

EXECUTIVE ORDER 13287

PRESERVE AMERICA

**SECTION 3 PROGRESS REPORT
ON HISTORIC PROPERTIES**



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Real Property Services Staff
Office of Administration and Resources Management
1200 Pennsylvania Avenue, NW
Washington, DC 20460

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I. INTRODUCTION

The U.S. Environmental Protection Agency (EPA) is pleased to submit the 2017 update to the *Section 3 Progress Report on Historic Properties* to the Advisory Council on Historic Preservation (ACHP) and the Secretary of the Interior in accordance with the requirements of Executive Order (EO) 13287, “Preserve America,” specifically Section 3(c). Section 3 of the EO requires each federal agency with real property management responsibilities to prepare an assessment of the current status of its inventory of historic properties mandated by Section 110(a)(2) of the National Historic Preservation Act (NHPA) (16 United States Code [U.S.C.] § 470h-2(a)(2)). It also requires agencies to report on the general condition and management needs of such properties, as well as steps underway or planned to meet those needs.

In June 2017, the ACHP released the *Advisory Guidelines Implementing Executive Order 13287, “Preserve America” Section 3: Reporting Progress on the Identification, Protection, and Use of Federal Historic Properties* (hereafter referred to as *ACHP Advisory Guidelines*). This publication contains questions for federal agencies with real property management responsibilities. The ACHP will use the responses from these questions to measure the effectiveness of historic preservation within federal agencies. The broad categories of questions are Identification, Protection, and Use.

This report provides an update of the Section 3 Progress Report on Historic Properties submitted by the EPA to the ACHP and the Secretary of the Interior in September 2005, September 2008, September 2011, and September 2014, as well as EPA’s initial Section 3 Report submitted in May 2005. Please refer to these earlier reports for more detailed information regarding the EPA’s management policies and protocols as they relate to the care and maintenance of its historic properties.

It is important to note that only one property under the EPA’s ownership is either listed in, or eligible for listing in, the National Register of Historic Places (National Register). As a result of an ACHP-accepted 1992 Memorandum of Agreement (MOA) with the New Jersey State Historic Preservation Officer (SHPO), the EPA’s Edison Environmental Center is treated as eligible for National Register listing and maintained appropriately.

II. THE U.S. ENVIRONMENTAL PROTECTION AGENCY

Just 4 months after his January 1969 inauguration, President Richard Nixon established in his cabinet the Environmental Quality Council, as well as a complementary Citizens' Advisory Committee on Environmental Quality. By April 1970, the President's advisors advocated a separate regulatory agency devoted solely to the pursuit of anti-pollution programs.

Acting on their advice, the President decided to establish an autonomous regulatory body to oversee the enforcement of environmental policy. In a message to the House and Senate, he declared his intention to establish the EPA and left no doubts about its far-reaching powers. Nixon declared that its mission would center on:

- Establishing and enforcing environmental protection standards consistent with national environmental goals;
- Conducting research on the adverse effects of pollution and on methods and equipment for controlling it, gathering information on pollution, and using this information to strengthen environmental protection programs and recommend policy changes;
- Assisting others, through grants, technical assistance and other means, in arresting pollution of the environment; and
- Assisting the Council on Environmental Quality in developing and recommending to the President new policies for the protection of the environment.

The President accompanied his statement with Reorganization Plan Number 3, dated July 9, 1970, in which he informed Congress of his wish to assemble the EPA from parts of three federal departments, three bureaus, three administrations, two councils, one commission, one service, and many diverse offices.

Today, the EPA uses approximately 8.2 million square feet of office buildings and laboratories located throughout the United States and its territories, a portfolio comprising both EPA and General Services Administration (GSA)-managed properties. To ensure that the EPA's buildings and practices reflect its environmental protection mission, the agency implements a wide range of strategies to reduce the environmental impact of its facilities and operations, from building new, environmentally sustainable structures to improving the energy efficiency of older buildings.

III. IDENTIFICATION OF HISTORIC PROPERTIES

The NHPA and Title 36 of the Code of Federal Regulations (CFR) Part 800 requires federal agencies to identify historic properties, which can occur either through an agency-wide survey (Section 110 survey) or through identification efforts tied to specific projects (Section 106 surveys). Both types of surveys are specified in the NHPA and are referenced in 36 CFR Part 800. Due to budget and manpower constraints, many federal agencies are completing their Section 110 surveys via individual Section 106 actions.

