



Preserving America's Heritage

Advisory Guidelines Implementing Executive Order 13287, “Preserve America”

Section 3: Reporting Progress on the Identification, Protection, and Use of Federal Historic Properties

June 2017

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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These updated Advisory Guidelines are based on the 2007 Advisory Guidelines that were developed with support of the Section 3 Advisory Guidelines Working Group comprised of the Departments of Defense, Health and Human Services, and Veterans Affairs; Bureau of Land Management; Forest Service; General Services Administration; National Aeronautics and Space Administration; National Park Service; and United States Postal Service.

INTRODUCTION

The Advisory Council on Historic Preservation (ACHP) is issuing updated advisory guidelines intended to assist federal agencies with real property management responsibilities in preparing the progress report outlined in Section 3 of Executive Order 13287, "Preserve America." Federal agencies are encouraged to consider these advisory guidelines when preparing Section 3 reports to ensure adequate, complete, and useful information is submitted to the ACHP. The use of these guidelines is not mandatory, and a federal agency can determine how it will report on the progress of its efforts to identify, protect, and use its historic properties. The ACHP will use this information to prepare its report to the President on the state of the federal government's historic properties, and their contribution to local economic development, as required by EO 13287, Section 3. This information will also allow the ACHP to continue its dialogue with federal agencies on how it can better assist them in meeting stewardship responsibilities for historic properties while maintaining agency missions.

Background

On March 3, 2003, President George W. Bush signed EO 13287 to reaffirm the Administration's commitment to the federal stewardship of historic properties, and to promote intergovernmental cooperation and partnerships for the preservation and use of historic properties. EO 13287 formalized Preserve America to support the efforts of local communities to preserve and maintain our nation's cultural and natural heritage.

The EO includes a number of actions that are intended to encourage better accountability for the use of federally owned historic properties. Section 3, *Improving Federal Agency Planning and Accountability*, states "accurate information on the state of federally owned historic properties is essential to achieving the goals of this order and to promoting community economic development through local partnerships" (Section 3(a)). Under Section 3(c), each federal agency with real property management responsibilities is required to submit reports on its "progress in identifying, protecting, and using historic properties in its ownership" on September 30, 2005, and every third year thereafter. Section 3(c) further requires that the ACHP "incorporate this data into a report on the state of the federal government's historic properties and their contribution to local economic development and submit this report to the President by February 15, 2006, and every third year thereafter."

Since the passage of the National Historic Preservation Act of 1966 (NHPA), agencies have been required to develop historic preservation programs and policies to ensure sound management and protection of historic properties under federal ownership and control. Not only did the NHPA require federal agencies to establish a leadership role in historic preservation, it also promoted the sound stewardship of federally owned and controlled historic properties so they would become a part of the community, based on cultural, educational, aesthetic, inspirational, economic, and energy value. Further, the NHPA encouraged public and private partnerships to foster broad-based support for the reuse and preservation of historic properties, whether federally or privately owned.

EO 13287 supports this national policy by encouraging the efficient management and continued viable use of historic properties, many of which remain vacant, underused, functionally obsolete, and occasionally incompatible with agencies' changing missions in the 21st century. The development of Section 3 progress reports provides agencies the opportunity to review their historic preservation programs mandated by Section 110(a) of the NHPA, and report on their progress to the ACHP. The information collected from these reports will assist the ACHP in its strategic goal to "assess and report on the effectiveness of the federal preservation program" (ACHP Strategic Plan, January 2011).

Who Must Report

All federal agencies with real property management responsibilities are required to submit Section 3 reports on progress in the identification, protection, and use of historic properties in federal ownership. Agencies are not required to report on properties (1) acquired as result of foreclosure or similar action and that are held for a period of less than five (5) years; (2) that they lease but do not own or manage; or (3) located outside of the United States. We also realize that not all of the questions are applicable to all federal agencies; for example, TVA, the USPS, and most military installations are exempt from the provisions of the Federal Assets Sale and Transfer Act (Property) and the Federal Property Management Reform Act (the subject of question 12).

Structure and Submittal Guidelines

This 2017 edition of the guidelines differs from previous ones. There are fewer questions, and there is a stronger focus on how federal agencies manage and account for their historic properties and meet various requirements to “reduce the footprint.”

