

EXECUTIVE ORDER 13287

PRESERVE AMERICA

**SECTION 3 PROGRESS REPORT
ON HISTORIC PROPERTIES**



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This report is confidential and intended solely for the use and information of the agency to whom it is addressed.

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I. INTRODUCTION

This progress report is submitted by the Environmental Protection Agency (EPA) in accordance with the requirements of Executive Order (EO) 13287 *Preserve America*, specifically Section 3(c).

This report provides an update of the Section 3 Progress Report submitted by EPA to the Advisory Council on Historic Preservation (ACHP) and the Secretary of the Interior (Secretary) in September 2005, and EPA's initial Section 3 Report submitted in May 2005. Please refer to these earlier reports for more detailed information regarding EPA's management policies and protocols as they relate to the care and maintenance of its historic properties.

The ACHP's comments to the EPA's *Section 3 Preserve America Report* were received on September 16, 2005. In its letter, ACHP stated that a supplemental response was not necessary, and that EPA's responses should be included in the next Section 3 Report. As such, EPA has included the remaining supplemental information in this 2008 Section 3 Report.

It is important to note that only one property under EPA's ownership has historic potential. This property is treated as a historic property as a result of a Memorandum of Agreement (MOA) with the New Jersey (NJ) State Historic Preservation Officer (SHPO).

II. EPA CLARIFICATION IN RESPONSE TO ACHP COMMENTS

This section is organized to respond to ACHP's comments. In many cases, there is an overlap of these comments and the questions asked in ACHP's *Advisory Guidelines on Implementing Executive Order 13287, "Preserve America" (Advisory Guidelines)*, published August 2007. Where this occurs, the responses to these questions are found adjacent to the related response to ACHP's comments. As such, the responses to the ACHP *Advisory Guideline* questions may not appear in numeric order.

A. Inventory and Data Collection of Historic Properties

ACHP Advisory Guidelines Question 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.*

EPA's 2005 Section 3 Report identified the results of EPA's screening for historic potential of all of EPA's inventory of properties. At that time, three properties were identified as having historic potential. Since that time, two of the three properties were evaluated in consultation with the appropriate SHPOs and were found to not meet the criteria for listing on the National Register of Historic Places. The third property, the EPA Edison Laboratory Facility, is managed in accordance with an MOA with the NJ SHPO which requires EPA to treat this property as eligible for National Register listing. For more details on each of these properties and their eligibility determinations, refer to EPA's response to ACHP Comment below.

ACHP Comment 1: *The report references archaeological sites that have been identified on EPA property. Clarify whether such properties have been evaluated against the National Register criteria.*

Based on EPA's review and screening of its properties and supporting information, there is currently only one property under EPA's ownership and management where archaeological sites have been identified, the Edison Laboratory Facility in Edison, NJ. Several studies have been performed on this property. For example, EPA commissioned a Stage IB level archaeological survey at this property in 1990 to identify sites having prehistoric and historic archaeological significance.

ACHP Advisory Guidelines Question 2: *Describe your agency policies that promote and/or influence the identification and evaluation of historic properties.*

When a project or action is undertaken that could potentially affect an historic/prehistoric property at identified sites, EPA follows its procedural National Environmental Policy Act (NEPA) review process and regulations. As a routine part of its NEPA process, EPA evaluates the site after identification of potential archaeological/historic resources. For identified sites, a determination of eligibility is performed using National Register criteria. EPA also coordinates with the appropriate SHPO, local historic preservation representatives, and the Tribal Historic Preservation Officer (THPO) of federally-recognized Native American tribes to ensure information is consistent and that these entities have an opportunity to provide input and consultation to the review process.

ACHP Advisory Guidelines Question 3: *How has your agency established goals for the identification and evaluation of historic properties including whether they have been met?*

In 2005, EPA established a goal to identify and evaluate all properties within its inventory. As a result, it conducted a screening for historic potential of all of its properties. Subsequently, EPA conducted an evaluation of eligibility for all properties identified. The results of this evaluation are presented in EPA's response to ACHP Comment 4.

ACHP Comment 2: *Clarify whether SLATE and the National Facilities Guide track information about all property types that may be eligible for the National Register, including archaeological sites and sites of religious and cultural significance to Indian tribes.*

In response to EO 13327 *Federal Real Property Asset Management*, EPA has updated the Strategic Lease Asset Tracking Enterprise (SLATE) to contain detailed information about each of EPA's properties, including whether a property contains sites (e.g., districts, buildings, objects, structures and landscapes) that have potential eligibility for listing in the National Register, including archaeological sites, historic sites and sites of cultural or religious significance. EPA's Nationwide Facilities Guide is used as a desk reference to EPA-occupied facilities and does not contain detailed information. SLATE is the tool EPA uses to track detailed information on the historic potential of EPA-owned properties. In addition, historic documents relevant to EPA's facilities are uploaded to SLATE for reference and ease of access.

