

**BUREAU OF INDIAN AFFAIRS  
AND  
BUREAU OF INDIAN EDUCATION**



**EXECUTIVE ORDER 13287,  
"PRESERVE AMERICA" SECTION 3  
REPORT  
SEPTEMBER 2008**

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**INTRODUCTION**

This report is to provide the Chairman of the Advisory Council on Historic Preservation (ACHP) and the Secretary of the Interior the progress information the ACHP will need to meet its reporting requirements under Section 3 of Executive Order 13287 *Preserve America*. It assesses the current status of the Indian Affairs (IA)\* inventory of historic properties, including the general condition and management needs of such properties, steps underway or planned to meet these management needs and the suitability of such properties to contribute to community economic development initiatives, including heritage tourism. The report also assesses the IA regulations, management policies and operating procedures for compliance with Sections 110 and 111 of the National Historic Preservation Act (NHPA).

*\* Since the last reporting period, a new bureau, the Bureau of Indian Education (BIE) has been established out of what was formerly the Office of Indian Education within the Bureau of Indian Affairs (BIA). Both bureaus are under the Assistant Secretary – Indian Affairs, hence federally-owned properties used by either bureau are under the overall ownership and control of IA.*

It is important to note before proceeding what constitutes IA ownership of historic properties. IA holds over 50 million acres of Indian land in trust. This status, however, does not confer IA ownership or control over historic properties on those lands. Such properties remain the personal property of the Indian landowner. IA may not exercise any management authority, such as by fencing an archeological site or prohibiting the demolition of a historic house, over these historic properties.

IA holds a much smaller amount of federal land for its own use. Historic properties on such lands are owned and subject to management by IA. IA-owned historic properties, then, are buildings structures or objects listed on the IA Real Property Inventory (Inventory), or sites located on IA-held federal land. This report addresses those historic properties.

To help assure the comparability of IA information with that from other reporting agencies, the following is presented in the manner of responses to a questionnaire, using the major and subset questions in the ACHP’s revised Advisory Guidelines Implementing Executive Order 13287, “Preserve America” Section 3: Reporting Progress on the Identification, Protection, and Use of Federal Historic Properties.

## **IDENTIFICATION**

**1. Building upon previous Section 3 reports, please explain how many historic properties have been identified and evaluated by your agency in the past three years? Has your inventory improved? Please explain.**

The past three years have been a period of organizing, and then reorganizing our approach to identifying IA-owned historic properties. As a first step, we identified approximately 1700 buildings and structures on our inventory that, according to age listed, were 45 years old or older. We then established a timetable (during which the 45 to 49 year old buildings would reach the 50 year minimum for National Register eligibility) and plan whereby BIA cultural resources personnel in each IA region would do the following:

- Rule out, either through photographs or site visits, those properties they believed were clearly not eligible for the National Register of Historic Places.
- Identify those properties that had already been listed in, or formally determined eligible for listing in the National Register.
- Make site visits to all properties that did not fall into one of the above categories, take photographs, send these to the respective State or Tribal Historic Preservation Officer (HPO) and consult with these to determine whether or not the property was eligible for the National Register.
- During site visits, judge the condition of properties.

This approach did not succeed as intended, for the following reasons.

- Unilateral decisions about properties' being ineligible for the National Register are not formal determinations without HPO concurrence, hence would not be valid in a case where an undertaking affecting the property was subject to compliance with section 106 of NHPA. This meant that site visits (in most cases) and HPO consultation on eligibility, would be required for all of the 1700 properties meeting or nearing the minimum age criterion.
- The documentary information HPOs would need to make eligibility determinations is greater than we had originally anticipated. Photographs and age and use information about properties would not be sufficient.
- All of the BIA cultural resources personnel in the IA regions are archeologists. Most do not have the expertise to assess the potential architectural or engineering significance of a property, or the ready knowledge to evaluate its significance in a historic context. They would not, therefore, be prepared in most cases to assemble the type of field and documentary information an HPO would likely need in order to make eligibility determinations.
- The 1700 properties are concentrated in just 4 of 12 IA regions, thus creating a disproportionate workload for those regions.
- The workload created by having to obtain eligibility determinations on all 1700 properties, by having to provide HPOs extensive background documentation on properties, and by the uneven distribution of these properties among the IA regions was too great to perform using BIA cultural resources personnel. This was exacerbated by the fact that these personnel lack the expertise to assemble the types of documentation HPOs might require to evaluate certain property types. It was

further exacerbated by the fact that some of the information in the IA inventory is not usable for property evaluation purposes as it is presented. For example, the age listed for a property is the date it was acquired by IA, not its actual construction date; and the condition listing – good, fair, poor – is based on cost and depreciation factors, not structural soundness.

The effort did, however, yield some positive results. We identified 140 buildings and structures that had already been listed or formally determined eligible for inclusion in the National Register, among which is the 11-building Haskell Indian Nations University National Historic (District) Landmark. This number (140) constitutes the current base upon which we are cumulatively building our identification of historic buildings and structures.

We have now changed from an in-house to a contract approach to completing this identification. We have contracts underway in three of the four regions of high property concentration, with plans to initiate one in the fourth of these regions in 2009. Meanwhile, we are consolidating information supplied by the eight regions where the number of historic buildings and structures was either nil, or low enough to be identified by in-house personnel. We expect to have our identification of historic buildings and structures completed by the next E.O. 13287, Section 3 reporting period.

With regard to archeological sites, IA owns relatively little federal land, much of which is in use and on which we have determined there are no archeological sites. All of the sites we have identified to date, numbering 51, are located in Arizona on land controlled by the BIA's San Carlos Irrigation Project (SCIP). These were identified by contractors reporting to the BIA. All of the 51 sites have been determined eligible for the National Register. We expect this number to increase somewhat over the next three years as survey and reporting continues for the SCIP property.

## **2. Describe your agency policies that promote and/or influence the identification and evaluation of historic properties.**

IA's identification of historic properties is driven by requirements in the Chief Financial Officer's Act of 1990, section 110 of the National Historic Preservation Act of 1966, as amended, and Executive Order 13287, Preserve America, of March 3, 2003. In addition, IA is subject to the Department of the Interior's Strategic Plan, which has goals for the percentages of archeological sites and historic structures in good condition. IA shares these goals as reportable items under the Government Performance Reporting Act (GPRA). Ongoing property identification is necessary in order to meet these reporting requirements.

IA does not have a historic preservation program per-se as a part of its mission. The identification of historic properties relates to our mission through compliance with section 106 of NHPA as we carry out mission activities. Our policy for the stewardship of historic properties is that prescribed in existing statutes, regulations and guidelines, such as section 110 of NHPA and standards and guidelines issued by the Secretary of the Interior. We classify heritage assets as properties (building, sites, etc.) on or eligible for inclusion in the National Register of Historic Places and as museum property. These follow the classification used by the Department of the Interior. A discussion of IA's property definitions may be found in the Introduction of this report.