Federal agencies are not required to structure their Section 3 progress report in response to these questions. These advisory guidelines are for a federal agency’s consideration only and allow agencies to use them in conjunction with established agency reporting formats. Should an agency choose to format their report in response to these questions, that agency may choose to answer questions singularly or through a combined response to multiple questions as they see fit.

Section 3 reports should be submitted by an agency’s Senior Policy Official to the Executive Director of the ACHP and the Secretary of the Interior. Please submit the report to the ACHP electronically as a PDF file or a Microsoft Word document with graphics meeting a 500 DPI minimum, no later than September 30, 2017 to: Section3@achp.gov.

The ACHP will make Section 3 reports available on its website. Departments and agencies with security concerns may submit an executive summary to post on the ACHP website in lieu of the entire progress report. In this situation a full report must still be submitted to the ACHP, separately, for review.

Agencies are encouraged to include with their report data, case studies, best practices, and websites that explain their responses. When submitting these examples please clarify the role of state and local governments, tribes, civic or community organizations, and the private sector as appropriate. If various funding sources were used to establish a partnership, agencies are encouraged to identify the sources of public and private funding.

Additional Information Contact

This guidance is intended to provide the framework for future Section 3 reports, until and unless the ACHP determines it should be updated. For more information about this guidance, or about Section 3 of EO 13287, please address your inquiries to:

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ACHP GOALS OF SECTION 3 REPORTING/GUIDANCE

Section 3(c) of EO 13287 requires the ACHP to prepare a report to the President by February 2006, and every third year thereafter, on the state of the federal government's historic properties and their contribution to local economic development. As such, the ACHP has developed several goals for the content of its report to the President. Through their submission of Section 3 progress reports, federal agencies can play a key role in assisting the ACHP in fulfilling these goals.

- Federal agencies can use Section 3 progress reports to assess the effectiveness of and improve their preservation programs in conjunction with existing reporting requirements, both internally and externally.
- The process of gathering information, analyzing data, and developing the Section 3 progress reports can assist the ACHP and federal agencies in evaluating agency efforts to incorporate the identification, protection, and use of historic properties into overall agency strategic planning and asset management.

Consistent Section 3 progress reporting by federal agencies will allow the ACHP to analyze and report the status of federal preservation programs to the president.

EXECUTIVE ORDERS, RECENT LEGISLATION, AND OMB GUIDANCE AFFECTING FEDERAL AGENCY MANAGEMENT OF HISTORIC PROPERTIES

EO 13287 is not the only federal requirement for agencies to report on the status of their historic preservation programs. It is, however, one of the only federal reporting requirements that requires an agency to assess historic properties as a whole and not simply by individual property type. Other related executive orders include the following:

- **Executive Order 13327, Federal Real Property Asset Management**

Data and information provided by federal agencies under EO 13327 (as amended by Executive Order 13423, "Strengthen Federal Environmental, Energy, and Transportation Management" is useful in demonstrating an agency's progress in identifying historic properties (specifically buildings and structures) within its ownership (Federal Real Property Profile, FRPP) and in meeting its Section 110 responsibilities under NHPA, as well as how historic properties are incorporated into the agency's asset management plan submitted to the Office of Management and Budget (EO 13327, Section 3(b)).

- **Executive Order 13693, Planning for Federal Sustainability in the Next Decade**

The goal of EO 13693 is to maintain federal leadership in sustainability and greenhouse gas emission reductions. Federal agencies shall, where life-cycle cost-effective, beginning in fiscal year 2016, promote building energy conservation, efficiency, and management by reducing agency building energy intensity through the end of fiscal year 2025, federal agencies shall, where life-cycle cost-effective, improve data center energy efficiency, transition to clean/renewable/alternative electric and thermal energy, improve water usage efficiency, and improve fleet and vehicle efficiency to reduce greenhouse gas emissions.

- **Report to Congress on the Federal Archeology Program**

The data submitted to the Department of the Interior, National Park Service, Departmental Consulting Archeologist for the Report to Congress on the Federal Archeology Program focuses on archaeological sites including, but not limited to, the number of archaeological sites an agency

has identified and evaluated for the National Register of Historic Places, the partnerships an agency has utilized, and the number of archaeological sites that have been protected. This is the only federal reporting requirement instructing agencies to evaluate the inventory of archaeological sites on their federally controlled lands.