ACHP Advisory Guidelines Question 1: *Building upon previous Section 3 progress 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?*

The EPA commissioned historic building surveys in 2005 at all of its owned properties that are identified as being potentially historic. These surveys, which applied to three EPA-owned properties 50 years of age or older, are part of the EPA's condition assessment update processes. As a result of these surveys, it was determined that two of the facilities are ineligible for the National Register: the Gulf Ecology Division in Gulf Breeze, Florida, and the Large Lakes Research Station in Grosse Ile, Michigan, which houses the Large Lakes and Rivers Forecasting Research Branch. The third facility, the EPA's Edison Environmental Center in Edison, New Jersey, is already treated as National Register-eligible under the terms of a 1992 MOA. In 2012, Buildings 245/246 and Buildings 255/256 at the Edison Environmental Center were surveyed to determine their individual eligibility status under the 1992 MOA. All four buildings were demolished after EPA determined, while consulting with the NJ SHPO, that they were not contributing properties nor were they individually eligible. In August 2017, the EPA initiated an evaluation of the Office of Research and Development's National Exposure Research Laboratory (NERL) in Athens, Georgia and prepared a determination of eligibility, which is in the review process. This is the first of several planned evaluations across the agency. Finally, EPA has not acquired any other historic buildings or properties.



EPA's only National Register-eligible property, the Edison Environmental Center in Edison, New Jersey

ACHP Advisory Guidelines Question 2: *Does your agency have policies that promote awareness and identification of historic properties?*

The EPA works through its own National Enforcement Training Institute to make available trainings on NHPA, as well as Section 106 regulations and the review process. These trainings are conducted both in-person and online and recorded versions are available for EPA staff and members of the general public. When the EPA undertakes a project or action that could potentially affect a historic property, its policy and practice is to follow the National Environmental Policy Act (NEPA) review process and regulations, as well as NHPA Section 106 compliance procedures. The EPA's NEPA regulations are promulgated in 40 CFR Part 6.

As a routine part of its NEPA and Section 106 processes, the EPA evaluates all of its project sites to identify potential archaeological and historic resources. Determinations of eligibility are made for each identified site using the National Register of Historic Places criteria. The EPA also coordinates with the appropriate SHPO, local historic preservation entities, members of the public, and federally recognized Indian tribes to ensure that there is an opportunity to consult as required by NEPA and NHPA.

ACHP Advisory Guidelines Question 3: *Describe reporting mechanisms or programs your agency uses to manage information about historic properties. What information do they contain about your historic properties?*

EPA Office of Administration and Resources Management –The EPA Federal Preservation Officer's (FPO) responsibility is to ensure agency conformity with regulatory and EO requirements regarding historic preservation. The EPA FPO also oversees communications with the EPA and the ACHP, the EPA White House Liaison, and other agencies, as appropriate.

EPA Office of Administration/RPSS - The day-to-day management, communication, and reporting responsibilities regarding Section 110 requirements of the NHPA have been assigned to the Office of Administration (OA) within OARM, specifically the Real Property Services Staff (RPSS), because of its hands-on knowledge and responsibilities relating to EPA's real property inventory and portfolio management. RPSS's responsibilities include compiling data and developing reports for OARM to submit to the ACHP, the EPA White House Liaison, and other agencies (e.g., Office of Management and Budget), as required. RPSS is also responsible for complying with Section 106 requirements related to undertakings affecting properties in the EPA's real property inventory.

EPA Office of Enforcement and Compliance Assurance/Office of Federal Activities –Matt Nowakowski, the NHPA Compliance POC or subject matter expert is located in OECA/OFA/NCD to coordinate and manage the day-to-day responsibilities of OECA/OFA as they relate to Section 106 and NHPA-related issues. Additionally, Mr. Nowakowski provides technical support to OARM and other EPA HQ programs and regional offices. His contact information is provided below:

Matt Nowakowski, MS, MSHP
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
NHPA Compliance
OECA/OFA/NEPA (NCD) Mail Code 2252A

William Jefferson Clinton South Building, Room 7228C
1200 Pennsylvania Ave., NW
Washington, DC 20460
(202) 564-7156 direct

OECA/OFA is the EPA office that coordinates NHPA-compliance efforts at headquarters and across all 10 regional offices. The EPA POC for NHPA represents the EPA in actions related to NHPA compliance that are subject to review and/or joined (in consultation) by the ACHP. Often these are sensitive, time-critical projects where EPA is either the major funding source or a contributor to a multi-layered funding approach. The EPA may also be the licensing/permitting authority and this may require Section 106 consultation.

