agency's activities under the NHPA. Furthermore, pursuant to Section 3(e) of Executive Order 13287, the head of each federal agency is responsible for designating an SPO to exercise policy oversight responsibility for the historic preservation program of that agency. Executive Order 13287 requires that the SPO either serve concurrently as the agency's FPO, or that a subordinate employee reporting directly to the SPO fulfill the duties of an FPO in accordance with Section 110 of the NHPA.

Executive Order 13287 clearly intends that the SPO should have authority and responsibility to both manage the historic preservation program of their agency and to ensure historic preservation considerations are integrated effectively into the agency's real property portfolio management needs and the agency's procedural and substantive compliance responsibilities. When an agency has both an SPO and an FPO, the FPO, with specific and necessary training and expertise, is a critical official in the development and implementation of those requirements.

In a number of cases, the agency designations of the SPO and the FPO, and the relationship of the FPO to the SPO, is not at a level sufficient to ensure the intent of the Executive Order is effectively discharged. The expert panel notes that for many agencies with significant management responsibilities for historic assets, the SPO is not the same individual charged with the management of real property as an Agency Senior Real Property Officer pursuant to the requirements of Executive Order 13327 (Federal Real Property Asset Management).

In order to strengthen the effectiveness of both Executive Orders and to ensure the historic preservation program is effectively woven into the key management responsibilities of appropriate and responsible

federal officials, the head of each federal agency should ensure full compliance with the intent of Executive Order 13287 and Section 110 of the NHPA by designating an SPO with agency-wide management authority and by ensuring, where necessary, that the FPO reports directly to the SPO with sufficient authority to discharge their responsibilities.

*Implementation:* The chairperson of the ACHP, in coordination with the chairperson of the CEQ and the director of the Office of Management and Budget, shall ensure that the head of each federal agency designates the required officials in a manner consistent with the intent of Executive Order 13287 and informed by the related management responsibilities contained in Executive Order 13327.

***Issue: Federal Funding is Inadequate to Meet the Mandates of the National Historic Preservation Act***

*Recommendation:* The expert panel recommends fully funding the Historic Preservation Fund (HPF) and allocating additional funds to Tribal Historic Preservation Offices (THPOs).

*Justification:* Beginning in 1968, Congress has provided funding to carry out activities prescribed in the NHPA. In 1976, the NHPA's significance was further emphasized and underscored when Congress authorized utilizing revenues annually from Outer Continental Shelf oil leases and creating the HPF to support preservation activities.

However, though the HPF's funding continues each year, the federal appropriation is a fraction of what is allowed under law. Recently, only \$50 million of the \$150 million in annual lease revenues were appropriated to the HPF and its NHPA activities. The current \$45 million funding level fails to provide adequate resources to fully address the responsibilities and mandates that the NHPA requires. The current funding level fails to address the growing inventory of buildings that fall under the NHPA umbrella as, each year, more and more buildings become 50 years of age (the NHPA's threshold for oversight and review). Additionally, promoting and expanding further NHPA-related activities increases citizen interest and engagement in their national heritage and cultural resources. This interest is evidenced by Congress' approval of National Heritage Areas, now totaling 31, which promote heritage tourism as regional economic redevelopment drivers.

A number of HPF programs need more funding, including Certified Local Governments, (CLGs) the local, community-based providers and reviewers for NHPA activities, which now number more than 1,600. As contemplated in the NHPA and its implementing regulations, SHPOs in all 50 states and U.S. possessions and territories are actively involved in the Section 106 process, review of tax credit projects, preservation planning, and meeting other NHPA requirements and also need more funding to successfully carry out their mandates. For example, in 2007, more than 100,000 Section 106 cases were handled at the local, state, and/or federal levels while projects using the historic rehabilitation tax credit invested millions of private dollars to redevelop older residential and commercial neighborhoods. The Save America's Treasures program (SAT) provides funding for bricks- and-mortar rehabilitation work on thousands of eligible National Register properties, while the Preserve America program grants funds for inventory, planning, and marketing for more than 700 eligible PA-designated communities. Both SAT and Preserve America are matching grant programs that need more funding and have far-reaching impact on communities across the country.

Of special concern are the THPOs, which function similarly to SHPOs. While the number of SHPOs is fixed, the number of recognized THPOs continues to grow, but the amount of funding dedicated to the THPOs has not. The current 76 THPOs divide essentially the same amount of funding that was shared when only a few THPOs existed. The small "pie" of funding continues to be cut into smaller and smaller slices. It is expected that the number of THPOs will increase as more tribes become proactive in

recognizing their heritage for education and tourism and invoke their rights under the NHPA and Section 106.

The SHPOs and THPOs carry out a role established through the federal preservation program, and required by the NHPA, yet they are not adequately funded to fulfill that role. Greater funding would not only benefit the THPOs and SHPOs themselves but would also assist federal agencies and applicants for federal funding and permits, who benefit from and rely on timely reviews under Section 106.

*Implementation:* An initiative should be launched through the budget formulation process in both the executive and legislative branches to consolidate the consideration of funding for all of the preservation programs noted above under one umbrella. The overall needs of the federal preservation program would be considered without regard to which agencies are currently responsible for the management of its constituent parts, and funding could more easily be allocated according to the need of each program element. The expert panel also believes that by looking at the federal program as a whole, rather than in its constituent parts, the Administration and Congress will come to share the belief that the current level of funding is not adequate to carry out the mandates of the NHPA.

***Issue: Funding and Technical Support to THPOs is Woefully Inadequate***

*Recommendation:* The expert panel recommends greatly enhancing the visibility and capacity of tribal preservation efforts through comprehensive training for tribal leaders, through the creation of a dedicated position within the OPPP to address Native American issues, and through dispensing adequate funding to THPOs and to the Native American Advisory Group (NAAG) located in the ACHP.

*Justification:* In 1992, the NHPA was amended to provide a stronger role for Indian tribes and Native Hawaiian organizations within the framework of the Act. For example, the NHPA amendments recognized the National Register-eligibility of traditional cultural properties and established the means for tribes to protect and preserve historic properties that were important to their particular communities.

Founded in 1998, the National Association of Tribal Historic Preservation Officers (NATHPO) included those federally recognized tribes that, pursuant to 16 U.S.C., 471(a)(d)(2), “assumed all or any part of the functions of a Historic Preservation Office.” THPOs serve to carry out the responsibilities of SHPOs on tribal lands including working with state and federal agencies on the management of historic and cultural properties covering 30 million acres of land nationwide. THPOs in many instances also serve as the mechanism by which tribes choose to preserve and in some cases revitalize their traditions and culture including language, within their own tribal communities. In addition, THPOs provide continuity and serve as the training resource for other tribal programs and new tribal administrations that may change annually or at the end of set terms.

Since 1996, the number of federally recognized tribes (nationally there are 556) who have successfully established THPOs has increased every year from 12 in 1996 to the current 76. Unfortunately, as the number of THPOs has increased the amount of funding has not. According to NATHPO, the total funding allocated for 2008 was \$6.4 million, which translated into a \$2,000-3,000 increase over the allocation per THPO in 2007. At \$72,965, this is a decrease from the highest average allocation given in FY 2001, which was \$154,815.

Without a substantial increase in appropriations that meets the needs of the growing number of THPOs, tribes will not have the ability to build the internal resources needed to fulfill their responsibilities under NHPA. This significantly affects the possibility of developing sustainable programs to effectively manage important historic and cultural properties on tribal lands and lands that exist outside of present day boundaries.

*Implementation:* The head of the newly created OPPP should appoint a qualified staff member dedicated solely to Native American issues. This staff member would assist the ACHP's NAAG in creating and disseminating a tribal preservation curriculum focused on tribal leaders and governments.

In terms of funding THPOs and the NAAG adequately, the solution lies in fully funding the HPF, as the NHPA requires. As previously noted, the HPF currently receives only one-third (\$45-50 million) of its annual statutory allocation of \$150 million. If the HPF received its entitled authorized funding of \$150 million annually, THPOs would receive adequate funding, and the NAAG would be able to effectively perform its functions.

***Issue: The Section 106 Function Is Lagging, and Must Be Strengthened***

*Recommendation:* The expert panel members strongly reaffirm that oversight of Section 106 of the NHPA is the most important function of the ACHP. ACHP involvement in individual Section 106 cases has a substantial and beneficial influence on the outcome of the consultation process and should be encouraged and expanded. Therefore, additional resources should be provided to support the ACHP's crucial role in Section 106 involvement, oversight, and training.

Furthermore, the expert panel recommends additional guidance from the ACHP to ensure federal agencies engage in Section 106 consultation earlier in the planning process for undertakings.

For agencies that manage land or buildings, a stronger and more active program to survey and identify historic resources under Section 110(a) of the NHPA would facilitate better planning decisions to avoid conflicts with historic properties under Section 106.