- **Statement of Federal Financial Accounting Standards 29: Heritage Assets and Stewardship Lands**

The data submitted to the Office of Management and Budget (OMB) for SFFAS 29 specifically identifies how heritage assets relate to agency missions when reporting basic information of heritage assets. Though historic properties are not always identified as heritage assets, the information developed by an agency could offer insight into its historic preservation program as a whole.

- **50th Anniversary of the National Historic Preservation Act**

In 2016, the NHPA turned 50. Section 1 of EO 13287 reaffirms the major principals of the NHPA policy by recognizing that federal agencies should manage federal historic properties in a manner that supports “the department and agency missions while contributing to the vitality of the economic wellbeing of the nation’s communities and fostering broader appreciation for the development of the United States and its underlying values.” This anniversary provided an opportunity for agencies to specifically showcase examples of not only recent but longer-term program progress and stewardship achievement in the identification, protection, and use of historic properties, improvements to federal planning, and awareness of the benefits of historic preservation.

In December 2016, Congress passed the Federal Assets Sale and Transfer Act and the Federal Property Management Reform Act. Each law has its own implications for the management of federally owned historic properties, and will present challenges and opportunities in advising the Administration and Congress on appropriate steps for considering historic preservation values as they are implemented.

- **Federal Assets Sale and Transfer Act** (FAST Act –Property, Public Law 114-287)

(Not to be confused with FAST Act surface transportation legislation that shares the same acronym.) Termed the “Civilian BRAC,” this law focuses principally on establishing a system for expediting the sale of excess or surplus federal properties. Under the law, by mid-April 2017 and in subsequent years, federal agencies were required to submit to OMB and the General Services Administration (GSA) information on “civilian real properties” they own and recommendations for sale, transfer, consolidation, and other operational efficiencies. “Civilian real property” as defined in the law is somewhat limited in scope, as many agencies are excluded from its terms.

The law also requires GSA to publish a database of all federal real property within one year. Staff at the Federal Real Property Council (FRPC) has indicated that the existing Federal Real Property Profile (FRPP) will be enhanced to serve this purpose, as it currently accounts only for some federal real property (Please see below.).

By mid-June 2017, OMB, in consultation with GSA, is required to develop standards and criteria for reviewing agency recommendations of property that could be sold or transferred, review agency recommendations, and then jointly submit recommendations to a to-be-created Public Buildings Reform Board for consideration. Upon submission of the Board’s recommendations to OMB and Congress, agencies must commence preparations to carry out those recommendations, and all actions must be completed within six (6) years unless there are extenuating circumstances.

- **The Federal Property Management Reform Act** (FPMR Act, Public Law 114-318)

This act codifies the existing FRPC and tasks it with establishing a real property management template of measures, standards, milestones, etc. to reduce surplus federal property and achieve better utilization of underutilized property. For five (5) years, the FRPC is to submit a report to OMB that includes a list of excess and surplus properties, information on the progress of agencies and the FRPC toward disposing of excess property, and a list of recommendations for legislation and statutory reforms to speed up the process.

As with the FAST Act (Property), there are limits on the universe of properties subject to consideration by the Council. Agencies excluded from its terms include most of those specified in the FAST Act (Property).

The FRPC is to provide guidance to federal agencies on inventorying their properties to develop the data needed for the GSA database required under the FAST Act (Property). Specific requirements for agencies to follow in inventorying their properties are included in the law.

As with the FAST Act (Property), public benefit aspects of the properties are not included in the list of criteria to be addressed; however, in carrying out its duties, the FRPC must consult with state, local, and tribal authorities, as well as private sector and non-governmental entities that have expertise in a variety of fields, including historic preservation.

RECOMMENDED QUESTIONS TO ANSWER IN SECTION 3 PROGRESS REPORTS

IDENTIFYING HISTORIC PROPERTIES

“Each Federal agency shall establish (unless exempted pursuant to Section 214 of this Act), in consultation with the Secretary, a preservation program for the identification, evaluation, and nomination to the National Register of Historic Places, and protection of historic properties. Such program shall ensure...that historic properties under the jurisdiction or control of the agency, are identified, evaluated, and nominated to the National Register.”