The EPA POC for NHPA is required to act on a micro- and macro-level for NHPA compliance. It is often necessary to present EPA's position to the ACHP and other federal and/or state agencies while assisting the regions with meeting EPA's NHPA compliance responsibilities. This is achieved through conference calls, written communications, individual discussions, and document reviews, where agreements must be created and subjected to review by EPA's Office of General Counsel.

OECA/OFA also determines the applicability of Section 106 requirements and provides technical support to the EPA and regional office programs (e.g., funded projects, permits, contracts, and grants). OECA/OFA follows the NEPA review process to make these determinations, and works with the local SHPO and/or Tribal Historic Preservation Officer to ensure that historical integrity is preserved and adverse impacts are mitigated or minimized. OECA/OFA also compiles the EPA's data regarding undertaken efforts and costs incurred for site discovery and evaluation, looting and vandalism prevention, and artifact protection. This data is reported to the National Park Service (NPS) Federal Archaeology Program. OECA/OFA handles this responsibility for the 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.

ACHP Advisory Guidelines Question 4: Has your agency employed partnerships to assist in the identification and evaluation of historic properties.

As noted previously in the Question 1 response, EPA conducted the survey of four buildings at the Edison Environmental Center and initiated Section 106 consultation with the New Jersey SHPO per the MOA. These buildings have since been recorded and demolished. The EPA continues to effectively use partnerships to assist in the protection of historic properties. In the case of EPA's Edison Environmental Center, the EPA established an MOA with the New Jersey SHPO to treat this property as eligible for listing in the National Register and to maintain it appropriately. The EPA also performed a Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER) in accordance with the MOA and consults with the SHPO when initiating qualified undertakings at the Edison Environmental Center, as noted above.

In certain circumstances, EPA may partner with other federal agencies on specific projects such as infrastructure, clean water projects, etc. When working with federal partners, EPA may rely on these agencies to identify and evaluate historic properties with EPA's concurrence on the findings/determinations.

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

As noted previously in the Question 1 response, the EPA owns one property—the Edison Environmental Center—that is considered to be historic, and there have been no challenges encountered by the EPA in the use of the facility.

IV. PROTECTION OF HISTORIC PROPERTIES

The consideration of historic properties, both agency owned and non-agency owned, is a responsibility of federal agencies that is specified in 36 CFR Part 800 and Section 106 of the NHPA. Consideration of historic properties can lead to protection through the Section 106 process as various outcomes are examined, including avoidance and mitigation.

ACHP Advisory Guidelines Question 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?*

The EPA has a systematic approach to inventory and evaluate all of its historic properties. In 2005, the 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 the EPA's properties, the Edison Environmental Center, is considered eligible for the National Register.

It is the EPA's policy to perform more in-depth survey work, including archaeological investigations and historic structure evaluations, within the context of NEPA reviews for qualified EPA projects. This is consistent with the EPA goal of managing these properties with consideration of both cultural and historic values, as well as environmental impacts. This policy has not changed.



Maintenance of the Edison Environmental Center

ACHP Advisory Guidelines Question 7: *Has your agency employed partnerships to assist in the protection of historic properties?*

The EPA continues to effectively use partnerships to assist in the protection of historic properties. In the case of the EPA's Edison Environmental Center, the EPA established an MOA with the New Jersey SHPO to treat this property as eligible for listing in the National Register and to maintain it appropriately. The EPA also performed HABS/HAER documentation in accordance with the MOA and consults with the SHPO when initiating undertakings at the Edison Environmental Center.



EPA Region 1 Office, Boston, Massachusetts

EPA Region 1 has an ongoing partnership with GSA for the renovation and use of the historic John W. McCormack Post Office and Courthouse. This building is located in downtown Boston and is a great example of an Art Deco government building. The GSA-owned and EPA-leased property was renovated in a manner sympathetic with the historic exterior, and the building now meets the Leadership in Energy and Environmental Design (LEED) for new construction version 2.2 Gold and ENERGY STAR certifications. The environmentally friendly features of the building include a green roof planted with native and drought-resistant plants, high efficiency plumbing to save more than 30 percent in water consumption of a similarly sized building, and historically accurate high efficiency windows that maintain the visual appeal of the original windows while producing heating and cooling savings.