Coordination between Section 106 and other federal review statutes, especially the NEPA, is often lacking or inadequate, which leads to uninformed decisions, foreclosure of alternatives, and inefficient reviews. Guidance should include clear and specific standards for determining when Section 106 compliance is timely. For example:

- Section 106 consultations should be initiated, and effects on historic properties should be assessed, before the release of any Environmental Assessment or Draft Environmental Impact Statement (EIS). Issuance of a Notice of Intent to prepare an EIS is the appropriate time to initiate Section 106 review. Section 106 reviews should be completed before the issuance of any final NEPA decision document (Final EIS, Finding of No Significant Impact, or Categorical Exclusion).
- NEPA procedures for public involvement and inter-agency coordination, however, are not a substitute for "consultation" under Section 106.

*Justification:* The role of the ACHP in overseeing and administering the Section 106 review process, and assisting other federal agencies in complying with Section 106, is central to the mission of the ACHP, and is a function that only the ACHP can perform. The ACHP is in a unique position to provide guidance, clarity, and consistency on issues that are faced by multiple SHPOs and THPOs, and issues that are often handled very differently by a variety of federal agencies.

Although the Section 106 regulations require coordination with agency planning and other reviews (36 C.F.R. § 800.3(b)), many agencies engage in Section 106 review as an afterthought, focusing on mitigation of historic resources *after* basic decisions about the project itself have already been made, rather than integrating Section 106 consultation into the early decisions about the project and the choice of alternatives. Some agencies issue only NEPA documents for certain types of agency decisions while

postponing Section 106 consultation to a later decision point, after the basic parameters of a program or project have already been determined. Since federal agency staff members are often familiar with NEPA, but not Section 106, guidance should be framed in the context of NEPA, spelling out Section 106 milestones that should be attained at various points in the NEPA process. This guidance should address a variety of different agency circumstances (e.g., agencies that manage land and buildings such as the Bureau of Land Management, the Forest Service, the Department of Defense, the General Services Administration, and the Department of Veterans Affairs; permitting and funding agencies such as the Army Corps of Engineers and transportation agencies; and agencies that delegate Section 106 responsibilities such as the Department of Housing and Urban Development).

*Implementation:* Available mechanisms to implement these policy recommendations (aside from formally amending the regulations or the statute) include the following:

- Legislative Report Language. Without amending the NHPA, Congress could express its views about the fundamental importance of Section 106 for the ACHP and the need for agencies to engage in Section 106 review early in the planning process.
- Executive Order. The NHPA has a long history of Executive Orders being issued to amplify and establish detailed procedures for agencies to implement their NHPA responsibilities. Successful examples include E.O. 11593 (1971), which became the basis for the 1980 NHPA amendments; E.O. 13006 (1996) (locating federal facilities in downtown historic properties); E.O. 13007 (1996) (sacred sites); and E.O. 13287 (2003) (Preserve America). An Executive Order could also direct agencies to revise their NEPA procedures to conform to the ACHP/CEQ guidance on timing.
- Guidance Documents. These could be issued by the ACHP and CEQ. The ACHP has been working with CEQ for several years to develop guidance for integrating Section 106 and NEPA, but progress has been slow. This initiative should be revived to clarify the proper timing for initiating and completing Section 106 review. One recent example of the effective use of “guidance” is the archaeology guidance developed by the ACHP’s Archaeology Task Force.
- ACHP Operating Procedures. The ACHP’s internal operating procedures include provisions on Section 106 administration and member involvement in Section 106 Cases. These could be revised to address, for example, the importance of ACHP participation in individual Section 106 cases.

## Appendix One

### **Brief Biographies of the Expert Panel Members**

#### **Susan Barnes**

*Vice Chairman, Advisory Council on Historic Preservation; and President and Chief Executive Officer, The Landmark Group of Companies*

Susan Barnes has been a historic preservation expert member of the ACHP since 2002 and was named vice chair of the ACHP in 2006. She is the president and CEO of The Landmark Group of Companies, headquartered in a historic firehouse in Aurora, Illinois. She is the founder of the company which specializes in the acquisition, renovation, and management of a multi-million dollar portfolio of historic properties located across the Midwest. She represented Illinois on the National Trust for Historic Preservation's Board of Advisors from 1993-2002 and is now an Advisor Emeritus. Barnes serves on the Chicago Advisory Board of The Trust for Public Land and the board of Landmarks Illinois (formerly Landmarks Preservation Council of Illinois) in Chicago. She also serves on the board of Rush-Copley Medical Center and Purdue University's \$1.5 billion Capital Campaign Committee.

#### **Philip Grone**

*Former Deputy Under Secretary of Defense for Installations and Environment, Department of Defense*

Currently a director in the Public Service practice of the Internet Business Service Group at Cisco Systems, Philip Grone served as the Deputy Under Secretary of Defense for Installations & Environment from November 2004 until December 2007, having previously served as the Principal Assistant Deputy Under Secretary since September 2001. He had management and oversight responsibilities for military installations worldwide, covering more than 46,000 square miles and containing 587,000 buildings and structures valued at more than \$640 billion. His responsibilities included the development of installation capabilities, programs, and budgets; base realignment and closure; privatization of military housing and utilities systems; competitive sourcing; and integrating installation and environmental needs into the weapons acquisition process. He had responsibility for a full range of environmental management issues, including the conservation of natural and cultural resources and served as the Department's representative to the ACHP. Grone has more than 16 years of experience on Capitol Hill, having served most recently as the Deputy Staff Director for the House Armed Services Committee from 2000-01.

#### **Daniel P. Jordan**

*Former President, The Thomas Jefferson Foundation; and Trustee, National Trust for Historic Preservation*

A native Mississippian and former lieutenant in the United States Army Infantry, Dan Jordan received his B.A. (English and history) and M.A. (history) degrees from University of Mississippi. In 1970, he received his Ph.D. (history) from the University of Virginia. Now retired, Jordan headed the non-profit Thomas Jefferson Foundation, which owns and operates Monticello, the home of Thomas Jefferson, and he is a "Scholar in Residence" at the University of Virginia. Among his publications are three books, as well as more than 70 articles, essays, and reviews in scholarly journals, and numerous national media appearances.

Jordan has served as chair of the State Review Board of the Virginia Department of Historic Resources and as a member of the Jeffersonian Restoration Advisory Board at the University of Virginia. Other board service includes the Thomas Jefferson Forum, in Boston; the Virginia Historical Society; the National Parks Conservation Association; the National Trust for Historic Preservation; Glider Lehrman Institute of American History; and United States Secretary of the Interior's Advisory Board for the

National Park System, which he chaired. He currently serves on advisory boards such as the Civil War Preservation Trust, the Tredegar National Civil War Center, and the Virginia State Capitol Restoration. He has served on planning groups for Independence Hall; the White House; the United States Capitol; the Virginia State Capitol; Thomas A. Edison's research laboratory in West Orange, New Jersey; and Frank Lloyd Wright's Taliesin (East).

**Frank G. Matero**

*Professor of Architecture and Chair of the Graduate Program in Historic Preservation, University of Pennsylvania*

Frank G. Matero is chair of the Graduate Program in Historic Preservation at the Graduate School of Fine Arts as well as director and founder of the Architectural Conservation Laboratory at the University of Pennsylvania. Since 1988, he has been on the faculty as lecturer in Architectural Conservation at the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM) in Rome and Senior Lecturer for Restore, New York City. He has consulted on a wide range of conservation projects including the archaeological sites of Mesa Verde, Casa Grande, Bandelier, and Catalhöyük in Turkey. His numerous publications include forthcoming books on the technical history of the stone industries of North America and a history of archaeological site preservation in the American southwest.

**Richard Moe**

*President, National Trust for Historic Preservation*

Richard Moe graduated from Williams College and received a law degree from the University of Minnesota Law School. He held administrative positions in government at the city, state, and federal levels and practiced law in Washington, D.C., before assuming the presidency of the National Trust in 1993. Under Moe's direction, the National Trust has greatly strengthened its financial base, reaffirmed its commitment to expanding and diversifying the organized preservation movement, become an outspoken and effective advocate of controlling sprawl and encouraging smart growth, and launched innovative initiatives to demonstrate preservation's effectiveness as a tool for community revitalization and for sustainable development.

A member of the board of the Ford Foundation, Moe has been awarded honorary doctorates from the University of Maryland and the University of Minnesota. In 2007, he was awarded the National Building Museum's Vincent Scully Prize, which recognized his leadership in moving historic preservation into the mainstream of American life and expanding the public's understanding of the importance of protecting and celebrating our heritage. He also received the American Historical Association's Theodore Roosevelt-Woodrow Wilson Award for Public Service. Moe was named an honorary member of The American Institute of Architects in 2003. He is co-author of *Changing Places: Rebuilding Community in the Age of Sprawl*, published in 1997; and author of *The Last Full Measure: The Life and Death of the First Minnesota Volunteers*, a Civil War history published in 1993.