ACHP Comment 3: *The report did not address compliance with the Federal Accounting Standards Advisory Board and the National Park Service Archeology Program Report to Congress. How does*

EPA coordinate Government-wide audit and accounting data related to real property? (Useful in including in subsequent reporting.)

EPA collaborates internally to ensure data related to historically potential real properties is coordinated between the EPA Office of Federal Activities (OFA) and the EPA Office of Administration and Resources Management (OARM). A communication and reporting process has been developed to formalize this collaboration and is described in detail below (also refer to Appendix 2 *Historic Preservation Reporting & Communication Process*).

Historic Preservation Communication & Reporting Process

Responsibilities and Reporting

EPA OARM - The Director of OARM has been designated as EPA's Federal Preservation Officer (EPA FPO). The EPA FPO's responsibility is to ensure conformance with regulatory and EO requirements regarding Historic Preservation. The EPA FPO also oversees communications with EPA and the ACHP, the EPA White House Liaison and other agencies, as appropriate.

EPA FMSD/AEAMB - The day-to-day management, communication and reporting responsibilities regarding Section 110 requirements of the National Historic Preservation Act (NHPA) have been assigned to FMSD within OARM, specifically AEAMB, due to its hands-on knowledge and responsibilities relating to EPA's real property inventory and portfolio management. AEAMB's responsibilities includes compiling data and developing reports for OARM to submit to the ACHP, the EPA White House Liaison and other Agencies (e.g., OMB), as required.

A Deputy FPO and an Historic Preservation Point of Contact (POC) have been designated to coordinate and manage the related day-to-day responsibilities. The reporting and communication process between FMSD and the EPA FPO is shown in the OARM *Historic Preservation Communication and Reporting Process* in Appendix B of this report. AEAMB is also responsible for complying with Section 106 requirements relating to undertakings affecting properties in EPA's real property inventory.

EPA OFA – The NEPA Compliance Division within OFA is responsible for determining the applicability of Section 106 requirements and providing needed technical support for undertakings of EPA and the Regional Office programs (e.g., funded projects, permits, contracts and grants). OFA utilizes the NEPA review process to make these determinations, and works with the local SHPO and/or THPO to ensure historic integrity is preserved and adverse impacts are mitigated or minimized. OFA also compiles EPA's data regarding efforts undertaken and costs incurred for site discovery and evaluation, preventing looting and vandalism, and protection of artifacts. This data is reported to the National Park Service (NPS) Federal Archaeology Program. OFA handles this responsibility for EPA since it manages the activities covered under the scope of NPS reporting requirements. Drafts of these reports are submitted to the EPA FPO for communication and comment.

OFA also has a Deputy FPO and a Historic Preservation POC within its NEPA Compliance Division to coordinate and manage the day-to-day responsibilities of OFA as they relate to Section 106,

communicating with AEAMB's Historic Preservation POC when appropriate, and reporting activities to the EPA FPO. OFA also provides technical support to OARM and other EPA offices through its historic preservation subject matter experts, as needed.

ACHP Advisory Guidelines Question 4: *Describe any internal reporting requirements your agency may have for the identification and evaluation of historic properties, including collections (museum and archaeological).*

Please refer to the *Responsibilities and Reporting* section discussed in EPA's response to ACHP Comment 3 above.

B. Condition Assessment and Management of Historic Properties

ACHP Comment 4: *How does EPA assess the condition of its historic properties; how is it tracked, how closely are conditions monitored, and do the professionals who are carrying out the assessments have training and education in historic preservation?*

EPA performs several types of periodic evaluations of its historic properties. These evaluations include site appraisals, master plan revisions and property condition assessments.

Appraisal and Condition Assessments – Every 10 years, EPA performs a comprehensive site inspection and appraisal of its historic properties to assess their current condition and to document changes in their condition over time.

Every five years, EPA performs a condition assessment of its historic properties. As part of the condition assessment, key characteristics of each building are updated to provide information about the physical size and functional purpose of the building, as well as a detailed analysis of the current condition of the base building (e.g., structure, exterior, and roof) and interior characteristics (e.g., floor, walls, ceilings, and infrastructure systems). The condition assessment includes supporting documentation, such as photographs, maps, and drawings for further illustration and clarification. After these characteristics are identified and assessed, a maintenance schedule is developed that identifies the current condition, any required corrective actions, priority level, cost, and time frame for implementation. Cost estimates are developed for labor, supplies and materials used to repair and improve these properties using industry benchmark data from various sources (e.g., *R.S. Means*).

This information on its historic properties is captured, effectively analyzed, and tracked in the SLATE system.

Management of Properties – The condition and maintenance of EPA's historic properties are monitored and managed at the facility level on a continual basis. Each facility is responsible for maintaining its own operation and maintenance plans, which are then incorporated into each historic facility's master plan.

