



## *Department of Defense Response to*

# *Executive Order 13287, “Preserve America,” Section 3: Reporting Progress on the Identification, Protection, and Use of Federal Historic Properties*

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Including Information on the Departments of the Army, Navy, and Air Force  
fiscal years 2011-2013

**September 2014**

## Introduction

This report satisfies the requirements of Section 3(c) of Executive Order (EO) 13287, “Preserve America,”<sup>1</sup> for the Department of Defense (DoD). The Preserve America EO directs Federal agencies with real property management responsibilities to submit reports on their “progress in identifying, protecting, and using historic properties in its ownership.” This is a consolidated report for DoD, including information on the Departments of the Army, Navy, and Air Force.<sup>2</sup>

DoD is a large and complex Federal agency with the critical mission to provide the military forces needed to deter war and to protect the security of the United States. DoD manages the largest portfolio of facilities and historic properties in the Federal government. DoD’s installations and facilities are critical pieces of this military defense mission. In fiscal year (FY) 2013, DoD managed approximately 560,000 facilities (buildings, structures, and linear structures) located on more than 500 installations and 4,800 sites in the United States and around the world.<sup>3</sup> This accounts for almost 60 percent of the entire Federal real property portfolio of buildings and structures.

DoD is proud of its rich history and seeks to be a productive and responsible steward of the lands and resources it manages. From its inventory of assets, DoD administers 73 National Historic Landmarks; over 600 listings in the National Register of Historic Places (comprising over 19,000 historic properties), over 100,000 identified archaeological sites, and manages thousands more resources that are eligible for listing in the National Register of Historic Places (NRHP).<sup>4</sup> DoD works to achieve cultural resources statutory and regulatory compliance through responsible heritage stewardship management, enabling DoD and the Military Departments to meet current and future military operational and training needs.

Several policy and guidance documents provide the framework necessary to balance the proactive management of cultural resources with all aspects of the military mission. This report provides summary data on DoD and the Military Department’s cultural resources programs.

## DoD Answers to ACHP Recommended Questions

The Advisory Council on Historic Preservation (ACHP) developed questions to assist Federal agencies in meeting the reporting requirements of the Preserve American EO. Below are DoD’s consolidated answers. DoD is currently providing information for FY 2011, 2012 and 2013. The end-of-year FY2014 data is not yet available for inclusion in this report.

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<sup>1</sup> Available at <http://preserveamerica.gov/EO.html>.

<sup>2</sup> Included within the Military Departments are their Reserve components and, in the case of the Army, the U.S. Army Corps of Engineers. This report also includes property under the direct management of the Secretary of Defense, i.e., the Pentagon Reservation.

<sup>3</sup> Specific information on DoD’s real property inventory is available in the annual Base Structure Report (BSR). The FY2013 BSR is available at:

[http://www.acq.osd.mil/ie/download/bsr/Base%20Structure%20Report%202013\\_06242013.pdf](http://www.acq.osd.mil/ie/download/bsr/Base%20Structure%20Report%202013_06242013.pdf).

<sup>4</sup> DoD’s internal Real Property Assets Database (RPAD) records.

## 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.**

In addressing 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 offer an explanation as to how the information reported was gathered and validated by your agency.

*Subquestion 1.1: 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 years? How have these numbers increased in each of the last three years?*

DoD records all real property assets in its Real Property Assets Database (RPAD). Table 1 shows real property assets by their historic status code for FY 2011-2013. This table shows DoD's progress toward evaluating its real property assets for historic significance, as well as the magnitude of assets DoD manages.