**David Morgan**

*Former Kentucky State Historic Preservation Officer; and Project Panel Member, National Academy of Public Administration*

Now retired, David Morgan served as Kentucky State Historic Preservation Officer from 1984- 2006. During his tenure, he survived funding crises, shifting political priorities, and seven governors on both sides of the political aisle by fostering an entrepreneurial approach to address challenges and change. As SHPO and executive director of the Kentucky Heritage Council, the agency achieved many successes at the federal, state, and local level based on three principles: (1) all preservation must happen locally, (2) partnerships are essential for success, and (3) historic preservation addresses many important issues

facing the state. These ideals translated into the Heritage Council being active in a variety of important statewide initiatives pertaining to affordable housing, jobs creation, economic development, community revitalization, environmental conservation, and building quality of life. Morgan was directly responsible for creating the oldest statewide Main Street program in the nation, and today the Kentucky Main Street Program has 120 participating communities. His direction and encouragement to Main Street communities to apply in unison prompted a similar action when applying for Preserve America Community status. Kentucky has remained the top state in the Preserve America initiative since its inception.

**Ellen O. Moyer**

*Mayor, City of Annapolis, Maryland*

Ellen O. Moyer's election as the first woman mayor in the 300-year history of the city of Annapolis culminates a career in public service spanning more than 40 years. She came to Annapolis in the 1950s as a district coordinator for the Girl Scouts of America. Later, as first lady of the city, she spearheaded a number of initiatives in conjunction with Keep America Beautiful involving beautification, recreation, and the arts.

As a community activist, she was the founder of Maryland Hall for the Creative Arts, served as president of the Annapolis Summer Garden Theatre, and developed the Parks and Paths for People program. She served on the city council, was instrumental in initiating the Street End Parks, promoting the Barge House Museum and the Eastport Historic Walking Trail, developing an innovative zoning overlay to protect the maritime industry, and bringing the world famous Whitbread yacht race to Annapolis.

Along with performing her duties as mayor of Annapolis, Moyer serves on the advisory board for the East Coast Greenway Alliance and the advisory board for the Annapolis Heritage Area.

**Theresa Pasqual**

*Director, Acoma Historic Preservation Office*

Theresa Pasqual is the first female director of the Acoma Historic Preservation Office (AHPO), which protects the cultural resources of Acoma Pueblo. Rising 367 feet above a New Mexican valley floor, an impressive sandstone mesa, known as Acoma Pueblo or Acoma Sky City, is the oldest continually inhabited community in the United States. This Native American community is believed to have been occupied since 1150 A.D.

Her long-time connection to the land fueled Pasqual's passion for preserving Native languages and Acoma traditions, a passion that has now evolved into her personal mission. Pasqual worked at the Acoma Language Retention Program (ALRP) before coming on board with AHPO. ALRP worked in tandem with AHPO to address the increasing loss of language and culture at Acoma. As the Acoma Historic Preservation Office director (appointed in December 2006) and site director for Acoma Sky City, Pasqual is responsible for the protection of the cultural resources of Acoma Pueblo. She is involved with the restoration efforts of the San Esteban del Rey Mission, the 1629 mission that sits atop the old village. She also supports the efforts to preserve the Keres language, one of Acoma Pueblo's greatest cultural preservation challenges.

**Doug Wheeler**

*Partner, Hogan & Hartson*

Doug Wheeler currently practices law with the focus on federal regulatory issues, with further emphasis on matters pertaining to land use and growth management; endangered species habitat, wetlands, and

watershed management; water supply and distribution, including infrastructure development; management of agricultural and timberland resources; and historic preservation. From 1991-99, Wheeler served as California's Secretary for Resources and was responsible for all of the state's natural and cultural resource programs administered through 18 departments, conservancies, boards, and commissions with combined budgets of nearly \$2 billion and a total staff of 13,000. During his tenure, Wheeler developed nationally recognized strategies to integrate economic and environmental goals and to effectively manage the state's natural resources in the face of rapid growth and development. He joined the U.S. Department of the Interior in 1969 where he served for seven years as Assistant Legislative Counsel and Deputy Assistant Secretary for Fish and Wildlife and Parks. He also served as a senior executive of non-profit environmental and conservation organizations, including the National Trust for Historic Preservation (executive director, 1977-80); The American Farmland Trust (president, 1980-85); the Sierra Club (executive director, 1985-87); and the World Wildlife Fund (vice president, 1987-91).

**Jay D. Vogt**

*South Dakota State Historic Preservation Officer, and President, National Conference of State Historic Preservation Officers*

Jay D. Vogt is director of the South Dakota State Historical Society and State Historic Preservation Officer. Vogt came to work for the State Historical Society in 1987, and he was appointed in 1996 as the State Historic Preservation Officer and led the effort to build an efficient and effective historic preservation program. He was responsible for implementing the Deadwood Fund historic preservation grant program and became deputy director of the Society in 1999 when he took over the day-to-day operation of the organization. As director of the State Historical Society since 2003, Vogt oversees the management of the five programs—archaeology, archives, museum, historic preservation, research, and publishing—as well as the administrative and development units. Vogt also currently serves as president of the National Conference of State Historic Preservation Officers and serves on the Advisory Council on Historic Preservation. He served as the first executive director of the Lewis and Clark Trail Heritage Foundation, Inc. from 1994-96 and served as Deputy Secretary of State from 1978-86.

**Appendix Two****Acronyms**

<b>ACHP</b>	Advisory Council on Historic Preservation
<b>CEQ</b>	Council on Environmental Quality
<b>DM</b>	Department Manual
<b>EIS</b>	Environmental Impact Statement
<b>FPO</b>	Federal Preservation Officer
<b>HPF</b>	Historic Preservation Fund
<b>NAAG</b>	Native American Advisory Group
<b>NATHPO</b>	National Association of Tribal Historic Preservation Officers
<b>NEPA</b>	National Environmental Policy Act
<b>NHPA</b>	National Historic Preservation Act
<b>NPS</b>	National Park Service
<b>OPPP</b>	Office of Preservation Policy and Procedure
<b>SAT</b>	Save America's Treasures
<b>SHPO</b>	State Historic Preservation Officer
<b>SPO</b>	Senior Policy Official
<b>THPO</b>	Tribal Historic Preservation Officer

**Appendix Three**

**Survey Instrument**

**Survey: Stakeholder Survey****Status:** Closed (not active)**1. Stakeholder Survey**

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**Introduction**

The Department of the Interior (DOI) and the Advisory Council on Historic Preservation (ACHP) created an expert panel to evaluate the current federal historic preservation program and recommend improvements. The expert panel responds to a recommendation from the 2006 Preserve America Summit, which charged the ACHP and DOI to "explore improvements in the program structure of the federal preservation program through creation of an independent review panel."

Our panel is soliciting input from stakeholders about their preferences and priorities. We would like your opinion on which priorities are most important, how you think we can improve the effectiveness of the program, and general feedback.

**1. Respondents**

**We want to know if different people have different perspectives about federal historic preservation programs. Please select a category below that best describes your perspective:**

**(response required) \***

- An academic
- Private preservation or volunteer
- Private/non-profit preservation organization
- Local government staff or elected official
- State government staff or elected official
- Native American staff or elected official
- Federal agency staff

## 2. Criteria

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The Preserve America Summit suggested five criteria to evaluate the effectiveness of the program.

These criteria are:

- Enhancing coordination
- Nurturing partnerships and local preservation efforts
- Raising public awareness of historic and cultural preservation
- Generating and attracting funding for program implementation
- Enhancing program efficiencies

We would add two other criteria to evaluate the effectiveness of the program. These are:

- Improve leadership
- Achieve outcomes

**2. We would like to hear from you how important these criteria are. Additionally, are there other criteria you would use to rank the effectiveness of the program? Please rank the following criteria with 1 being most important and 8 being least important. Please add any criteria that you believe we should use to evaluate the effectiveness of historic preservation programs.**

Each ranking number can only be used once.

Enhancing coordination	<input type="text" value="- Select -"/>
Nurturing partnerships and local preservation efforts	<input type="text" value="- Select -"/>
Raising public awareness of historic and cultural preservation	<input type="text" value="- Select -"/>
Generating and attracting funding for program implementation	<input type="text" value="- Select -"/>
Enhancing program efficiencies	<input type="text" value="- Select -"/>
Improve leadership	<input type="text" value="- Select -"/>
Achieve outcomes	<input type="text" value="- Select -"/>
Other (describe below)	<input type="text" value="- Select -"/>

**What other criteria would enhance evaluation of the programs?**

### 3. Re-organization options

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Using these seven criteria, please rank the following re-organization options:

**3. Create a new agency for historic preservation with a new cabinet level secretary and centralize all programs related to historic and cultural preservation in one agency. How well would this:**

	very unhelpful	not helpful	neutral	helpful	very helpful
Enhance coordination	<input type="radio"/>				
Nurture partnerships and local preservation efforts	<input type="radio"/>				
Raise public awareness of historic and cultural preservation	<input type="radio"/>				
Generate and attract funding for program implementation	<input type="radio"/>				
Enhance program efficiencies	<input type="radio"/>				
Improve leadership	<input type="radio"/>				
Achieve outcomes	<input type="radio"/>				

**4. Create a separate bureau within the Department of the Interior to manage and coordinate all of the historic preservation programs including those currently housed in the Advisory Council on Historic Preservation and National Park Service. How well would this:**

	very unhelpful	not helpful	neutral	helpful	very helpful
Enhance coordination	<input type="radio"/>				
Nurture partnerships and local preservation efforts	<input type="radio"/>				
Raise public awareness of historic and cultural preservation	<input type="radio"/>				
Generate and attract funding for program implementation	<input type="radio"/>				
Enhance program efficiencies	<input type="radio"/>				
Improve leadership	<input type="radio"/>				
Achieve outcomes	<input type="radio"/>				

**5. Keep the structure the same, but improve leadership, coordination, communication, and funding for the current structure. How well would this:**

	very unhelpful	not helpful	neutral	helpful	very helpful
Enhance coordination	<input type="radio"/>				
Nurture partnerships and local preservation efforts	<input type="radio"/>				
Raise public awareness of historic and cultural preservation	<input type="radio"/>				
Generate and attract funding for program implementation	<input type="radio"/>				
Enhance program efficiencies	<input type="radio"/>				
Improve leadership	<input type="radio"/>				
Achieve outcomes	<input type="radio"/>				

**6. One option is to make no fundamental changes in the structure of the federal historic preservation program. If you think the best option is to keep the structure the way it is now, please tell us why.**

0/200 allowed words.