Professional Qualifications and Training – EPA has access to individuals who meet the requirements of the Secretary's Professional Qualification Standards, as defined in 36 Code of Federal Regulations

(CFR) Part 61, through both internal Agency resources (AEAMB and OFA) and consultants. These professionals are engaged to identify potential historic properties, conduct Section 106 assessments, and in all work that could either directly or indirectly impact potential historic properties. In addition, facility managers, Safety, Health and Environmental Management Division (SHEMD) managers, and appropriate SHEMD and AEAMB's Headquarters personnel receive routine training through EPA's annual NEPA training held in conjunction with its periodic Buildings & Facilities (B&F) workshops. This includes training on awareness of cultural and historic preservation considerations and management of historic properties.

Historic Building Surveys –EPA commissioned historic building surveys to be performed at all of its owned properties identified as being potentially historic as part of its condition assessment update process. These surveys provide a verification of previous surveys and an update of the overall status of the property and condition of the buildings as it relates to historic integrity. Under Section 106, properties identified as being potentially historic are afforded all of the protection as if they were determined historic. These surveys were performed by qualified professionals meeting the requirements of the Secretary's Professional Qualification Standards. As indicated in EPA's Progress Report to the ACHP in September 2005, three properties were initially identified as having potential historic significance: the Gulf Ecology Division (Gulf Breeze, Florida), the Large Lakes Research Station (Grosse Ile, Michigan, housing the Large Lakes and Rivers Forecasting Research Branch), and the Edison Laboratory Facility (Edison, NJ).

Over the last 3 years, historic buildings surveys have been performed on all three identified properties and determinations of eligibility have been completed for the Gulf Breeze, Florida, and Grosse Ile, Michigan, facilities. The Edison, NJ, facility did not require a determination of eligibility for reasons discussed below. The summary of findings from these surveys is presented here:

Gulf Ecology Division (Gulf Breeze, Florida) – In consultation with the Florida SHPO, EPA has determined that this property does not meet the criteria for listing on the National Register of Historic Places. This determination was based on the lack of integrity of the proposed district in the areas of design, setting, materials, workmanship, feeling, and association per the *National Register Bulletin, How to Apply the National Register Criteria for Evaluation*, published by the NPS. Consultation with the Florida SHPO has been completed.

Large Lakes Research Station (Grosse Ile, Michigan) – In consultation with the Michigan SHPO, it has been determined that this property does not meet the criteria for listing on the National Register of Historic Places. This determination was based on the lack of integrity of the proposed district in the areas of design, setting, feeling, and association per the National Register Bulletin, *How to Apply the National Register Criteria for Evaluation*, published by NPS. Consultation with the Michigan SHPO has been completed.

Edison Laboratory Facility (Edison, NJ) – In 2006, EPA and its contractor performed a site visit with the intention of making a determination of eligibility. During the visit it was determined that in 1992, a MOA was signed between EPA and the NJ SHPO and accepted by the ACHP. This MOA states that the EPA Edison Laboratory Facility will be treated as eligible for National Register listing and will be maintained appropriately. As a result, EPA performed a cultural resource document compilation for the EPA Edison Laboratory Facility. As stipulated in the MOA, EPA performed an

Historic American Buildings Survey / Historic American Engineering Record (HABS/HAER) and submitted this to the NPS and the ACHP. The HABS/HAER, MOA and other relevant documents regarding the historic nature of the EPA Edison Laboratory Facility are also in the SLATE database. Under the MOA, EPA is required to treat the EPA Edison Laboratory Facility as historic and comply with all aspects of Section 106.

ACHP Advisory Guidelines Question 5: *Explain how your agency has employed the use of partnerships to assist in the identification and evaluation of historic properties.*

EPA has used partnerships effectively to assist in the identification, evaluation and protection of historic properties. As a matter of process, EPA consults with the appropriate SHPO to review its eligibility determinations. In the case of EPA's Edison Laboratory Facility, EPA established a MOA with the NJ SHPO to treat this property as eligible for listing in the National Register and maintain it appropriately. EPA also performed a HABS/HAER in accordance with the MOA, and consults with the SHPO when initiating qualified undertakings at the Edison Laboratory Facility.

ACHP Advisory Guidelines Question 9: *Explain how your agency has employed the use of partnerships to assist in the protection of historic properties.*

Refer to EPA's response to ACHP Advisory Guidelines Question 5 above.

ACHP Advisory Guidelines Question 8: *Describe your agency policies that promote and/or influence the protection of historic properties.*

EPA has implemented policies that promote and/or influence the protection of historic properties, such as incorporating consideration and protection of historic properties in its Master Planning process, and tracking information on historic properties in its SLATE asset inventory system. These policies and processes are discussed in its response to ACHP Comment 2 above and ACHP Comment 5 below.