—NHPA, Section 110 (54 U.S.C. § 306102)

1. Building upon previous Section 3 reports, how many historic properties have been identified by your agency in the past three (3) years? Have your identification methods improved? Approximately what percentage or portion of inventory has been surveyed and evaluated for the National Register?

In answering this question, agencies are encouraged to evaluate their progress in identifying and evaluating historic properties. If your agency does not report under the requirements referenced in the sub-questions, but wishes to provide similar information, please explain how the information reported was gathered and validated by your agency.

In preparing your response, consider the following:

- What is the total number of historic properties within your inventory? What is the total number of those historic properties that have been identified or evaluated as a “National Historic Landmark,” “National Register Listed,” or “National Register Eligible” for each of the past three (3) years?
- Within your inventory, what is the approximate number of cultural resources that have not been evaluated for eligibility to the National Register of Historic Places? Have these numbers changed in the past three (3) years?
- What is the total number of your agency’s property, plant, and equipment that have been identified as heritage assets over the past three years? How have these numbers changed in the last three (3) years?

2. Does your agency have policies that promote awareness and identification of historic properties?

Agencies have a variety of policies to identify and evaluate historic properties and make parties interested in historic preservation aware of them. In answering this question, federal agencies are encouraged to evaluate the effectiveness of current agency policies, procedures, and guidelines that promote historic properties.

In preparing your response, consider the following:

- Does the identification of historic properties and heritage assets relate to your agency’s mission?

- For the last three (3) years, estimate the portion (percentage) of historic property identification completed in the context of Section 106 for specific undertakings and programs, versus that completed for unspecified planning needs (“Section 110 surveys”).
- Does your agency have performance measures (such as benchmarks) for measuring progress in the identification of historic properties? If so, are they helpful?
- If your agency has not established benchmarks, how do you measure progress?

3. Describe reporting mechanisms or programs your agency uses to manage information about historic properties. What information do they contain about your historic properties?

Many federal agencies use the FRPP definitions to classify their heritage assets, while others have developed their own reporting practices to manage information on historic properties.

(Link to the Federal Real Property Council’s Guide for Real Property Inventory:

https://www.gsa.gov/portal/mediaId/138858/fileName/FY_2016_FRPP_Data_Dictionary_May_16_2016.action)

In preparing your response, consider the following:

- What are the major categories your agency uses to classify heritage assets?
- How is this information used by your agency? By whom?
- If you use the FRPP to manage information, does its definitions and categories accurately characterize and help with your management of historic properties?
- If you do not use the FRPP, does your agency plan to transition to it due to new reporting requirements associated with the Federal Property Management Reform Act (see above), or for other reasons?
- If you work with the FRPP, is your federal agency’s Federal Preservation Officer provided with FRPP data before it is finalized and submitted to the FRPC?

4. Has your agency employed partnerships to assist in the identification and evaluation of historic properties?

Agencies frequently work together in the identification and evaluation of historic properties in the Section 106 context. Agencies may also turn to State Historic Preservation Offices (SHPOs), Indian tribes, local governments, and private organizations to assist in identifying, evaluating, and managing information about historic properties. Agencies are encouraged to examine their policies, procedures, and capabilities to increase opportunities for public-private (*not* fed-to-fed) initiatives and investment and report on their progress.

In preparing your response, consider the following:

- Does your agency partner with SHPOs, Indian tribes, Native Hawaiian organizations (NHOs), professional societies, or other groups to assist you in identifying and evaluating historic properties? In compliance with the requirements of Section 106 or Section 110?
- If not, are there legal or other restrictions that would preclude your agency from exploring partnerships?

- If you use them, how have partnerships benefited your agency?

5. Provide specific examples of major challenges, successes, and/or opportunities your agency has experienced in identifying historic properties over the past three years.

Agencies are encouraged to identify challenges or impediments they have encountered in their efforts to improve inventory of historic properties. Case studies that highlight, exemplify, or demonstrate challenges, successes, and/or opportunities your agency has experienced should include images if available.

PROTECTING HISTORIC PROPERTIES

“Each Federal agency shall establish (unless exempted pursuant to Section 214 of this Act), in consultation with the Secretary, a preservation program for the identification, evaluation, and nomination to the National Register of Historic Places, and protection of historic properties. Such program shall ensure ... historic property under the jurisdiction or control of the agency is identified, evaluated, and nominated to the National Register....”