**7. As we are considering possible changes to the structure, what negative aspects of change should we consider?**

0/200 allowed words.

**8. What else would you like to tell us to improve the effectiveness of the program?**

0/200 allowed words.

## Appendix Four

### Results from the Survey of the Historic Preservation Community

While evaluating the structure of the federal historic preservation program, the expert panel sought comments from the historic preservation community. A copy of the survey instrument is attached as Appendix 3; it was made available through the Preserve America Web site from September 16 through October 3.

Information about the availability of the survey was distributed by e-mail to a wide variety of audiences including the following:

- Senior Policy Officials;
- Federal Preservation Officers;
- State Historic Preservation Officers;
- representatives of Certified Local Governments;
- American Cultural Resources Association's LISTSERV;
- Preservation-L and Forum-L, the National Trust's LISTSERVs;
- representatives of Indian tribes and Tribal Historic Preservation Officers;
- Preserve America Communities and partners.

1,833 people completed and sent in surveys. Given the "viral" survey distribution and its availability on the Preserve America Web site, it is difficult to accurately calculate the response rate. Responses were received from a wide variety of sources. In the first question, respondents were asked to note which of seven different affiliations best described their perspective; the responses were as follows:

- 28% federal agency staff;
- 19% private preservation or volunteer;
- 17% state government staff or elected official;
- 14% private/non-profit preservation organization;
- 10% academic;
- 9% local government or elected official;
- 3% Native American staff or elected official.

There was concern expressed by preservation consultants, most notably archaeology/cultural resource management consulting firms, about the options shown above. They felt like there was not a category that was a good fit for them. After clarifying the panel's intent through e-mail and phone calls that they should consider themselves as "private preservation or volunteer," the number of respondents choosing that category increased substantially.

### **Evaluating the Effectiveness of the Program**

The findings from the Preserve America Summit suggested five criteria to use in evaluating the effectiveness of the federal historic preservation program; the expert panel added two additional criteria. The second question on the survey asked respondents to rank these seven criteria from most important to least important. All seven criteria were provided, and respondents were given the option of adding another criteria of their own choosing for consideration.

In evaluating the responses as a group, there was a very clear preference as to the top three criteria to use in evaluating the program.

Criteria	Ranking	1	2	3	4	5	6	7
Raising public awareness		35.0%	19.5%	12.7%	10.5%	8.2%	6.2%	5.3%
Generating and attracting funding		21.6%	23.5%	16.2%	12.8%	10.0%	6.8%	5.8%
Nurturing partnerships		9.6%	19.4%	21.4%	17.2%	12.8%	10.6%	6.7%
Enhancing coordination		5.2%	9.0%	14.3%	20.1%	19.6%	16.2%	12.7%
Enhancing program efficiencies		4.4%	8.8%	12.0%	14.4%	21.6%	21.3%	13.8%
Achieving outcomes		14.0%	10.9%	12.3%	12.0%	12.0%	13.6%	21.0%
Improve leadership		6.8%	8.6%	10.9%	11.3%	13.1%	19.9%	25.4%

- Raising public awareness of historic and cultural preservation was chosen as the top priority by 35% of the respondents, with an additional 19.5% choosing it as their second priority;
- Generating and attracting funding for program implementation was chosen as the second priority of 23.5% of the respondents, with an additional 21.6% choosing it as their first priority; and,
- Nurturing partnerships and local preservation efforts was chosen as the third priority by 21.4% of the respondents, with an additional 19.4% choosing it as their second priority.

When the rankings are broken down further by affiliation, the priorities change only slightly. For instance, federal employees agreed that raising public awareness was the most important criteria and that generating and attracting funding was the next highest priority, but they were less unified in their choice of a third priority, with only slightly fewer of them choosing nurturing partnerships as the third priority. Tribal respondents and private preservationists agreed with the overall results, but both state and local government employees found that nurturing partnerships was their second choice, with slightly fewer of them choosing nurturing partnerships as a third choice.

There was also clear unanimity about the least important criteria to use:

- Improving leadership was chosen as the lowest priority by 25.4% of respondents, and 19.9% chose it as the next lowest priority;
- Achieving outcomes was chosen as the lowest priority by 21% of respondents, and 13.6% chose it as the next lowest priority.

As with the most important criteria to use, there was slight variability among the different groups of respondents as to the least important criteria to use, but these differences were not significant.

This question also provided an opportunity for respondents to add their own criteria, but there were few that garnered more than a single response and none that, had they been included, would have changed the ranking of the top three. A summary of these responses is attached in Appendix 5.

## Reorganization Options

Respondents were asked to consider three separate options for reorganizing the historic preservation program:

- (1) create a new agency for historic preservation with a new cabinet level secretary and centralize all programs related to historic and cultural preservation in one agency;
- (2) create a separate bureau within the Department of the Interior to manage and coordinate all of the historic preservation programs including those currently housed in the Advisory Council on Historic Preservation and National Park Service; and,
- (3) keep the structure the same, but improve leadership, coordination, communication, and funding for the current structure.

For each of these three options, the respondents had to weigh the outcome of each reorganization idea against the criteria for evaluation noted above, and then decide whether the reorganization would be very unhelpful, unhelpful, neutral, helpful, or very helpful when weighed against these criteria. As the respondents had expressed a clear preference for the top three criteria to be used, it is against those criteria that these proposals were evaluated.

*Create a new agency with a new cabinet-level Secretary.* This option garnered the most positive responses from all respondents, and the percentage finding it very useful in meeting the criteria for measuring success was the highest of the three options. More than two-thirds of respondents (68%) said it would be very helpful or helpful in meeting the most important criteria, raising public awareness of historic and cultural preservation, with more than half of those (37%) saying it would be very helpful, an indication of their strongly-held views. Nearly as many respondents (63%) said it would be very helpful or helpful in generating and attracting funding, and again more than half of those (33%) said it would be very helpful in meeting this criteria. When viewed against the third criteria, nurturing partnerships, the respondents were somewhat less positive overall, with 45% thinking it would be helpful or very helpful.

	Very Helpful	Helpful	Neutral	Unhelpful	Very Unhelpful
Raising public awareness	36.5%	31.3%	17.2%	8.8%	6.3%
Generating and attracting funding	33.4%	29.2%	20.4%	9.5%	7.4%
Nurturing partnerships	16.2%	28.8%	28.7%	17.2%	9.1%

All but one of the groups (private preservationists, representatives of state and local governments, non-profits, academics and Native Americans) demonstrated similarly strong support for this option. But federal representatives were somewhat less positive. While 68% of overall respondents said this option would be very helpful or helpful in raising public awareness, only 55% of federal respondents thought likewise, and they were more strongly divided on whether this would be very helpful (27%) or just helpful (28%). An additional 23% were neutral. This general lack of strong support for this proposal was also mirrored in their evaluation against the criteria of generating funding; 24% thought it would be very helpful, 27% thought it would be helpful, and 24% were neutral.

*Create a separate bureau within the Department of the Interior.* This option for reorganizing all of the historic preservation programs, including those housed in the ACHP and the National Park Service generated positive reviews, but with less strongly held positive opinions when compared against the first reorganization option. Against the criteria of raising public awareness, only 16% thought it would be very helpful, while 32% thought it would be helpful; an additional 30% were neutral. A similarly positive viewpoint, but again with less strongly held views, appears when this option was evaluated against the funding criteria; only 15% thought it would be very helpful, while 29% thought it would be helpful and 30% were neutral. The figures were similar when looking at the criteria of nurturing partnerships.

	Very Helpful	Helpful	Neutral	Unhelpful	Very Unhelpful
Raising public awareness	16.4%	32.0%	29.9%	14.0%	7.7%
Generating and attracting funding	15.2%	29.4%	30.3%	15.5%	9.5%
Nurturing partnerships	11.9%	32.3%	30.5%	16.5%	8.8%

This idea for reorganization also shows a higher level of negatives overall as well as among certain groups. The same or higher percentage of respondents found this proposal not helpful as found it very helpful, a notable shift toward the negative not found in the first reorganization proposal.