ACHP Comment 5: *The report identifies a number of plans that are maintained by EPA-owned properties, such as facility master plans, cultural resources management plans (CRMP), and operation and maintenance plans. The master plan is the primary tool for planning and budgeting for maintenance and repairs. The report, however, does not specify what percentage of facilities have a CRMP and how a CRMP is coordinated with an individual master plan.*

Percentage of Facilities having a CRMP – EPA develops Historic Resources Management Plans (HRMPs – comparable to CRMPs) as needed and appropriate. Based on the results of the historic buildings surveys conducted to date, only one of the EPA-owned properties has potential for historic significance – the Edison property. An HRMP was developed in 1992 for the management of historic properties associated with this site, resulting in 100% of the EPA-owned properties with potential historic significance having an associated HRMP (or approximately 0.5% of all EPA-owned properties).

Integration with EPA's Master Planning Activities – In summary, the HRMP is coordinated with an individual master plan by:

- Involving EPA's *Preserve America* representatives from AEAMB in the master planning process
- Performing a detailed review of all property restrictions during master plan development
- Continually evaluating and integrating historic resource information in master planning tools and databases
- Performing a NEPA review process on all construction, repair, improvement and demolition projects at all EPA-operated and EPA-occupied facilities.

EPA's *Preserve America* representatives are involved in the master planning process. For EPA-owned properties, the EPA Office of Administration (OA) maintains a comprehensive master planning program, managed by AEAMB. Consistent with Section 110 compliance and EO 13287, EPA has designated, at the Headquarters level, a Federal Preservation Officer in OARM, an Alternate Federal Preservation Officer in OA, and a *Preserve America* POC in AEAMB, which is part of FMSD.

The master planning process consists of an incremental due diligence process consisting of site visits, inspections, staff interviews, and reviewing documentation of the most current condition assessment, planned site improvements, and planned new construction projects. EPA's facility management system, SLATE, includes detailed facility information, including but not limited to, data describing the historic potential of EPA-owned properties. During the development of each appraisal and master plan, EPA uses this information to perform a detailed review of all property restrictions, including those related to the historic status of its assets, to effectively and carefully manage its real property assets.

The HRMP is coordinated with EPA's master planning activities by continual information gathering on potential historic properties and by integrating its findings into the tools and databases supporting the development of individual facility master plans. As part of the master planning process, EPA evaluates whether its current resources can be used in fulfilling its mission and activities (including seeking opportunities for adaptive use of its historic properties).

C. Section 110 Program

ACHP Comment 6: *It would be helpful to identify where the Senior Policy Official and Federal Preservation Officer fall within the agency's overall organizational structure. An overview of the information provided in the preservation-related instruction manual should also be provided. Explain whether EPA staff assigned to coordinate the historic preservation program meet the professional qualifications set forth in the Secretary of Interior's Historic Preservation Professional Qualification Standards (FR 20 June 1997). Describe how often is the historic preservation training provided to staff.*

Organizational Structure – Two organizational charts were submitted to ACHP in EPA’s Progress Report on the State of Historic Properties on September 29, 2005. These charts show the overall structure of EPA and the relationship of OARM to the Office of Enforcement and Compliance Assurance (OECA), which contains OFA.

The Federal Preservation Officer is the Assistant Administrator of OARM, and the Alternate Federal Preservation Officer is the Director of OA, within OARM. Both of these individuals are senior policy-level officials.

The following should further clarify the organizational structure of EPA, and illustrate its checks and balances as they relate to the management of its assets and resources:

EPA: EPA’s Office of the Administrator directs 12 Program Offices at the Headquarters level and 10 Regional Offices. Two of the Program Offices are involved in matters that deal with EPA-owned properties, assets, and resources (including historic properties) – OARM and OFA.

OARM: It is OARM’s responsibility to manage, maintain, and provide master planning for EPA-owned properties and assets (including human, built, natural, and cultural resources), and administer and award Agency contracts and Headquarters grants.

OFA: As part of OECA, OFA consists of two divisions and a support office. One of these divisions is the NEPA Compliance Division, responsible for coordinating EPA’s NEPA review program, including the review of Environmental Impact Statements (EISs) from EPA and other federal agencies and maintaining the national EIS filing system. As part of its duties, this Division provides oversight, training, and compliance assistance to assure that EPA’s own actions comply with NEPA and other environmental requirements. OFA is used as a clearinghouse for assistance in Section 106 activities and oversight for a variety of EPA program activities. This includes oversight of activities at the Headquarters level when dealing with EPA-owned properties, as well as at the Regional Office level evaluating the impact of EPA’s activities at Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, also known as Superfund) sites, or in approving permits or grants.

Historic Preservation-related Instruction Manual – As part of fulfilling its compliance assistance responsibilities, OFA developed an instruction manual and provides training to key OARM staff and management on the protection and management of historic properties. The instruction manual contains detailed information and guidance for meeting Section 106, 110 and 111 requirements of NHPA. The manual is reviewed and updated by qualified OFA staff as needed to incorporate any changes in these requirements.

Professional Qualifications and Training – (Refer to EPA’s response to ACHP Comment 4 for more detailed response.) EPA has both internal Agency resources and access to contracted professionals who meet the Secretary’s Professional Qualification Standards. These individuals are part of a team available to EPA in identification of potential historic properties, determinations of eligibility, determinations of effect, performing condition assessments and NEPA reviews, and in the development and updates of the instruction manual used to train EPA staff and as a resource.