—NHPA, Section 110 (54 U.S.C. § 306102)

6. Have your agency’s programs and procedures to protect historic properties, including compliance with Sections 106, 110, and 111 of NHPA, changed over the past three years in ways that benefit historic properties?

Section 106 of the NHPA requires federal agencies to take into account the effects of their activities on historic properties and provide the ACHP an opportunity to comment. The ACHP’s regulations, “Protection of Historic Properties” (36 CFR Part 800), lays out the process agencies are required to follow to meet their legal obligations under Section 106. Section 110 of NHPA requires that federal agencies establish a preservation program to identify and protect historic properties under their jurisdiction or control. Section 111 requires that federal agencies establish and implement alternatives for historic properties, including adaptive use and leases that are not needed for current or projected agency purposes.

In preparing your response, consider the following:

- Has the manner in which your agency manages compliance with Sections 106, 110, and 111 of NHPA changed over the past three (3) years?
- What is the approximate number of full time “cultural resource” employees in your agency who help to comply with Sections 106, 110, and 111 of NHPA?
- Is your agency’s compliance with Sections 106, 110, and 111 of NHPA accomplished mostly by federal employees, contractors, or applicants for permits, licenses, grants, or other approvals?
- Are there federal laws or regulations that limit your agency’s ability to carry out its NHPA obligations?
- Does staff in your agency have access to training on Section 106, 110, and 111? If not, what are the impediments to accessing or participating in training?

7. Has your agency employed partnerships to assist in the protection of historic properties?

Agencies frequently work with SHPOs, Indian tribes, NHOs, certified local governments, and private entities and organizations to protect and manage historic properties. Agencies are encouraged to examine their policies, procedures, and capabilities for public-private initiatives and investment and report on their progress.

In preparing your response, consider the following:

- Are there any legal or other restrictions that would preclude your agency from exploring partnerships to protect historic properties?
- With whom has your agency partnered? What were the resources protected?
- Have such partnerships benefited your agency?
- How successful has your agency been in developing partnership agreements (e.g. cooperative, cost-share, interagency, research) to protect historic properties?

8. Does your agency use program alternatives such as Programmatic Agreements, Program Comments, and other tools to better manage and protect your agency's historic properties?

In preparing your response, consider the following:

- If so, what projects or programs do you use them for? Are they national, regional, or facility-specific alternatives? How effective are these alternatives in meeting their intended goals?
- Do you quantify their positive effect in protecting historic properties? If so, how?
- If not, are there specific activities or programs that you believe would benefit from a program alternative to tailor the Section 106 review process?

9. Provide specific examples of major challenges, successes, and/or opportunities your agency has encountered in protecting historic properties over the past three (3) years.

Agencies are encouraged to identify any challenges or impediments they have encountered in their efforts to protect historic properties. Case studies that highlight, exemplify, or demonstrate challenges, successes, and/or opportunities your agency has experienced should include images if available.

USING HISTORIC PROPERTIES

“The head of each Federal agency shall assume responsibility for the preservation of historic property that is owned or controlled by the agency Prior to acquiring, constructing, or leasing a building for purposes of carrying out agency responsibilities, a Federal agency shall use, to the maximum extent feasible, historic property available to the agency, in accordance with Executive Order No. 13006 (40 U.S.C. 3306 note).”

—NHPA Section 110 (54 U.S.C. § 306101)

Section 4(a) of EO 13287 states federal agencies will ensure the long-term preservation and use of federal historic properties as assets and, if possible, to contribute to local economies and communities through proper management.

10. Do your agency's historic federal properties contribute to local communities and their economies? Is the use of historic properties encouraged and promoted within your agency?

Section 4(a) of EO 13287 states that “Each agency shall ensure that the management of historic properties in its ownership is conducted in a manner that promotes the long-term preservation and use of those properties as Federal assets and, where consistent with agency missions, governing law, and the nature of the properties, contributes to the local community and its economy. Further, EO 13006 (*Locating Federal Facilities on Historic Properties in Our Nation's Central Cities*), says that the federal government “hereby reaffirms the commitment set forth in Executive Order No. 12072 [*Federal Space Management*] to strengthen our Nation's cities by encouraging the location of Federal facilities in our central cities.”