*Keep the structure the same, but improve leadership, etc.* As with the second option, this proposal generated positive reviews, but with even less strongly held views and a similarly higher number of negatives. When weighed against the criteria of raising public awareness, only 14% of all respondents thought it would be very helpful, while 32% thought it would be helpful and 36% were neutral; 14% also thought it would be unhelpful. The result when weighed against the criteria of generating funding was very similar as were the results when weighed against the criteria of nurturing partnerships.

	Very Helpful	Helpful	Neutral	Unhelpful	Very Unhelpful
Raising public awareness	14.1%	32.1%	36.2%	14.2%	3.4%
Generating and attracting funding	16.5%	35.7%	31.3%	13.0%	3.4%
Nurturing partnerships	13.2%	38.2%	35.1%	11.0%	2.5%

### Open-Ended Questions

The next three questions gave respondents an opportunity to provide written comments. The panel reviewed these ideas and included them in their deliberations. Appendices 5-8 include a selection of the variety of responses to the open ended questions.

**Appendix Five****Responses to Open Ended Questions****Question 2: What other criteria would enhance evaluation of the programs?****518 Responses Total**

Accountability – Agency officials must be accountable for implementing historic preservation programs that are responsive to the law, regulation, and EOs.

Actually preserve places – not just “achieve outcomes” which is vague and meaningless “goal” (for example, an impasse is an outcome)

Community Evaluation

Coordination with natural resources/ “green” compliance

Customer service evaluation and testimony

Economic Sustainability

Encourage development of preservation ethics

Fostering a collaborative process

General comment – very difficult to rank, as all are needed

Intergenerational communication

Participation of Indigenous peoples

Promote sustainability: environmental, economic and cultural

Public Involvement in the decision making process

### Appendix Six

**Question 6: One option is to make no fundamental changes in the structure of the federal historic preservation program. If you think the best option is to keep structure the way it is now, please tell us why.**

Staff of federal agencies said:

200 Responses Total

One of your options is to retain the structure but improve personnel – better leadership. This would always be preferred to the status quo, whether one wants a change in structure or not.

It is not necessarily the structure but the implementation that is the problem. Additionally politics have overshadowed issues that should rely on subject experts. There needs to be better leadership across the board and more results. The federal program tends to leave most of the work to the other agencies; however, the agencies look to the federal program for guidance and leadership – currently lacking.

The structure has worked effectively for more than 30 years. The last time the preservation programs were pulled out of NPS, it took tremendous energy to set up a new organization and lobby for support. That energy could have been better spent in building support for the partnership programs at all levels of the partners and providing additional resources to NPS and others to manage and lead the program.

Adding a new bureau to manage and coordinate all historic preservation is simply adding another layer of bureaucracy that will most likely take more funding off the top reducing funds to the field level where it is needed to complete work. There does not seem to be anything wrong with the current structure, other than being under funded.

Creating a new agency or bureau would serve to take the issues farther from where they belong, which is at the regional or governmental unit (park, in my agency) level. Many of the problems that exist now is because much of the control is at a Washington level Laws and regulations are OK but need to be uniformly applied and recognized as legitimate by all components of an agency. Things need to change! The status quo is NOT acceptable.

Historic preservation looms large in the eyes of its adherents, but is really only a tiny part of the nation's business. In fact, when viewed in the context of the world's societies at large, it is frill made possible by societal wealth. Raising it to cabinet, or even Bureau level would vastly overstate its significance in the grand scheme of things.

I do believe it is the best option to make no changes in the structure of the program. If you were to separate historic preservation from other related programs you would greatly hinder the communication and coordination between related disciplines. For example, removing historic preservation from the NPS eliminates the coordination with natural resources. The preservation of cultural and natural resources are directly linked, and should be planned for at the same time.

The separation of the ACHP from Interior helps to avoid conflict of interests. The ACHP as an independent agency responsible for federal agency oversight is the most effective tool for historic preservation compliance, and give the interested public an effective venue for dispute resolution.

I don't think you'd ever get the various agencies to agree on a combined program structure under the NPS. Having a separate Agency or Secretary might help implement changes.

Our agency does not adequately support the mandate for Heritage preservation. Will a change of structure change that? Provide a clear, unmistakable order that the mission of federal agencies includes it and dictates adequate funding to maintain an effective program. Coordination, funding levels, development/training of decision-makers and program staff at all levels are key.

Ideally preservation should be a common shared cultural value that suggests a decentralized and diverse program supported at all levels of government across many individuals, groups, organizations and agencies. Preservation is both expensive and precious. Preservation shouldn't be done for people by federal government so much as providing possibilities of what could be.

The HCRS experience showed that isolating these programs makes them more vulnerable re: budget and staff. New agency would require duplicative staff; make coordination between park HP and partnership HP harder. ACHP independence reduces potential for conflict of interest within an agency.

This survey seems to lock the respondent onto a "no change" and two wildly different alternatives, with little middle ground. The ACHP & federal historic preservation program need to evolve and change, but the two alternative models proposed here are not the only solutions. The ACHP surely needs to move beyond its strict NHPA Section 106 focus (or at least be more creative with it) and actively assist in the formulation & promotion of NHPA Section 110 activities that go well beyond the current Preserve America blitz. This survey brings the NPS (which certainly has its own problems) into the mix but the real issue on the table is whether the ACHP has outlived its usefulness in its current formulation. Still, some fundamental soul-searching about the mission and service by the ACHP, and some surgical restricting within the current organization seem more realistic and politically viable than either of the two models proposed.

Staff of state government or state elected officials said:

87 Responses Total

Having more than one agency creates checks and balances. It is a clunky system but agencies and the public have learned out to make it work.

When in the past has creating a new federal agency ever improved efficiency? I think the best approach would be to improve the existing program.

There seems to be lack of a common vision in preservation, or lack of skilled leadership to articulate it to the broader world. Too much turf protection is taking place.

All of these options, including keeping it fundamentally the same are valid, but I would like to comment that feel I am receiving excellent service and assistance from the current structure.

I think the best thing to do would be to increase funding at the state level. Providing additional support to federal agencies, without providing additional resources to the states, will not have a major impact on state and local preservation efforts. Increased funding is needed for state historic preservation offices and to support programs at the local level.

Preservation works best with a decentralized network of advocates and funders and now exists. Bureaucratic centralization leads to rigidity and inability to adapt and change methods to achieve overall goal of basing government and society on a preservation and conservation ethic.

The most effective, efficient, and immediate way to achieve the evaluation criteria as presented is to leave the national structure (ACHP and NPS) as it is, and to provide sufficient support (financial,

programmatic, legislative, and regulatory) to the SHPOs, to allow them to fulfill their mission as enunciated in the National Historic Preservation Act.

The current program function well. A cabinet level agency might or might not function as well (above vs. below the radar/politicizing the process). The concept of a separate bureau within DOI might have merit and “achieve outcomes”.

Native Americans said:

11 Responses Total

Time may now appear for change, but insist on local; community input from the ground and then up.

The way the structure is now, there are more opportunities to gain information on cultural and historic resources and to apply for different types of funding. However the overall running of the programs seems less efficient than it would be with a streamlined process of communication opportunities.

I would like to see members of Indian Tribes working for the Historic Preservation Program to address issues pertaining to Indian Tribes, and to help them understand the programs regulations.

The distribution of responsibilities is fine. The way various agencies are meeting their responsibilities is broken. Accountability for existing responsibilities is missing at all organizational levels. There is no re-organization solution needed – there are leadership and commitment changes needed.

I don't believe that reorganization would affect the fundamental issues. Improved leadership, funding, and coordination at all levels would advance the cause of preservation regardless of the organization of a federal or agencies.

I think the best option is to keep the structure the way it is now, but empower ACHP to do more. Politically, they appear to be weak, and rarely take a firm stand on anything.

The current structure allows for balanced participation in directing the program so that federal, state, local and private interests (plus those of NGOs [i.e. professional and membership organizations]) may be addressed.

Creating another agency to assume NPS and ACHP responsibilities is no guarantee of better coordination, efficiency, leadership, or more adequate funding. Perhaps Congress needs simply to vest NPS and ACHP with more explicit authorities, to require federal agencies to adhere to simplified and explicit directives, and to fund directly federal preservation programs rather than subject the programs to willful agency neglect.

Do we really need to change the existing program, or just clearly define the roles of the Secretary of the Interior ACHP and Parks? One stop shopping sounds like a good idea, but is it necessary?

Staff of local government or local elected official said:

31 Responses Total

The structure does not seem to be a problem. The separate agencies have different priorities. The main problems are lack of political support (including funding) and public awareness. But, as all preservation takes place locally, federal HP programs' main strength is (or should be) to collaborate with state and local organizations.

Things that do not move forward die or become museum pieces – not having change should not be considered as a viable option.

I've seen too many federal government reorganizations as the “problem solution.” One feels like one is doing something, but actually, nothing changes substantively. I'd say work with the structure we have, and enhance them. Be targeted and specific with proposals. Modest but consistent change will count for more in the end.

I like the separation between various programs which each having their own emphasis and specialty.

The issue is not as much about the current structure as it is about the commitment – for example, Preserve America's emphasis on heritage tourism is taking away from direct bricks-and-mortar projects and local regulatory programs; and not meeting the funding commitment of HPF has limited what's possible at the state and local level.