Table 1 - Fiscal Year 2011- Federal Real Property Profile & Historic Status

| Historic Status   | FY11           | FY12           | FY13           |
|---|----------------|----------------|----------------|
| Determined Not Eligible for Listing (DNE)                 | 44,280         | 41,937         | 43,661         |
| Individual National Historic Landmark (NHLI)              | 99             | 90             | 89             |
| Contributing Element of a NHL District (NHLC)             | 1,836          | 1,779          | 1,761          |
| Individual National Register Eligible (NREI)              | 6,389          | 5,830          | 5,734          |
| Contributing Element of NRE District (NREC)               | 11,368         | 11,244         | 11,299         |
| Individual National Register Listed (NRLI)                | 212            | 204            | 206            |
| Contributing Element of NRL District (NRLC)               | 1,480          | 1,705          | 1,821          |
| Non-Contributing element of NHL/NRL District (NCE)        | 2,058          | 1,614          | 1,820          |
| Eligible for the purposes of a Program Alternative (ELPA) | 53,660         | 44,637         | 43,390         |
| Not Evaluated (NEV) <sup>5</sup>                          | 287,753        | 288,554        | 265,828        |
| <b>Grand Totals (Buildings in the US and Territories)</b> | <b>409,135</b> | <b>397,594</b> | <b>375,609</b> |

As DoD continues to survey and evaluate its assets that are older than or reaching 50 years of age, the number of DoD assets that have not yet been evaluated for historic significance decreases. This trend is evident over the past three reporting years as detailed in the table above. DoD evaluates its assets

<sup>5</sup> This number represents all facilities not yet evaluated regardless of the age or type of facility in FY11. See table 3 below for breakdown of this number by the age of the assets.

when mission-supporting undertakings require it, and through proactive survey and planning efforts. Asset evaluation for historic significance is prioritized by the age of the assets and also their proximity to mission activities. Through these sound stewardship management practices, DoD continues to evaluate its properties for NRHP eligibility, and improves the accuracy of its data collection.

DoD also reports annually on historic properties not classified as structural or facility-based real property, and therefore these historic properties are not recorded in RPAD. These assets are typically archaeological sites of varying NRHP significance. Table 2 below shows two sets of numbers for archaeological sites on DoD land. The larger numbers reflect all archaeological sites that have been identified, but not all sites in this set have been evaluated for NRHP significance. The smaller set of numbers reflects those sites which have been identified, evaluated, and determined to be eligible for or are listed on the NRHP.

Table 2 – Number of Identified Archaeological Sites on DoD Land

|   | FY11    | FY12    | FY13    |
|---|---------|---------|---------|
| Archaeological sites identified, evaluated, and determined to be eligible for or are listed on the NRHP | 30,637  | 29,913  | 30,067  |
| Number of archaeological sites identified   | 120,408 | 123,327 | 123,641 |

Throughout the Departments, archaeological sites which have been identified but not yet evaluated, are managed the same way as those sites determined eligible for listing in the NRHP.

*Subquestion 1.2: Within your inventory, what is the total number of cultural resources that have not been evaluated for eligibility to the National Register of Historic Places? How have these numbers changed in each of the last three years?*

As described above, DoD continues to make progress in better understanding the nature of its real property assets, to include those that are historic properties and those assets which need to be evaluated for NRHP eligibility due to their attributes and increasing age. Table 3 differentiates between ‘Not Yet Evaluated’ assets that are 50 years old or older, with those that are less than 50 years old.

Table 3 - DoD Buildings/Structures Not Evaluated for Historic Status, FY2011-2013.

| Age                                       | FY11    | FY12    | FY13               |
|---|---------|---------|--------------------|
| NEV Greater than or equal to 50 years old | 48,038  | 57,060  | 51,406             |
| NEV Less than 50 years old                | 239,715 | 231,494 | 214,422            |
| Total not evaluated for historic status   | 287,753 | 288,554 | <del>265,828</del> |

The number of all facilities not yet evaluated for NRHP significance decreased overall from FY2011-2013. However, it should be noted, the numbers above in Table 3 fluctuate as DoD assets age, evaluations are completed, and other factors impact asset totals for these categories.

DoD also assesses its progress on archaeological site identification and evaluation through analysis of the number of acres surveyed for archaeological sites each year. Table 4 below illustrates DoD’s progress in surveying acreage for archaeological sites, and the number of acres as yet to be surveyed.