In preparing your response, consider the following:

- How many of your agency's historic properties are located in town or city centers? Is being located in towns or city centers important for your agency's mission?
- During asset planning, does your agency consider local economic development?
- Does your agency involve stakeholders in resource management and planning efforts to identify opportunities for the use of assets in economic development?
- If there are no legal restrictions, how has your agency used historic properties to support local economic development?
- How many visitors (i.e., non-tenants) visit historic properties under your agency's management each year, on average? Do you have methods for measuring such visitation?
- Does your agency consider such visitation when reporting on space utilization in the FRPP, if your agency submits such reports?

11. Explain how your agency uses historic properties to foster heritage tourism, when consistent with agency missions.

Section 5(a) of EO 13287 states that federal agencies will ensure the long-term preservation and use of federal historic properties as assets and, when consistent with agency missions, federal agencies are to use historic properties to foster heritage tourism partnerships with state, tribal, and local tourism programs.

In preparing your response, consider the following:

- Has your agency used technologies and/or social media to promote heritage tourism as a use of historic properties?
- What policies does your agency have to involve stakeholders in its resource management and planning efforts to identify opportunities for the use of its assets in heritage tourism?

- How many of your historic buildings offer educational tours or host recreational visitors on a regular basis? About how many people attend those tours or make those visits on average, per year? How do you measure visitation?
- Does your agency limit public access to historic properties? If so, what considerations affect decisions to limit access? Are these temporary or permanent?
- How many of your historic properties operate as museums or have visitor centers?
- Does your agency consider such visitation when reporting on space utilization in the FRPP, if your agency submits such reports?

12. If your agency is subject to the requirements of the Federal Assets Sale and Transfer Act (Property) and the Federal Property Management Reform Act (described above) how will their requirements affect your agency's ability to protect and use its historic properties?

The interest here are those federal property management laws and policies that have most affected your agency's decision making about the continued use or retention of historic properties. This legislation is not applicable to all federal agencies.

In preparing your response, consider the following:

- How has the emphasis on excess and surplus properties made by the FAST Act (Property) influenced your agency's decision making on the continued use or reuse of historic properties?
- What does your agency see as the impact over time of this legislation on the preservation and use of historic properties?
- Explain how your agency has considered the continued use or re-use of historic properties in its plans to meet the "Reduce the Footprint" policy (OMB Memorandum No. 2015-01, March 25, 2015).
- Are there other federal property management policies that have impacted your agency's decision-making process regarding the continued use or re-use of historic properties? Name any such policies and explain how they have contributed or been an obstacle to your agency's stewardship of historic properties.

13. How is your agency meeting the requirements of EO 13693, Planning for Federal Sustainability in the Next Decade?

In preparing your response, consider the following:

- Has your agency rehabilitated or adaptively reused historic properties to achieve sustainability and resiliency goals?
- How does your agency coordinate historic preservation and sustainability/resiliency goals in project planning?
- Has your agency faced resistance to reuse of historic properties due to the perceived incompatibility of preservation with sustainability and resiliency goals?

14. Does your agency use, or has it considered using, Section 111 (now 54 U.S.C. § 306121) of NHPA to lease or exchange historic properties?

As stated in the NHPA, Section 111 (54 U.S.C. 306121) authorities can be used in one of three ways: lease or exchange federal historic properties when the assets are not needed for current or future agency purposes; use the proceeds from any lease of historic properties to be used in the operations and maintenance of other agency historic properties; or contract the management of agency historic properties to an outside entity. The purpose of all three authorities is to ensure long-term protection of federal historic properties.

In preparing your response, consider the following:

- Does your agency have protocols to identify historic properties that are available for transfer, lease, or sale? What criteria are considered when recommending such actions?
- Does your agency utilize Section 111 authorities in the management of historic properties, including portions thereof (e.g. antennae on rooftops, leases to commercial tenants, etc.)? If yes, provide examples how your agency has used this authorization.
- Does your agency see impediments to using Section 111 leasing authorities? If so, are there legislative or regulatory changes that would make leasing a more attractive alternative?
- When negotiating leases, how does your agency budget for the use of lease proceeds in the rehabilitation and maintenance of historic properties?
- Have proceeds from Section 111 leases increased in the past three (3) years?