There is no need to establish another agency when the current ones can do the job, especially with better funding.

I don't think the status quo will effectively protect our country's historic and cultural resources. The current program doesn't adequately address public awareness and education about the importance of preservation, and primarily does not have enough funding available to assist local or regional preservation efforts.

It's fine... just needs funding... that comes from education (i.e. PR, marketing, publications). Our own people need to be educated... in order to educate the masses. Take the “green” movement... we need to get the word out that we/preservation are greenest. But we're too busy pushing papers to put out info, publish, educate...

The current decentralized structure works to assure that the nationwide historic preservation program is a national program, not merely a federal one. Combining offices currently housed in multiple agencies and place would significantly reduce penetration of the message.

Staff of private/non-profit preservation organizations said:

58 Responses Total

There is value in having preservation programs/requirements included within different federal agencies by educating others to its value in their agency's mission. Sometimes centralization does nothing but alienate local efforts and local coordination. That's the level where things actually happen on the ground. Big government has never been the answer to anything. Gets hard to communicate when complexities in organization get that far up (the bigger the agency, often, the higher the apex). That should be addressed if an efficient centralization scheme, which works well the states, can be achieved.

Much of the federal historic preservation program works well. Achieving a cabinet level position would allow for clearer statements to the nation about the importance of these activities and their relationship to training, education, and the economic vitality of communities.

Creating a new agency will only decrease flexibility and creativeness, and increase bureaucracy, ineptness, corruption, and inability to really solve problems. Very bad idea!

What is the argument for changing the existing structure? The problems are political not administrative or bureaucratic.

An advantage of the present structure is that it separates regulatory functions, meant to be impartial (ACHP) from advocacy functions, meant to promote historic preservation (NPS). Combining these functions can create conflict, which I have experienced with local historic preservation commissions. Similar conflicts within the old federal Atomic Energy Commission got so bad that the AEC was eliminated and its functions split between the current NRC (regulatory) and energy Department (advocacy).

Each federal agency must contribute to the preservation of historic and cultural resources. The existing structure should encourage and enhance these efforts (given proper prominence by an administration).

Private preservationists said:

87 Responses Total

It is unclear how any of the changes would actually affect the program. It seems that a cabinet level position would be an improvement. However, without the commitment of financial and human resources, as well as policy changes that indicate that the federal historic preservation program is a priority, the structural changes will have little or no impact on the program.

Keep this effort as local as possible with no added bureaucracy.

We need a system of checks-and-balances so that one office does not have all of the power.

This is probably the best option. I do not believe that there is one “federal historic preservation program” but rather many separate and diverse programs with different perspectives and goals. Many aspects of various programs work fine, and others do not. I don’t believe that various programs can all be brought under one umbrella organization. I would prefer the current structure to aborted or ineffective attempts to reorganize.

Academics said:

37 Responses Total

By remaining part of the NPS general program, we enhance our abilities for funding and have the vast resources of the Department at our call. As a specialized bureau, we would face receiving a smaller slice of the pie and have less clout in political circles.

The effectiveness of the current program is dependent on the impendence of the several key consulting participants: NPS, ACHP, SHPOs, agencies. Consolidating these entitles might reduce the need for Memorandums of Agreements which explicate roles and responsibilities in specific undertaking allowing transparency to the public

I do not think another bureau or agency is the answer. Many of the issues we deal with are very specific to the state and local agencies.

So many of us have an understanding of how the system works now that changing it would simply undermine it. The mere act of looking at revising it suggests that this is, in fact, the intent of these revisions, given that recent attempts to weaken cultural resource laws have been stymied. Please leave it alone.

The organization for the Historic Preservation Program is over 40 years old. If you haven't figured out how to organize these programs – this is simply rearranging the deck chairs on the *Titanic*. Reorganization is what you lack money to do your programs. It wastes time and diverts critical staff from doing their jobs.

More complexity & more agencies complicate things. People already have difficulty determining where to go & which contacts are appropriate. Each level costs more and frustrates more people.

Changing the structure will cause additional headaches and complications. Funding would be better used to allow federal agencies to do their job better. Money should instead go into the creation of new jobs.

Restructuring in the 1970s was an abysmal failure, and will likely be again. The various bureaus have too many diverse charges from congress to effectively be combined into a catchall program. Such a program could not and in all likelihood would not be able to deal with the myriad of congressional charges to the various bureaus in an even-handed manner.

Current structure ensures that historic preservation is embedded in many agencies with goals other than preservation. This “decentralized” structure ensures that the larger program has a broad reach across the federal agency structure, which also increases opportunities for partnership, funding, public engagement, and preservation.

### Appendix Seven

**Question 7: As we are considering possible changes to the structure, what negative aspects of change should we consider?**

Staff of federal agencies said:

313 Responses Total

Focusing all resources in one agency may develop a single viewpoint on preservation policy that is not open to change or new ideas. Currently, I view the ACHP as more accepting of chance than the NPS/Dept of the Interior. By limiting the decision-making body to a single entity, there may not be room or acceptance of multiple purposes or viewpoints of historic preservation.

You should avoid establishing duplicative management structures. Furthermore, no new officer/bureaucracies should be created without a concise, clear mission statement, achievable goals, and sufficient funding to accomplish those goals. We have too many figureheads between DOI, NPS and ACHP as it is. Good people, all but marginalized and devoid of any real power to administer their programs.

Preservation is sometimes confused, as a purview of Interior, emphasizing that would only exacerbate the program. A new federal agency might confuse other agencies into believing they do not have any more responsibilities.

There is no one best way to manage cultural resources. Each agency has different management agendas that require different approaches to historic preservation. Attempting to lump all historic preservation together to create one new agency or by installing a new oversight bureau will not improve upon the existing system that has evolved to meet different needs by the various agencies.

Keep in mind the adage, "Change is good. You go first." Don't underestimate the rigidity of those at the National Park Service who will resist change at all costs.

"Everything should be made as simple as possible, but one bit simpler."

I cannot think of any negative aspects of changing the structure from what it is now.

None of the options guarantees good leadership. Cabinet level appointments may or may not be provided the appropriate direction/leadership for historic preservation issues depending on political parties and focus for the country. A separate seat at the table may provide a more heightened public awareness, but only if measures are taken to ensure that happens. Natural and cultural resources compliment each other and a more holistic approach to resource management should be occurring, not entrenching and separating.

A change to the structure could be an improvement if the focus is at the state/office level rather than at national level. A bottom up rather than a top down management.

A new agency would likely be more of a target than an opportunity, particularly within a federal government with an increasing tight budget.

When historic preservation competes with other priorities within a federal agency-whether it is the National Park Service or another agency – funding is usually diverted to other programs that are considered more important. Funding of cultural resources does not complete easily in an era of limited

resources. A new agency with a cabinet level secretary will not face this critical problem, as historic preservation would be the agency's fundamental mission. Such an agency would be somewhat less vulnerable to an organizational bias that sees preservation as "excess baggage," or a luxury.

One must consider the potential vulnerabilities that accompany higher visibility and independent status, such as evidenced by the NEA experience a few years back. However, the prospect of having an agency with the sole mission of historic preservation exercising national leadership far outweighs the risk. Putting everyone under one umbrella does not automatically create coordination and communication. There are deep agency cultures that would require significant change management efforts. The change would have to be managed, not left to its own.

Creating what I see as a Ministry of Culture or Preservation builds on the failed model of HRS and the more recent example of Homeland Security. The present "Federalist" system where there are communities of preservation partners fits best with America and it provides checks and balances.

There is danger of becoming insular, which should be avoided by improvement of communication and coordination.

Too much centralization stifles creativity.

Staff of state government or state elected officials said:

160 Responses Total

Power consolidated in central government negatively affects the way local and state governments and non-profit agencies function and can make locals less power and less effective in running their individual programs. There is a great deal of diversity and individuality expressed on the local level that would be smothered by a more centralized program.

Any changes to take into account the impact that they would have to on the work of the state offices. In most cases, we are the ones who need to implement the programs and explain them to the public.

Any structural change in a program that affects thousands (possibly hundreds of thousands!) of organizations nationwide (states, CLGs, non-profits, etc) runs the risk of short, possibly long-term confusion and disruption of service. There would need to be a lot of public information and a clear understanding of what impact a structural change would have on the effectiveness of front-line preservation organizations.

The strength of historic preservation has been its bipartisanship. Of great concern is that tinkering with the existing system might make it vulnerable to political whims unless the change is carefully structured to keep a NON-partisan balance. Also, it is critical to ensure sufficient funding to actually achieve tangible outcomes of preservation efforts.

Consolidating the structure would help to create a cleaner public image.

I'm not sure how creating a federal HP agency would be beneficial. It would be expensive to set up – money that could be used for promotion/education, and given the general public's overall apathy for preservation, I'm not sure how well it would be received – esp. in a tight economy, people might consider it a boondoggle. A centralized bureau within DOI would be ideal. It may help with coordination efforts, communication, and efficiency. A unified voice would be ideal.

Native Americans said:

25 Responses Total

If the structure will streamline the process then the change would be worth it... if it will not then leave it alone!