Please note that in Section 2.5 on Page 7 of its Section 3 Report, EPA stipulates that NEPA training (including training on cultural resources identification) of EPA personnel is conducted bi-annually in conjunction with EPA's periodic workshops. In addition to this training, key EPA staff involved in master planning and management of potentially historic properties participate in training on cultural resource identification and management conducted by OFA. Historic Preservation training at the Regional and Program Office level is conducted at the request of the Region and/or OFA, depending on staff needs. EPA also sends representatives and key contracted support staff to ACHP training.

ACHP Comment 7: *Explain EPA's protocols for public participation under Section 110 of the NHPA.*

In accordance with Section 110, EPA has identified and evaluated its properties for historic potential in consultation with the appropriate SHPO. In accordance with Section 110 (a)(2)(E)(ii), EPA's procedures for compliance with Section 106 of this Act include managing and maintaining its historic properties in a way that considers their historic value. EPA's preservation-related activities are carried out in consultation with the appropriate SHPO, local governments, Indian tribes, Native Hawaiian organizations, and the interested public, as appropriate, regarding the means by which adverse effects on such properties will be considered. Toward this end, EPA utilizes the NEPA process to take into account the effect of qualified undertakings on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register. As part of EPA's NEPA review process, any qualified action that impacts a potential historic resource would result in an Environmental Assessment (EA) or an EIS. In either case, opportunity for public and stakeholder involvement is provided and facilitated by public notice in local newspapers, and/or public hearing consistent with the public participation process requirements under EPA's NEPA regulations and guidance.

ACHP Comment 8: *Clarify who prepared the preservation-related instruction manual, provide a copy for review, and clarify how the document is intended to be used by staff.*

Please refer to EPA's response in ACHP Comment 6.

ACHP Comment 9: *Clarify whether EPA has a systematic approach to inventory and evaluate historic properties.*

EPA has a systematic approach to inventory and evaluate all of its properties (also refer to EPA's response to ACHP Comment 4).

In 2005 EPA completed a formal screening of its Agency-owned properties for historic potential. Those properties identified as having historic potential were surveyed against National Register criteria to determine potential eligibility for listing. As previously stated, only one of its properties, the Edison Laboratory Facility in Edison, NJ, is potentially eligible.

It is EPA's policy to perform more in-depth survey work, including archaeological investigations and historic structures evaluations, within the context of NEPA reviews for qualified EPA projects. This is consistent with EPA's goal of managing these properties with consideration of both cultural and historic values, as well as environmental impacts.

ACHP Comment 10: *Clarify what funds, if any, are allocated for short-term maintenance, stabilization, mothballing, and or preserving the integrity and reuse potential of historic properties.*

EPA is dedicated to providing appropriate treatment to potential historic properties. Due to the limited number of EPA-owned potential historic properties, EPA has determined that the funds for these efforts are best managed under the facilities and master planning functions at the local level, as appropriate. EPA does not allocate specific funds for these efforts at the Regional or national levels. EPA seeks to find adaptive uses for all potentially historic properties identified. None of the potentially historic buildings identified have fallen into disrepair.

D. Compliance with Section 111

ACHP Comment 11: *Clarify what policies and procedures EPA would use in the event that an historic property were to be excessed or leased. Explain the internal processes that are used to evaluate alternatives to disposal, including leasing.*

EPA is not authorized to lease property.. Instead, MOAs have been developed in certain instances for transfer of funds to allow other agencies to utilize buildings or parts of buildings within EPA's inventory. However, EPA retains responsibility for maintaining these properties. EPA would use the following policies if it were to excess historic property. It is important to note that based on master planning and considerations with customers, EPA does not anticipate the excessing or disposal of any of its currently-owned historic properties as these assets are fully used and considered critical for supporting EPA's mission.

- EPA's Asset Management Plan
- EPA's National Environmental Policy Act Regulations (40 CFR Part 6) and Review Procedures
- EPA's Environmental Due Diligence Process, Policies, and Procedures
- GSA's policies and procedures to excess real property

Once EPA decides to excess and transfer real property, EPA prepares a Report of Excess (ROE). The ROE contains salient due diligence information (e.g., boundary survey, historic data, environmental studies, and title information). The ROE, with supporting documentation, is submitted to GSA's Office of Real Property Disposal operating unit assigned to a GSA Public Buildings Service (PBS) regional office for processing and closure. EPA follows the legislatively mandated process set forth in the 1949 Act for real properties available for disposal and utilizes GSA's Office of Property Disposal as its disposal agent. The disposition is processed by the GSA Property Disposal Team who is bound by its policies and procedures for managing excessed property, which include consideration of historic properties for leasing, adaptive use, and preservation.