Table 4 - DoD Acres Surveyed for Archaeological Sites Fiscal Years 2011-2013<sup>6</sup>

|      | <b>Total DoD-managed acres</b> | <b>Acres available for archaeological survey</b> | <b>Acres surveyed for archaeological sites</b> | <b>% Surveyed</b> |
|------|--------------------------------|--|--|-------------------|
| FY11 | 27,017,087                     | 21,524,758                                       | 8,785,956                                      | 40.8%             |
| FY12 | 26,996,087                     | 21,121,312                                       | 8,865,957                                      | 42.0%             |
| FY13 | 27,122,080                     | 21,144,200                                       | 9,343,447                                      | 44.2%             |

As seen in the data from Table 4, there is an upward trend in the number of acres that have been surveyed for archaeological objects and sites. DoD continues to survey land for the presence of archaeological material as projects and funding permit. Though the total number of acres available for archaeological survey increased from FY12 to FY13, it decreased over the entire reporting period and progress was made each year in actual acres surveyed.

*Subquestion 1.3: What is the total number of your agency’s property, plant, and equipment that have been identified as heritage assets for each of the past three years? How have these numbers changed in each of the last three years in your agency’s RSI?*

DoD reports some of their cultural resource assets—both historic buildings and archaeological sites—as Heritage Assets. This reporting is required by DoD Financial Management Regulation (FMR) 7000.14-R.11. The reported information is included in the annual DoD Agency Financial Report (AFR)/DoD Performance and Accountability Report (PAR).<sup>7</sup> Table 5 includes reported information for FY2011-2013. These numbers of archaeological sites reflects only those either listed in or determined eligible for listing in the NRHP, as defined below in question 2.3. DoD manages a much larger number of archaeological sites that may be eligible for listing in the National Register but have yet to be evaluated for NRHP significance.

<sup>6</sup> From the Knowledge-Based Corporate Reporting System (KBCRS) and Non Site-Level Information Collection System (NSLICS) databases <https://kbcrs.denix.osd.mil/main.cfm>

<sup>7</sup> More information on the DoD AFR/PAR <http://comptroller.defense.gov/FinancialManagement/Reports/afr2013.aspx>.

Table 5 – DoD Consolidated Heritage Assets, Required Supplementary Information for FY 2011-2013.

| Categories  | FY11 <sup>8</sup> | FY12 <sup>9</sup> | FY13 <sup>10</sup> |
|---|-------------------|-------------------|--------------------|
| Buildings and Structures                                  | 58,603            | 56,175            | 55,996             |
| Archaeological Sites                                      | 30,637            | 29,913            | 30,067             |
| Museum Collection Items (Objects, not including fine art) | 1,369,613         | 1,233,347         | 1,244,846          |
| Museum Collection Items (Objects, fine art)               | 44,955            | 53,430            | 56,827             |

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

Agencies use a variety of policies for the identification and evaluation of historic properties. In consideration of this question, federal agencies are encouraged to discuss efforts undertaken to develop their own policies, procedures, and protocols for the identification and evaluation of historic properties. Agencies are also encouraged to demonstrate how these policies have been incorporated into their strategic plans.

*Subquestion 2.1: How does the identification of historic properties and heritage assets relate to your agency’s mission?*

*Subquestion 2.2: What is your agency’s policy for the stewardship of historic properties and heritage assets?*

While the identification and evaluation of historic properties and heritage assets is not closely related to DoD’s mission of national defense, DoD does comply with the NHPA and other cultural resources laws. DoD cultural resources management policy is DoD Instruction (DoDI) 4715.16, Cultural Resources Management.<sup>11</sup> This DoDI provides the overarching policy guidance for DoD Components and Military Departments’ cultural resources programs, with each of the Departments issuing Department-specific policy and guidance tiered from the DoDI. DoD established its cultural resources policy, relating cultural stewardship and mission, around three core statements:

“It is DoD policy to:

- Manage and maintain cultural resources under DoD control in a sustainable manner through a comprehensive program that considers the preservation of historic, archaeological, architectural, and cultural values; is mission supporting; and results in sound and responsible stewardship.