The time delay that takes to implement a new agency and/or program with funding and policy. From previous experience it usually takes 3-4 years before becoming effective.

Altering agency authority. ACHP & NPS may not be so eager to let go and accept authority from another entity when they have previously assumed this responsibility.

Staff of local government or local elected official said:

79 Responses Total

A benefit of different organization is that each organization can target different groups/agencies for funding. One organization may limit funding opportunities. In addition, different organizations can provide varying levels of assistance in varying applications. It sounds so convenient to have it under one roof but may result in a bureaucratic monopoly.

There are no negative aspects that come to mind.

Remember those who don't work regularly with the federal agencies are not very familiar with the various agencies involved and which agency is in charge of which programs. Any change in the structure means all local governments, non-profits, and private preservationists must relearn the process, so it should be clearly understandable, and a "preservationists" education program should be included.

Eliminating separate preservation agencies could possibly marginalize preservation in an administration whose priorities are elsewhere.

I cannot think of any negative aspects unless funding of the program becomes difficult due to it being a new structure or agency. It may take a few years to establish contacts and develop relationships.

Anything that would diminish or eliminate the federal/state partnership that has been the strength of this program over the last 40 years would surely be a negative to the entire preservation effort across the nation.

Staff of private/non-profit preservation organizations said:

135 Responses Total

There is value in having an independent council available to the Office of the President and to have presidential-level attention to initiatives that might otherwise be less visible. These initiatives can be vetted and tested, with some eventually becoming long-term programs within agencies. The independence of the ACHP is valuable and should not be diminished.

The next Administration may not agree with the proposed changes. Making the changes now would be unfair to the next Administration and create problems for the next Administration and the historic preservation community if they do not agree with the changes.

Don't let one person/agency gain "too much" power; there should be checks and balances. While the program is not supposed to be political, we all know that politics affect everything in the federal government. Just be wary and plan some safeguards.

I'm still not clear who does what in the current set-up.

Pulling all program elements into one discrete organization/agency can garner greater attention, prestige, and leadership. At the same time, it makes it easy for policymakers to view that one pot of funding as a place to cut support and to view the entire amount and think "We're giving \$X for history and culture? That's more than enough." Without understanding the many elements that are included therein. I would want to avoid being an easy target when budget cuts arise.

A new historic preservation agency with a new cabinet level secretary is less protected from Congressional and Executive whims than an entity buried within one or more existing federal agencies. Despite this potential danger, however, a stand-alone entity still makes sense and is desperately needed, given the current situation.

I worry that by creating a new agency; it will be easier to marginalize Historic and Cultural Preservation programs in hard times. There is some value in integrating the HP/CP ethic across the board.

Private preservationists said:

183 Responses Total

Implementation of the change must be well thought out and planned with alternative courses of action planned if implementation initially falters. Additionally, the ability for the new agency or department to have policies that allow for adaption to changing needs and unforeseen events and consequences must be in place and available.

The potential for making preservation/conservation more "reclusive" and not as nimble in coordination with other agencies or interested parties – we need to be spreading the word as opposed to closing ranks; the potential for the program to be too top heavy (i.e. don't forget the grassroots local folks who are doing work on the ground)

Any change will open the door for weakening the existing safeguards, legal requirements, enforcement capabilities, and review process. Keep this in mind. As soon as the word "change" is mentioned, all government development agencies and pro-corporate/capitalist agencies will be knocking at the subcommittee doors to have their sector made exempt from the NHPA or to get some special treatment.

We need to avoid the perception of "growing government" and "government encroachment" on property owner's rights. Broadly, society in general is becoming increasingly focused on "what's in it for me" rather than what is best for the greater good of our society. Education of the public is the advantages of historic preservation are a critical underpinning to whatever changes may be made.

Cabinet level position might unduly politicize work for the agency.

Can we trust political appointees in the new agency to implement the program's long-term goal, and not engage in culture wars such as refusing to preserve places associated with gay rights and anti-abortion movements?

Cost \$s.

Possible changes should not jeopardize any existing sources of funding or policy protections for culture resources, but should improve and extend both. Also, in my experience, government reorganizations seems to have higher costs than benefits, and so I am hesitant to endorse a complicated and costly reorganization plan but would rather just see more funding allocated to existing programs.

A separate structure would further the notion that Historic Preservation is an elitist effort and does not work well with other programs. Right now, “green” is hot. By remaining in the NPS structure, Historic Preservation can capitalize upon its inherent “greenness”. It also highlights that Historic Preservation partners easily with other efforts and goals.

A cabinet level agency is too much; are DVA, DOI, HUD or USDA operating at efficient levels of funding and effectiveness? That’s not the answer. Similarly, a separate bureau within DOI would only add to an already crowded group competing with each other; do BIA, BLM Reclamation, NPS, or FWS coordinate with each other or all act like thoughtful team-playing stewards of the nation’s resources? That’s also not the answer because their conflicts and stubbornness are another huge problems that need correcting with better leadership elsewhere. Don’t join that fight.

Sustainability. If everything gets changed around, nothing happens for the first 2 years as everything get sorted. We’re having a change in administration, so this may not be the best time.

Academics said:

94 Responses Total

Major structural changes will actually set back productivity for some time. Money will be expended on this effort that might have actually gone into advancing programs. With continuing fiscal weakness in the country and funding problems with Congress, known program will probably stand a better chance to continue funding than new program will be to get it.

Currently, federal historic preservation programs are deeply enough buried in the federal bureaucracy to be somewhat insulated from the political ideologies of top-level leader. Making a cabinet-level position would subject the programs to the whims of the election cycle in a way that they have not been.

As a preservationist who began her career in 1972 and has been through the progressively increasing hair-splitting of the levels of bureaucracy that continue to be added to the steps for the National Register listing, the most important thing is to KEEP IT SIMPLE. Perhaps don’t change it at all, just relax the requirements for the context statements, and discourage the individual states from trying to make each nomination an M.A. thesis.

The potential for “balkanization” if historic preservation programs are bundled together in one place; any new structure must be provided with real authority to get things done and other agencies should not have the ability to derail programs by ignoring them or by passing them.

The structure of the “federal” program is fragile enough as it is; changing it could damage hard won existing linkages.

New departments are not always a good thing. See DHS vs. FEMA for further information.

The possibility that the more oversight will be left up to SHPOs will be extraordinarily destructive for preservation efforts in states with poorly funded programs of preservation. Any changes should ensure that they would offer more support to state preservation offices/officers.

If everything is centralized, is it easier to cut?

### Appendix Eight

#### **Question 8: What else would you like to tell us to improve the effectiveness of the program?**

Staff of federal agencies said:

267 Responses Total

Show Congress how the strength of historic preservation in the USA is that it functions at all different levels and broadly observed by American public. Americans have come to expect and demand that federal historic buildings and sites be protected.

Historic preservation should be better integrated with the NEPA process owned by CEQ. Sufficient staff should be made available in any new structure (be it a new Agency or a reshuffling of DOI/ NPS/ ACHP). The existing structure of offices and programs so not meet the needs of federal agency programs, due primarily to unclear goals, unfunded mandates (see #7, above) and insufficient staffing levels.

A stronger connection between the ACHP (essentially 106) and the DOI (essentially 110) is HIGHLY desirable.

Consider the user. Under any scenario, why can't any citizen interested in accessing the preservation programs, from regulatory to grants to tax credits, access the federal Leviathan from one point, such as a website? Sometimes simplicity is the answer.

Evaluating outcomes needs to be done by cultural resource professionals. Many financial professionals have trouble figuring out what to measure to ensure "accountability" of cultural resource programs to the public.

Continue to find ways to make it more meaningful to low income and minority populations. In other words, continue to expand historic preservation's "public". Some aspects of the program still have elitist overtones.

The 3 primary agents in the federal preservation program need to focus on what their main roles are: ACHP needs to refocus on Section 106 and assist agencies with alternative ways to comply; NPS needs to expand on providing 21st century technical assistance; and NTHP needs to focus on advocacy at the national, state, and local levels.

The historic preservation programs are lost inside the NPS at this point. While that was not always the case, and an argument can be made for the current status simply being a result of incremental funding losses, in order to reinvent the national preservation initiative as a vigorous 21st century program, I believe that a stand alone agency format would be helpful.

Make any change extremely user friendly. We don't need any more complexity. Keep it as simple as you can. Try to make it understandable to an average 12-year-old. They need to be able to understand it so they can support it.

Empower the leadership to set NATIONWIDE policies rather than allowing 50 SHPOs to negotiate their own Programmatic Agreements, etc. Need central decision making for uniform treatments in national programs.

Streamline. There seems to be overlap. Preserve America versus SAT. NEA, NEH, NPS all offers some sort of preservation assistance but who to turn to? Then there's ACPH and the National Trust. All are somehow linked but it's confusing how.

I think consolidating all federal preservation programs is a very worthy goal. We are still stepchildren in the NPS and are guided by a lot of rules and red tape that shouldn't even apply to us. The mental image of parks for both the public and our leadership is Yellowstone, not Independence NHP.