15. Explain how your agency has employed the use of partnerships to assist in the use of historic properties.

Federal agencies often work together to use historic properties. Agencies may also turn to SHPOs, Indian tribes, Certified Local Governments, and private entities and organizations for the use and management of historic properties. Agencies are encouraged to examine their policies, procedures, and capabilities to public-private initiatives and investment and report on their progress.

In preparing your response, consider the following:

- Are there any legal or other restrictions that would preclude your agency from exploring partnerships for local economic development for the use of historic properties?
- If your agency uses partnerships, please describe the nature of these partnerships.
- How have partnerships benefited your agency?
- Does your agency have any volunteer programs? If so, how are volunteers used in the management or interpretation of historic properties?

16. Provide specific examples of major challenges, successes, and/or opportunities your agency has encountered in using historic properties over the past three (3) years.

Agencies are encouraged to identify any challenges or impediments they have encountered in their efforts to use historic properties. Case studies that highlight, exemplify, or demonstrate challenges, successes, and/or opportunities your agency has experienced should include images if available. Agencies should feel free to include any examples in recognition of the 50th anniversary of the NHPA.

DEFINITIONS

Agency means each authority of the Government of the United States, whether or not it is within or subject to review by another agency, but does not include –

- (A) the Congress;
- (B) the courts of the United States;
- (C) the governments of the territories or possessions of the United States;
- (D) the government of the District of Columbia;

or except as to the requirements of 5 U.S.C. § 552–

- (E) agencies composed of representatives of the parties or of representatives of organizations of the parties to the disputes determined by them;
- (F) courts martial and military commissions;
- (G) military authority exercised in the field in time of war or in occupied territory; or
- (H) functions conferred by sections 1738, 1739, 1743, and 1744 of title 12; chapter 2 of title 41; subchapter II of chapter 471 of title 49; or sections 1884, 1891-1894, 1895-1902, and former section 1641(b)(2), of title 50, appendix. (NHPA and 5 U.S.C. § 551)

Cultural resources are generally defined by federal agencies to mean the same thing as historic properties, although there is no consistent legal definition, and individual agencies and organizations use different emphases. Under 10 U.S.C. § 2684, which deals with Department of Defense’s responsibilities to manage “cultural resources,” such resources are defined to include properties included in or eligible for inclusion in the National Register of Historic Places, cultural items defined by the Native American Graves Protection and Repatriation Act, archaeological resources as defined by the Archeological Resources Protection Act, and archaeological artifact collections and associated records. The National Park Service lists archaeological resources, cultural landscapes, structures, museum objects, and ethnographic resources in its management guidance and definition of “cultural resources.” Use of the term “cultural resources” by other agencies may be confusing because arts agencies and cultural endowments may use it to refer to art, performance, music, and other forms of cultural expression. (*Caring for the Past, Managing for the Future*, 2001, ACHP)

Federal real property is any real property owned, leased, or otherwise managed by the federal government, both within and outside the United States, and improvements on federal lands. (EO 13327)

Federally owned, and **in federal ownership**, do not include properties acquired by agencies as a result of foreclosure or similar actions and that are held for a period of less than five years. (EO 13287)

Heritage asset are a federal agency’s property, plant, and equipment that are unique for one or more of the following reasons:

- (1) historical or natural significance;
- (2) cultural, educational, or artistic (e.g., aesthetic) importance; or
- (3) significant architectural characteristics.

Heritage assets consist of:

- (1) collection type heritage assets, such as objects gathered and maintained for exhibition, for example museum collections, art collections, and library collections; and
- (2) non-collection-type heritage assets, such as parks, memorials, monuments, and buildings. (SFFAS 29)

Heritage tourism is the business and practice of attracting and accommodating visitors to a place or area based especially on the unique or special aspects of that locale's history, landscape (including trail systems), and culture. (EO 13287)

Historic property means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on the National Register, including artifacts, records, and material remains related to such a property or resource. (NHPA)

State means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and upon termination of the Trusteeship Agreement for the Trust Territory of the Pacific Islands, the Republic of Palau. (NHPA)

Preservation or ***historic preservation*** includes identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, research, interpretation, conservation, and education and training regarding the foregoing activities, or any combination of the foregoing activities. (NHPA)