<sup>8</sup> FY11 Financial Management Report, page 93, <http://comptroller.defense.gov/financialmanagement/reports/afr2011.aspx>

<sup>9</sup> FY12 Financial Management Report, page 101, [http://comptroller.defense.gov/Portals/45/Documents/afr/fy2012/3-Financial\\_Section.pdf](http://comptroller.defense.gov/Portals/45/Documents/afr/fy2012/3-Financial_Section.pdf)

<sup>10</sup> Financial Management Report, page 98, [http://comptroller.defense.gov/Portals/45/Documents/afr/fy2013/3-Financial\\_Section.pdf](http://comptroller.defense.gov/Portals/45/Documents/afr/fy2013/3-Financial_Section.pdf)

<sup>11</sup> Available at <http://www.dtic.mil/whs/directives/corres/pdf/471516p.pdf>

- Be an international and national leader in the stewardship of cultural resources by promoting and interpreting the cultural resources it manages to inspire DoD personnel and to encourage and maintain U.S. public support for its military.
- Consult in good faith with internal and external stakeholders and promote partnerships to manage and maintain cultural resources by developing and fostering positive partnerships with Federal, tribal, State, and local government agencies; professional and advocacy organizations; and the general public.”<sup>12</sup>

The Military Departments construct their respective cultural resources programs based on this policy. The importance of stewardship of historic assets is directly tied to the military mission.

*Subquestion 2.3: What are the definitions of the major categories your agency uses to classify heritage assets?*

DoD Heritage Assets are real and personal property with significance in American history due to their architectural, archaeological, and cultural value. The FY2013 categories are defined as follows:

- Buildings and Structures. Buildings and structures listed, or eligible for listing, on the National Register of Historic Places, including Multi-Use Heritage Assets.
- Archeological Sites. Sites identified, evaluated, and determined to be eligible for or are listed on the National Register of Historic Places in accordance with Section 110 of the National Historic Preservation Act.
- Museum Collection Items. Items unique for one or more of the following reasons: historical or natural significance; cultural, educational, or artistic importance; or significant technical or architectural characteristics.<sup>13</sup>

Museum collection items are divided into two subcategories: fine art and objects. Fine art includes paintings, sculptures and other three-dimensional art. Objects are current use, excess, obsolete, or condemned material; war trophies; personal property such as uniforms, medals, or diaries, and military equipment.

*Subquestion 2.4: How does your agency define real property?*

DoDI 4165.14, Real Property Inventory (RPI) and Forecasting, defines real property as “land and improvements to land (e.g., buildings, structures, and linear).”<sup>14</sup> This definition is best explained with further description of how DoD classifies its real property assets.

The DoD Real Property Classification System (RPCS) is “a hierarchical scheme of real property types and functions that serves as the framework for identifying, categorizing, and analyzing DoD’s inventory of land and facilities around the world.”<sup>15</sup> “This scheme is comprised of a 5-tier structure represented by

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<sup>12</sup> Section 4, DoDI 4715.16.

<sup>13</sup> *Agency Financial Report* Fiscal Year 2013. Page 98.

[http://comptroller.defense.gov/Portals/45/Documents/afr/fy2013/3-Financial\\_Section.pdf](http://comptroller.defense.gov/Portals/45/Documents/afr/fy2013/3-Financial_Section.pdf)

<sup>14</sup> DoDI 4165.14 can be found at <http://www.dtic.mil/whs/directives/corres/pdf/416514p.pdf>.

<sup>15</sup> DoDI 4165.14, Part II.

numerical codes, with 1-digit codes being the most general and 5- or 6-digit codes representing the most specific types of facilities.”<sup>16</sup>

Real property is described once it has received a classification. RPAD prescribes 233 mandatory data elements for the Military Departments and Components to report to the Office of the Secretary of Defense (OSD). “Historic Status Code” is one of these mandatory data elements, and is defined as, “the status of a facility with respect to the National Register of Historic Places.”<sup>17</sup> The Real Property Information Model (RPIM) requires that the Departments and Components select one of eleven Historic Status Codes for every asset in their inventory. Table 6 includes the codes.