Perhaps app preservation responsibilities should come from the office of the ACHP. One agency in charge of everything makes a great deal of sense. The government already has one agency dedicated solely to preservation; why not give them multiple departments and all of the responsibilities? DOI is not structured/funded well enough to take on additional responsibility. The environmental movement has their own agency (EPA) ... why can't we?

The current structure is relatively OK, but there is a lack of coordination and communication and communication not only between agencies, but also between units of agencies (e.g. NPS parks within a region do not coordinate or talk in any coordination way between themselves about things like NAGPRA consolation, site protection practices, etc.). We need to improve this a lot, regardless which of the three alternatives listed above are selected.

I think the key is top-down commitment. The success of the federal historic preservation program rest with Presidential commitment and leadership – which must filter down to lower tier political appointees. Too many agency administrators ignore or discount the already-strong historic preservation requirements that exist in the statutes and executive orders; and there is no real accountability for their actions. Similar leadership and commitment is needed at OMB. The statutes are adequate, but the discretion to use their provision is generally absent, particularly at the examiner level. Without this type of commitment, the current structure will be fine.

More voice for preservation on the national level = cabinet level. This would help attract attention and funding.

Raising the level of historic preservation within DOI or creating its own agency would raise the level of visibility and potentially awareness and compliance within other agencies.

What's wrong with the program now that it needs improvement?

Staff of state government or state elected officials said:

143 Responses Total

Once you have formulated options for the new program structure it might be worthwhile to offer another survey to obtain additional feedback on a more detailed description of your planned changes to the program.

The State Historic Preservation Officers are arguably the keystone within the federal-state-local structure of how most preservation activity is accomplished. Anything that can increase funding, improve efficiencies, and streamline efforts for SHPOs will have the greatest impact. Increasing funding – both for local pass-through partnership projects and in-house technology and streamlining efforts – is critical to the national preservation environment.

While I feel basically satisfied with the program as it is, it certainly wouldn't hurt to have more "clout" as an independent agency that focuses solely on the preservation programs and funding requirements.

A single, autonomous preservation agency, combining the roles currently filled by NPS & ACHP and headed by preservation "czar" could dramatically raise the stature of preservation within the federal structure.

The federal preservation program has suffered from a chronic lack of funding for years and years. The focus should be to find a more effective way to "make the case for preservation" to constituents who can influence the political system; showcasing what has been accomplished and pointing out a vision of where we could go with strong leadership, partnerships, and sufficient funding.

The success of historic preservation is largely based on knowledge/involvement of the general public. I like the idea of a cabinet position where historic resources would be more in the spotlight.

I am intrigued by the prospect of enhanced leadership in the federal preservation program. To tell you the truth, I have never looked to federal sources for leadership in any preservation issue – I do look to them for rules, regulations, frameworks, etc. Perhaps my outlook is clouded by my state/regional point of view, in which preservation has become reactionary rather than visionary, and resources are meager. The more I think about consolidating federal programs, the more I like it.

Preservation is most effective at the local level. Instead of growing the federal system, consider supporting local and state programs first. Increased funding to SHPOs and supporting the CLG programs would be a more effective way to support preservation.

It is imperative that preservation has higher visibility in American culture. Emphasis should be on a growing partnership with the states, local communities, preservation nonprofit, and agencies whose mission impact historic resources.

Native Americans said:

27 Responses Total

Create Indian Liaison positions in federal agencies that are operated by Professional Indian people. Government shouldn't be run from the top down but from the bottom up when concerning tribal affairs.

Continue efforts in systemic improvements.

CONSULTATION. The biggest hurdle in Indian country is effective consultation amongst all parties that a project or policy may effect. I believe there needs be more emphasis on good-faith consultation and not just they have to do it. Suggestion, more training on consultation between tribes and agencies!

There needs to be accountability for each program based on not just a set number of 106 reviews per year or so many MOAs or PAs signed within the year, but a peer review by the state and federal agencies that are involved in these projects or cultural preservation efforts. These could then be put into a report and provided to congress.

Staff of local government or local elected official said:

68 Responses Total

It could be something as simple as a one-atop-shop for HP info, i.e., a website that is sponsored by an independent source. Preservation Directory is doing a great job but the website is not organized well and sometimes it's difficult to find what you need.

More funding for preservation and interpretation in the National Parks. Fully fund the Historic Preservation fund (don't leave the budget w/in the DOI). Make the proposed updates to the HP tax credit requirements so that more will use them. Need National media campaign for historic and cultural preservation!

If this program had more of a presence in the public eye, the localized efforts would not face such an uphill struggle. I truly believe more publicity would be extremely helpful. Start an advertisement program that counters the market place of vinyl salesman, etc. Start promoting the community benefits of HP, through television ads, and newspaper articles. Go for the Win-Win, and move away from the crisis mode of doing business.

I think working with state/local governments more, maybe having a monthly statement from each state detailing county activities or prioritizing who needs funding or organization might be a good idea. I know it would be a lot of paperwork, but it seems like everyone is working separately. Just as two heads are better than one, if everyone work together more things can get done, and get done right the first time.

It is highly unlikely that a new cabinet level position will be created. Creating a separate bureau within DOI would streamline the process and reduce duplication making the entire program more efficient.

I think that is the Council and NPS are going to stay separate, that they should coordinate better. From the public perspective, there should be seamless service and an inter-linked website so you don't have to go hunting all over the web to get information on grants, technical expertise, heritage tourism, etc. A Web site and literature that featured a single portal would be very helpful.

Staff of private/non-profit preservation organizations said:

121 Responses Total

Currently there are many areas of overlapping responsibility and this leads to considerable among professionals – to say nothing of the lay public. Any realignment of these programs should have transparency and sustainability among the goals. I am not sure that this warrants a cabinet level position, however less overlap, more understandable areas of responsibility, and maybe even some titles of different aspect of the program be started in a clearer way. (Change the name of the Secretary of Interior's Standard for Historic Preservation to National Standards for Historic Preservation for example – renaming Section 106 is another example. I still don't understand what is the difference between Preserve America and Save America's Treasures.)

Please wait until the next Administration can view the program.

Put all preservation groups/programs under one cabinet secretary. There are often too many groups trying to achieve the same results but not one concentrated effort.

ACHP needs to stay independent of any particular cabinet level position and continue to work with those most involved.

Putting too many emphasis or dependence on the national level of organization and administration will not effectively implement plans, programs, etc on the local levels. A local and/or state level of organization is essential, especially with regards to raising public awareness of preservation and nurturing partnerships and local preservation efforts.

Create an agency whose sole mission is historic preservation, so that this intention is clear. When an agency is a sub-agency, there is danger that its programs will be for fitted for other priorities.

I think the program is great. Keep up the good work! Stay strong and keep your eye on the prize.

Private preservationists said:

159 Responses Total

I believe the key to the success of any preservation program is to garner support at the local, regional, and state levels. Cooperation and integration of local preservation groups is essential, otherwise federal preservation programs will be viewed (by common folks, the press, etc.) as bureaucratic meddling that is out of touch with reality.

The program needs a feedback loop where preservation customer's concerns can be addressed.

Get \$\$\$\$. Strengthen enforcement; Stand up, instead of rolling over. New Structure is not what is needed; less political, more principled leadership is warranted.

Creating a new agency and cabinet level secretary would, in my view, create increasing awareness, but may also be seen as expanding government control. Establishing a dedicated bureau that encompasses all aspects would perhaps be easier to achieve and could, with the right leadership improve all aspects of the program.

Preservation is multi-disciplinary and important to multiple constituencies and economic sectors. Leadership and organization must be more entrepreneurial and subject to peer review (less bureaucratic).

There are positives and negatives to keeping the preservation programs where they are but it does make sense to bring them together for better coordination. A cabinet level position would certainly raise awareness but may be less effective. Having an organization that oversees all of these efforts under one roof with a director and staff that doesn't change with every administration also makes a lot of sense. Thank you for considering changes and for continuing to support historic preservation in general.

Academics said:

66 Responses Total

Not that the Department of Homeland Security is any great shakes, but I do like the idea (and think it is worth exploring) of combing preservation agencies under one umbrella. My experience has been that sometimes the system becomes unwieldy because we need to coordinate with numerous agencies, and often this breaks done good communication.

Hire more people at the local level to do the work with the public. Introduce or try to improve structures by which different federal agencies can cooperate with one another and with state and local agencies.

Historic Preservation issues are increasing linked to environmental issues. Any new national structure should pay attention to this and help address it more effectively. Just as many preservation issues reach beyond local boundaries, so also many environmental concerns require regional or national (if not international) approaches.

There definitely needs to be a better marketing effort on behalf of preservation in general as well as Preserve America. I am a master of historic preservation students and I don't recall ever hearing Preserve America having been mentioned in class. I couldn't tell a person on the street what Preserve America is. Also, I firmly believe that preservationists need to work closely with related professions/movements/efforts. We need to network and support each other to make our cause stronger.

If this program had more of a presence in the public eye, the localized efforts would not face such an uphill struggle. I truly believe more publicity would be extremely helpful. Start an advertisement program that counters the market place of vinyl salesman, etc. Start promoting the community benefits of HP, through television ads, and newspaper articles. Go for the Win-Win, and move away from the crisis mode of doing business.