EPA adheres to its established procedures and GSA's requirements for excessing properties. When an asset no longer meets the mission needs of an EPA Program or Region based on its performance results and trend data, EPA considers adaptive and beneficial use options to the extent practicable. If these are not a viable options, EPA will then pursue excessing the property to GSA (i.e., real property

transfer), demolition, or replacement options. Any of these actions will trigger the NEPA process, which considers the impact of the Federal action to potentially historic properties. In addition to NEPA, EPA's real property transfers (i.e., acquisition, lease acquisition or termination, or disposal of real property) will also trigger an Environmental Due Diligence Process (EDDP) review of the site and its historical uses and value. Among other things, EPA's EDDP process would ensure that all historical resources (potential and confirmed) are identified, documented, and fully disclosed during the property transfer process. EPA's EDDP process is well defined in *Guidelines for Acquiring and Transferring EPA Real Property and Complying with the Community Environmental Response Facilitation Act (CERFA)*, EPA 100-B-00-002, December 2000. The transfer and excessing of EPA-owned property has occurred only a few times in the last two decades with small buildings and parcels of land.

E. Partnerships

ACHP Comment 12: *Address whether EPA has the opportunity to partner with institutions and other non-federal entities involved in [similar or compatible] research efforts. For example, does EPA partner with universities that may be able to use historic properties?*

As part of its master planning process and resource management program, EPA seeks to partner with other entities to the extent practical. Consistent with its process, EPA has sought the compatible use of its assets by other agencies and organizations to the extent it can while being cognizant of security concerns.

As one example, after the September 11th terrorist attacks, EPA allowed the Federal Emergency Management Agency (FEMA) to utilize space at the Edison Facility. FEMA still uses this space today and intends to continue using it for the long term.

As another example, EPA has allowed State of Washington personnel to utilize a portion of its laboratory space in the Region 10 Laboratory in Manchester, Washington, for conducting analyses supporting the State's environmental program.

F. Local Economic Development and Heritage Tourism Initiatives

ACHP Comment 13: *Has EPA considered other options to the agency's community economic development initiatives that do not compromise security, such as interpretive and educational programs?*

EPA has considered and implemented other options, such as interpretive and educational programs. For example, EPA has provided the opportunity for public interpretation by developing or preparing the following for appropriate Superfund sites:

- Descriptive brochures characterizing the historic context of a property or community
- Interpretive displays in local libraries, museums, historic societies, and schools utilizing artifacts rescued from archaeological excavations

- Educational curriculum/lesson plans provided to local school systems
- Contribution of funding and/or artifacts to visitor and interpretive centers focusing on historic themes.

ACHP Advisory Guidelines Question 6: *Provide specific examples of major challenges, successes, and or opportunities your agency has experienced in identifying historic properties over the past three years.*

Refer to EPA's response provided to ACHP *Advisory Guidelines* Question 10 below.

ACHP Advisory Guidelines Question 7: *Explain how your agency has protected historic properties.*

EPA has employed various approaches to protecting historic properties. For the Edison Laboratory Facility, the only historic property in its inventory, EPA has ensured the active use of this facility to prevent deterioration, including seeking compatible uses by other entities (see EPA's response to ACHP Comment 12). EPA also partners with the NJ SHPO, including developing a MOA between EPA and the NJ SHPO, to ensure that consideration and protection of this property is provided prior to any qualified undertaking at this facility.

EPA has also sought to protect historic properties that are not within its inventory, such as when conducting efforts under CERCLA. Refer to EPA's response to ACHP Opportunity 2 below for a detailed discussion of these efforts.

ACHP Advisory Guidelines Question 10: *Provide specific examples of major challenges, successes, and/or opportunities your agency has encountered in protecting historic properties over the past three years.*

EPA has not encountered any major challenges in identifying, protecting or using historic properties over the last three years. Successes have included performing eligibility determinations at EPA-owned facilities. The results of these determinations have allowed EPA to focus its historic preservation efforts. Other successes include formalizing a communication process between EPA-OARM and EPA-OFA. While communications were occurring between these two organizations within EPA, this allowed EPA to establish a more robust process.

ACHP Advisory Guidelines Question 11: *Explain how your agency has used historic properties.*

EPA currently has only one historic property in its inventory, the Edison Laboratory Facility. This property supports the Edison Laboratory Division that provides technical and analytical support to EPA's Region 2 Office in New York City. EPA has also ensured the active use of this facility by seeking compatible uses by other entities (see EPA's responses to ACHP Comments 12 and 13).

In response to the follow-on questions under ACHP *Advisory Guidelines* Question 11, EPA does not promote heritage tourism at this facility due to security concerns,. However, EPA has used technologies and/or media as alternative initiatives that do not compromise security, such as interpretive and educational programs to provide community economic development at appropriate

CERCLA or Superfund sites. Refer to EPA's response to ACHP Comment 13 above for more details.