Table 6 - DoD Historic Status Codes

| Code | Description  |
|------|--|
| NHLI | Individual National Historic Landmark                                  |
| NRLI | Individual National Register Listed                                    |
| NREI | Individual National Register Eligible                                  |
| NCE  | NCE Non-Contributing Element of NHL/NRL/NRE District.                  |
| DNE  | Determined Not Eligible for Listing                                    |
| NEV  | Not yet Evaluated  |
| DNR  | NHLI/NHLC/NREI/NREC National Register Property - Designation rescinded |
| NHLC | Contributing Element of a NHL District                                 |
| NRLC | Contributing Element of NRL District                                   |
| NREC | Contributing Element of NRE District                                   |
| ELPA | Eligible for the purposes of a Program Alternative                     |

On an annual basis, OSD translates Department and Component-submitted real property data into Federal Real Property Profile (FRPP) standards (currently, the FRPP has 26 mandatory elements, where OSD has 312 data elements) and sends the finalized report to the General Services Administration (GSA), the managers of the FRPP.

*Subquestion 2.5: Describe your agency’s policy on the evaluation and nomination of historic properties to the National Register of Historic Places as required by Section 110 of the National Historic Preservation Act. How has your agency maintained a Section 110 program in light of limited agency budgets?*

DoDI 4715.16 directs the heads of DoD Departments to “develop and implement a process to evaluate and approve nominations of DoD-managed cultural resources to the NRHP.”<sup>18</sup> This policy statement matches the language of Section 110 of the National Historic Preservation Act (NHPA), to identify and evaluate historic properties. The Military Departments have continued to evaluate properties under the requirements of Section 110 when their reduced budgets allow. Mission-driven activities on our land and involving our assets drive the identification of DoD’s cultural resources and NRHP evaluations, but when funds are available, installation cultural resource management programs do actively identify and

<sup>16</sup> DoDI 4165.03, DoD Real Property Categorization provides guidance on the categorization of RPCS. DoDI 4165.03, Part II provides a more detailed definition of RPCS. It is available at <http://www.dtic.mil/whs/directives/corres/pdf/416503p.pdf>.

<sup>17</sup> Part II of DoDI 4165.14.

<sup>18</sup> 24 Section 6(i), DoDI 4715.16.



evaluate historic resources in compliance with Section 110. The FY2011-13 Congressional budget line increases provided to DoD to support conservation projects on training ranges was of significant assistance in meeting Section 110 requirements.

**3. How has your agency established goals for the identification and evaluation of historic properties including whether they have been met?**

*Subquestion 3.1: Has your agency established performance measures (such as benchmarks) for measuring progress in the identification of historic properties?*

DoDI 4715.16 sets forth the following metrics that DoD Departments and Components must report annually:

Goal. All real property inventory records will accurately identify historic properties (real property assets).

Metric:

- Percent of real property assets with the appropriate Historic Status Data Element Code, compared to “not yet evaluated” assets that are greater than or equal to 50 years old.

Goal. All DoD-managed lands that are available for survey are surveyed for archaeological sites and have the information readily available to support the process directed by 36 CFR 800.

Metric:

- Percent of DoD-managed lands (available for survey) surveyed for archaeological sites.<sup>19</sup>

*Subquestion 3.2 If your agency has established benchmarks, how have they benefited your agency?*

*Subquestion 3.3: If your agency has not established benchmarks, how does your agency measure progress?*

DoD has not established specific benchmarks for completing the identification of historic properties, in part because the potential pool of historic properties changes as real property assets are added or removed from the inventory and assets increase in age. DoD requires the Military Departments to report on these performance measures annually to the Acting Deputy Under Secretary of Defense, Installations and Environment. The performance measures, as discussed above, are reported during the annual Environmental Management Review (EMR), which occurs around February of each year. During these reviews, the Departments and Components present their progress to OSD on the listed metrics. Further, they answer questions and provide justifications for their results.