EPA also partners with industry and the public sector on numerous programs and projects to reduce greenhouse gas emissions and encourage smart growth and sustainable planning efforts that can help protect historic properties. For example, the Partnership for Sustainable Communities, a joint effort of the U.S. Department of Housing and Urban Development (HUD), U.S. Department of Transportation (DOT), and the EPA, works to coordinate federal housing, transportation, water, and other infrastructure investments to make neighborhoods more prosperous, allow people to live closer to jobs, save households time and money, and reduce pollution; a key component of this program is increasing community revitalization and the efficiency of public works investments and safeguarding rural landscapes, including protecting historic properties.

The response to Question 9 below also discusses how EPA's OECA/OFA has protected historic properties.

ACHP Advisory Guidelines Question 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?*

Memoranda of Agreement (MOU) was established for the management and maintenance at the Edison Facility. At this time, no additional measures are required including the use of Program Agreements (PAs) for the EPA's real property holdings.

ACHP Advisory Guidelines Question 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.*

OECA/OFA has been instrumental in supporting the Drinking Water State Revolving Fund (DWSRF) and Clean Water State Revolving Fund (CWSRF) programs, as well as the recent (2017) reissuance of the Construction General Permit (CGP) and continuance of the Multi-Sector General Permit (MSGP). OECA/OFA continues to assist the EPA Office of Water (OW) with these funding programs/permits by working with the various stakeholders to ensure that clean water projects can move forward while addressing NHPA compliance responsibilities under Section 106.

The EPA is the midst of implementing the Water Infrastructure Finance and Innovation (WIFIA) program for new clean water projects throughout the country. OECA/OFA is working closely with OW to assure that every funded project complies with NHPA. OECA/OFA continues to encourage regional offices to work with SHPOs to identify historic properties as provided for under 36 CFR § 800.2. The EPA POC for NHPA continues to advise regional staff regarding superfund and brownfields projects that impact historic properties.

V. USE OF HISTORIC PROPERTIES

The use of historic properties enhances agency awareness of historic preservation through constant exposure to the needs of these properties. Maintaining and using historic properties also provides a richer landscape for the public as they experience the progression of type, style, and use of properties.

ACHP Advisory Guidelines Question 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?*

Please see the responses to Question 7 for additional information on the GSA-owned and EPA-leased historic building, the Region 1 EPA office.

ACHP Advisory Guidelines Question 11: *Explain how your agency uses historic properties to foster heritage tourism, when consistent with agency missions.*

All EPA owned properties are secure laboratories and support facilities, and as a result, the encouragement of heritage tourism is not consistent with agency missions.

ACHP Advisory Guidelines Question 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?*

At this time, the EPA does not anticipate the excessing or disposal of any of its currently owned historic properties. Therefore, these are not considered under the Federal Assets Sale and Transfer Act and the Federal Property Management Reform Act.

ACHP Advisory Guidelines Question 13: *How is your agency meeting the requirements of EO 13693, Planning for Federal Sustainability in the Next Decade?*

The EPA is taking a number of common-sense steps to improving facility performance. These steps include collecting consumption data; increased infrastructure monitoring and conducting agency-wide analyses to understand the effectiveness of proposed capital improvements; providing solutions for improving agency productivity while partnering with local, state, and tribal governments, as well as internationally; and helping communities address environmental challenges.

The EPA's Strategic Sustainability Performance Plan (SSPP) is a comprehensive, multi-year planning document that identifies targets for reducing agency-wide greenhouse gas emissions by Fiscal Year 2020, and outlines steps that the agency will take to achieve those reductions. Through this report, the EPA not only meets the federal requirements of EO 13514, but also reiterates its plans to reduce energy, water, waste, and other resource use, and to incorporate high-performance design and operations across its facilities. The EPA incorporates the goals and steps contained in the SSPP as part of its ongoing use and stewardship of the historic Edison Environmental Center.



EPA Maintains this c. 1945 Historic Sign in a Maintenance Bay at the Edison Environmental Center as a Link to the Property's History

ACHP Advisory Guidelines Question 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?*

The EPA is not authorized to lease property. Instead, MOAs have been developed in certain instances for the transfer of funds to allow other agencies to use and/or occupy buildings or parts of buildings within the EPA's inventory. However, the EPA retains responsibility for maintaining these properties. The EPA would use the policies listed below if it were to excess historic property. It is important to note that based on the Federal Property Management Reform Act of 2016, master planning and customer considerations, the 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 the EPA's mission.