ACHP Advisory Guidelines Question 12: *Explain the overall condition of the historic properties within your agency's control.*

As part of its master planning process, and in response to EO 13327 *Federal Real Property Asset Management*, EPA is currently undertaking a comprehensive condition assessment of its properties. The existing condition assessment data on EPA's historic properties is out-dated. EPA has established a schedule for performing updated condition assessments of its historic properties, and associated data will be presented in the next Progress Report. EPA's general assessment at this time is that the Edison Laboratory Facility in NJ would be graded at the higher end of ACHP's suggested scale from 1 to 10, with 10 representing "excellent," and 1 representing "poor." Once the scheduled updated condition assessment is performed, EPA will provide a more accurate condition rating.

ACHP Advisory Guidelines Question 13: *Describe your agency policies that promote and/or influence the use of its historic properties.*

Refer to EPA's response to ACHP Comment 12.

ACHP Advisory Guidelines Question 14: *Explain how your agency has used Section 111 (16 U.S.C. § 470h-3) of NHPA in the protection of historic properties.*

As stated in its original *Preserve America* report, EPA's mission of protecting human health and the environment has precluded partnering with outside entities at the Edison Laboratory Facility. Security concerns have also contributed to the EPA's decision not to seek partnering opportunities for currently identified potential historic properties.

EPA has only had a few instances where it transferred a property to another entity. When and if these situations arise, EPA fully complies with Sections 106 and 111 and any other applicable requirements in the event of property being transferred, leased or sold. For example, EPA transferred property that contained a firehouse on the same property as its Edison Laboratory Facility to a community college. The structure needed to be removed to provide beneficial use of the property to the college. EPA performed a HABS/HAER on the structure prior to its removal.

Adaptive use of historic buildings has been implemented where practical. For example, after the 9-11 attacks, EPA allowed FEMA to utilize space at the Edison Facility. FEMA still uses this space today and intends to continue using it for the long term.

As a result, this space is being properly maintained and beneficially used.

As EPA's facilities age, partnering opportunities will continue to be explored based on facility mission and security concerns.

ACHP Advisory Guidelines Question 15: *Explain how your agency has employed the use of partnerships to assist in the use of historic properties.*

Refer to EPA's responses to ACHP *Advisory Guidelines* Question 5 and ACHP Comment 13.

ACHP Advisory Guidelines Question 16: *Provide specific examples of major challenges, successes, and/or opportunities your agency has encountered in using historic properties over the past three years.*

Refer to EPA's response to ACHP *Advisory Guidelines* Question 10.

III. OPPORTUNITIES TO SUPPORT THE GOALS OF EO 13287

ACHP Opportunity 1: *Any progress EPA makes in addressing security, contamination, and access issues at its historic properties should be shared with other agencies that operate sensitive research and development facilities.*

Consistent with EPA's practice of information sharing, EPA will look for appropriate opportunities to share the progress it makes regarding these issues at historic properties with other agencies that may face similar issues for similar reasons.

ACHP Opportunity 2: *EPA should consider how to capture historic and noteworthy efforts related to the environment that occurred at historic properties within a community that may not be well known. Such properties may not only be determined historic, but also have potential for heritage tourism sites (such as Superfund sites).*

At this time, EPA-owned property is barred from heritage tourism due to security concerns. Superfund sites are not owned by EPA and are controlled only temporarily by EPA. As such, it would be inappropriate for EPA to engage in heritage tourism for these properties. However, EPA Regional Offices, with input and oversight from historic preservation experts within OFA, coordinate efforts at Superfund sites. Section 106 considerations are an integral part of the planning and implementation process for remediation projects at Superfund sites.

When EPA is conducting efforts under CERCLA, particular attention is paid to the historic significance of the site. EPA initiates the Section 106 process to determine whether the undertakings might have an affect on historic properties. As part of this process, the project scope is clearly defined, historic properties are identified, the SHPO and/or appropriate THPO is engaged, the historic significance of the properties is evaluated, and the potential adverse effects to identified historic properties are assessed. Public involvement is also a core part of the CERCLA process. During the initial planning phases, EPA establishes a protocol for identification and evaluation of historic properties and artifacts (historic and prehistoric) that may be impacted or uncovered while performing remediation work at these sites. EPA also considers how it might encourage heritage tourism of historic and noteworthy efforts related to its mission of protecting the environment during these remediation projects.

- One example of such efforts by EPA Regional Offices is the project in which EPA has been involved for several years planning the cleanup of the Upper Hudson River (Albany North) PCB contamination site in New York State. This project consists of dredging selected portions of 40

miles of the Upper Hudson River and dewatering the sediment. As a continuing example of the role of EPA's historic preservation efforts, EPA has carried out extensive survey work, regularly consulted with the community, and has modified projects to the extent feasible to avoid adverse effects. EPA anticipates that collected historic artifacts and prehistoric and historic information (i.e., regarding Native American settlements, battlefields, early historic settlements) will become the centerpiece of local visitor's centers, enhancing heritage tourism and the economic benefit of the cleanup effort to surrounding communities. EPA maintains a website that provides current information for the community and interested parties for this project at <http://www.epa.gov.hudson/cultural.htm>.