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<sup>19</sup> DoDI 4715.16, E5 2b(4)(a).

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

Many federal agencies have developed their own reporting practices for the identification of historic properties. For example, there are currently no federal reporting requirements for data collection for historic districts and collections; however, some agencies may have an internal policy to track this information as part of their personal and real property holdings.

As stated above, DoD Departments and Components report annually to OSD on the status of their respective cultural resources program activities, as part of a larger review of their environmental management programs. OSD leadership can evaluate DoD Department and Component programs' progress on the identification and evaluation of historic assets during these reviews. These reviews include a request for and analysis of metric data.

DoD manages 91 military museums and facilities around the world. These museum collections represent and preserve the United States' military history. Annually, OSD submitted a report to Congress entitled "DoD Operation and Financial Support for Military Museums," which contained information on the each museum's status, including its funding.<sup>20</sup> While this information was reported externally, the internal requirements to produce the report included a data call of military museums which served to report on their status and any significant changes. The report was an annual requirement of the National Defense Authorization Act, but was abolished.<sup>21</sup> The report for FY2013 was the last annual museum report.

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

Agencies frequently work with, but are not limited to, State Historic Preservation Offices, Tribal Historic Preservation Offices, and certified local governments for the identification, evaluation, and management of information about historic properties. Agencies are encouraged to examine their policies, procedures, and capabilities to public-private initiatives and investment and report on their progress.

*Subquestion 5.1: Are there any legal restrictions that would preclude your agency from exploring partnerships for local economic development for the identification and evaluation of historic properties?*  
*Subquestion 5.2: How have partnerships benefited your agency?*

Partnerships are not used at the DoD level to identify and evaluate historic properties; however, as outlined in one of the core policy statements of DoDI 4715.16:

"It is DoD policy to:

<sup>20</sup> The current (2012) report is available at <http://www.denix.osd.mil/cr/upload/FY12.pdf>. The FY2013 report will be available on DENIX soon.

<sup>21</sup> Section 489 of Title 10, United States Code, required the Secretary of Defense to submit this report annually.

- Consult in good faith with internal and external stakeholders and promote partnerships to manage and maintain cultural resources by developing and fostering positive partnerships with Federal, tribal, State, and local government agencies; professional and advocacy organizations; and the general public.”<sup>22</sup>

At the installation level, the Military Departments can work with partners to improve their cultural resource management programs. As stated in DoDI 4715.16, the Departments shall:

- Establish appropriate partnerships with government, public, and private organizations to promote local economic development and vitality through the use of DoD historic properties in a manner that contributes to the long-term preservation and productive use of those properties.
- Promote partnerships with communities to increase opportunities for public benefit from, and access to, DoD cultural resources, taking into account mission activities, sustainability, safety and security issues, and fiscal soundness.<sup>23</sup>

Additionally, the Military Departments can enter into cooperative agreements as permitted by 10 U.S.C. 2684, *Cooperative agreements for management of cultural resources*, which authorizes “the Secretary of Defense or the Secretary of a military department” to form a cooperative agreement with:

- a State or local government or other entity for the preservation, management, maintenance, and improvement of cultural resources located on a site authorized by subsection (b) and for the conduct of research regarding the cultural resources. Activities under the cooperative agreement shall be subject to the availability of funds to carry out the cooperative agreement.<sup>24</sup>

The authority to enter into a cooperative agreement is however, restricted to the following circumstances “cultural resources must be located—

- (1) on a military installation; or
- (2) on a site outside of a military installation, but only if the cooperative agreement will directly relieve or eliminate current or anticipated restrictions that would or might restrict, impede, or otherwise interfere, whether directly or indirectly, with current or anticipated military training, testing, or operations on a military installation.”<sup>25</sup>