The 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, the EPA considers adaptive and beneficial use options to the extent practicable. If these are not viable options, the 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 and NHPA Section 106 compliance, which considers the impact of the federal action to potentially historic properties. In addition to NEPA and Section 106, the 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, the EPA's EDDP process ensures that all historical resources (potential and confirmed) are identified, documented, and fully disclosed during the property transfer process. The 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.

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

The EPA continues to leverage partnerships effectively to assist in the use of historic properties; the Partnership for Sustainable Communities, noted above, is a prime example of these partnerships. One recent case study highlighting the effectiveness of this program is the Moline (Illinois) Multimodal Station. To prepare for new intercity train service slated to begin in 2014, the City of Moline and MetroLINK, the regional transit provider, are working to transform an old warehouse into the Moline Multimodal Station. The station will house Amtrak service that will reconnect the Quad Cities to Chicago and should spark development opportunities in downtown Moline. The Moline station will include new construction as well as green renovation of the historic O'Rourke Building on a brownfield site. The project is receiving funding and expertise from the Partnership for Sustainable Communities, the Illinois Department of Transportation, and the City of Moline. Because the building is in the Moline Downtown Commercial Historic District, redevelopment must follow historic preservation guidelines to receive a tax credit. At the same time, the city's green building requirements call for LEED Silver certification. These potentially conflicting requirements could deter developers unfamiliar with navigating such a complex project. The EPA worked closely with the Federal Transit Administration, the city, and MetroLINK to clear this hurdle. The EPA provided assistance by developing case studies of successful green preservation projects, offering templates for Moline to follow. The Delta Institute, an EPA grantee, provided a green building readiness evaluation, which included a LEED certification strategy. MetroLINK and the City provided these materials to developers in a workshop that illustrated how to use historic preservation guidelines and tax credits while achieving LEED certification.

Please see the response to Question 10 for additional information on the GSA-owned and EPA-leased historic Region 1 EPA office.

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 (3) years.*

As noted previously in the Question 1 response, the EPA owns one property—the Edison Environmental Center—that is considered to be historic, and there have been no challenges encountered by the EPA in the use of the facility. However, in the past 3 years, the EPA initiated and is in the process of completing Section 106 consultation on Buildings 245/246 and Buildings 255/256 at the Edison Environmental Center. The successful consultation resulted in assisting the EPA with the demolition of these buildings and appropriate re-allocation of funding for facility maintenance elsewhere on the EPA Edison campus.

VI. CONCLUSION

To maintain leadership in environmental protection, the EPA must lead by example. Agency facilities, both new and existing, should serve as models for a healthy workplace with minimal environmental impacts. To achieve this goal, the EPA utilizes both innovative, state-of-the-art technologies and a holistic approach to design, construction, renovation, preservation and operations.

The EPA currently owns one historic property: the Edison Environmental Center. This historic resource is maintained in accordance with its HRMP and the EPA's overall SSPP. While the needs for safety and security at this facility preclude most public partnerships for its protection and use, the EPA continues to explore partnerships that can adhere to the safety and security needs of the Edison Environmental Center. As its other facilities continue to age, the EPA is committed to identifying, protecting, and using any newly identified historic properties in a sustainable manner that fit both the agency's mission and its leadership role in environmental protection.

LIST OF ACRONYMS

ACHP	Advisory Council on Historic Preservation
CAA	Clean Air Act
CERFA	Community Environmental Response Facilitation Act
CFR	Code of Federal Regulations
CGP	Construction General Permit
CWSRF	Clean Water State Revolving Fund
DOT	U.S. Department of Transportation
DWSRF	Drinking Water State Revolving Fund
EDDP	Environmental Due Diligence Process
EO	Executive Order
EPA	U.S. Environmental Protection Agency
FMS	Facilities Management System
FPO	Federal Preservation Officer
GSA	U.S. General Services Administration
HABS/HAER	Historic American Buildings Survey/Historic American Engineering Record
HRMP	Historic Resources Management Plan
HUD	U.S. Department of Housing and Urban Development
LEED	Leadership in Energy and Environmental Design
MOA	Memorandum of Agreement
MSGP	Multi-Sector General Permit
National Register	National Register of Historic Places
NCD	NEPA Compliance Division
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NPS	National Park Service
OARM	Office of Administration and Resources Management
OECA	Office Enforcement and Compliance Assurance
OFA	Office of Federal Activities
POC	Point of Contact
ROE	Report of Excess
RPSS	Real Property Services Staff
SHPO	State Historic Preservation Officer
SSPP	Strategic Sustainability Performance Plan
U.S.C.	United States Code