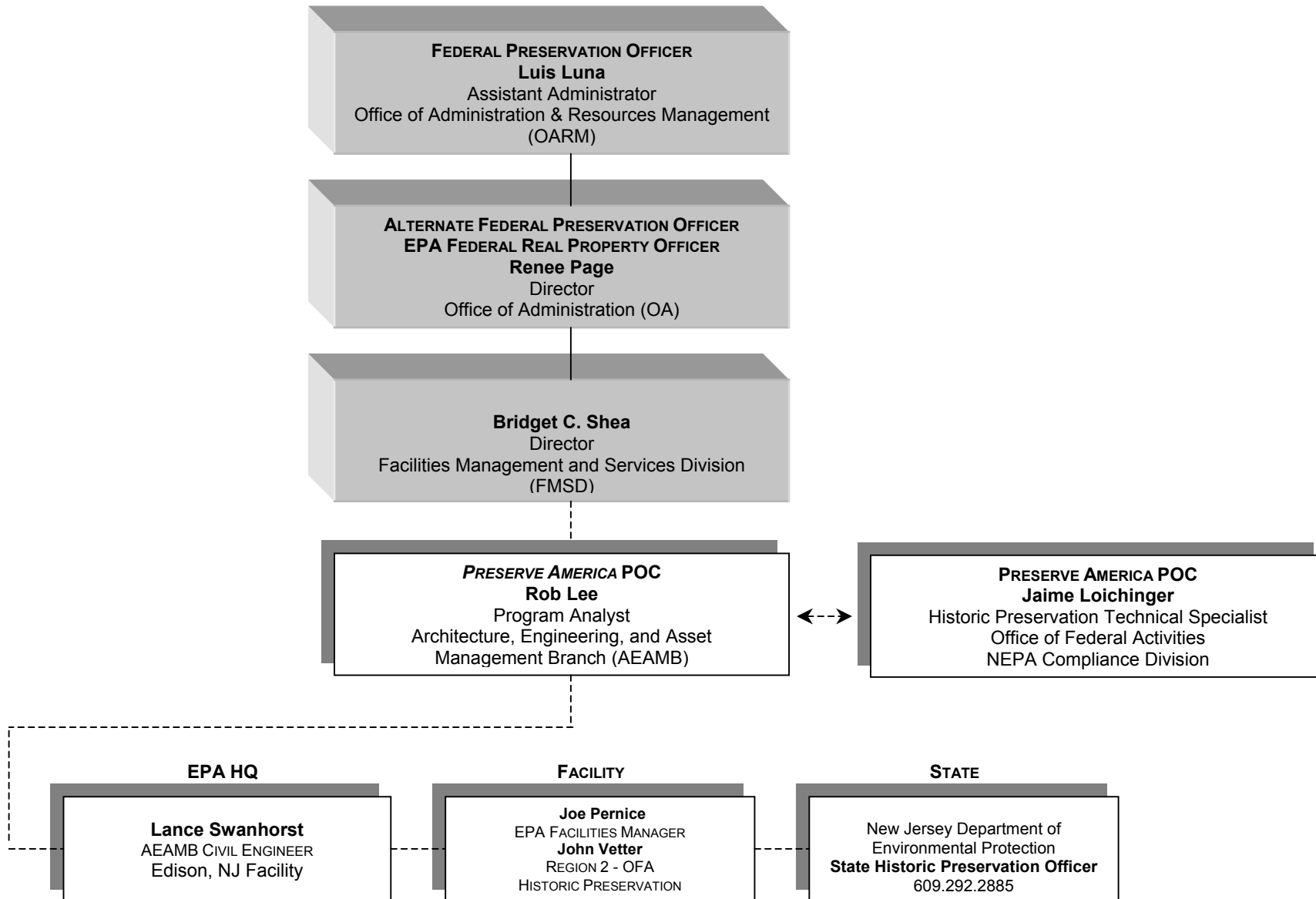
- Another example is the US Radium Corporation site in East Orange, NJ where radium ore was extracted, used in paint formulations and applied to dials on watches. The tailings were given to the community for use as a filler in cement blocks. This site and these ill-advised practices played a major historic role in the development of future Occupational Safety and Health Administration worker protection legislation by calling attention to worldwide awareness of worker safety. This site also played an historic role in impacting future environmental legislation. While this is not EPA-owned property, EPA Region 2 in conjunction with OFA performed a survey and evaluation of this site and determined the site was eligible for National Register listing.

IV. SUGGESTIONS FOR FUTURE REPORTING

EPA has addressed all of ACHP's comments and questions listed in this section in its 2005 Progress Report and/or through responses provided in this document. However, in asking these questions, ACHP has provided EPA with further insight into its priorities and applied interpretation of EO 13287 *Preserve America*." EPA will consider these priorities and questions when measuring its progress and developing future Progress Reports under EO 13287.

ATTACHMENT A

**Office of Administration and Resources Management
Historic Preservation Responsibilities**



ATTACHMENT B

HISTORIC PRESERVATION Communication & Reporting Process