The DoD Legacy Resource Management Program (Legacy), established in 1990, has allowed DoD to utilize partnerships in both cultural and natural resources programs. On an annual basis, Legacy provides funds for projects related to the management of cultural and natural resources on military installations. This program fosters the development of partnerships, providing the knowledge and talents of individuals outside of DoD to contribute toward the improvement of the cultural and natural resource management of military lands.<sup>26</sup> Approximately 1,000 Legacy projects (representing over \$140 million dollars of investment) have directly involved DoD cultural resources since the program’s start in FY1991. These projects have developed new or leveraged existing partnerships with other federal agencies, state, tribal and local governments, in addition to academic and non-profit organizations. The Legacy funding level has declined in the last several years from \$7.11 million in FY08, to \$5.183 million in FY11, to \$3.049 million in FY13.

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<sup>22</sup> Section 4, DoDI 4715.16.

<sup>23</sup> Enclosure 2, DoDI 4715.16

<sup>24</sup> 10 U.S.C. § 2684, <http://www.law.cornell.edu/uscode/text/10/2684>.

<sup>25</sup> 10 U.S.C. § 2684, <http://www.law.cornell.edu/uscode/text/10/2684>

<sup>26</sup> More information on Legacy is available at <http://www.dodlegacy.org/Legacy/intro/about.aspx>.

Legacy establishes Areas of Emphasis (AOE) in the annual request for proposals. Successful project proposals meet DoD's cultural and natural resources management needs. For FY2014, the cultural resources AOE's were:

- Archaeological Collections Management
- Efficiencies in Historic Preservation
- Integrated Cultural Resource Management
- Streamline Approaches to Identifying and Managing DoD Cultural Resources
- Streamlining the Evaluation of DoD Cultural Resources<sup>27</sup>

These AOE's have been revised from previous years to reflect the changing needs of DoD cultural resources management. From these AOE, Legacy proposals are submitted to improve the management of cultural resources including identification/evaluation, sound stewardship, and use.

***6. Provide specific examples of major challenges, successes, and or opportunities your agency has experienced in identifying historic properties over the past three years and in recognition of the 50<sup>th</sup> Anniversary of the NHPA.***

Agencies are encouraged to identify any 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.

DoD-level senior leaders and decision makers continue to become more aware of the cultural resources management program. Examples of successes include the:

- Signed Sacred Sites Memorandum of Understanding;
- Developed guidance on appropriate rehabilitation practices for historic buildings to assist in meeting the energy efficiency goals of EO 13514;
- Developed and signed Prototype Programmatic Agreement for third phase of Army lodging privatization.

DoD continues to improve its management of cultural resource on military lands. Several recent initiatives include:

- Initiating discussions on the development of management solutions for Cold War Mission Properties and Cold War Hangars;
- Air Force development of programmatic management solutions and specifically tailored training materials with ACHP;
- Continued funding of DoD-wide historic contexts and studies to facilitate installation-level survey and evaluation projects; and
- Continued improvement of the Legacy program to solicit projects and establish partnerships to better meet DoD's cultural resources stewardship responsibilities.

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<sup>27</sup> The current RFP is available at [https://www.dodlegacy.org/Legacy/Intro/RFP\\_Legacy.pdf](https://www.dodlegacy.org/Legacy/Intro/RFP_Legacy.pdf).

## Protection

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### **7. Explain how your agency has protected historic properties.**

The protection of federal historic properties is the cornerstone of the advancement of EO 13287. When a federal agency protects a historic property it provides leadership in stewardship and the contemporary use of the property as applicable.

*Subquestion 7.1: How has your agency protected, stabilized, rehabilitated, or monitored historic properties?*

*Subquestion 7.2: What other forms of protection has your agency provided for historic properties?*

DoD uses a total asset management approach to ensure that all of its properties, including historic properties, are maintained and utilized in a sustainable manner to meet mission needs. For real property assets, DoD utilizes a suite of standardized analytical tools for estimating cost requirements to operate, sustain and recapitalize its facilities.<sup>28</sup> These tools function as predictive models to calculate funding requirements for individual buildings and structures; these requirements are then aggregated up to installation and higher organizational levels for summary reporting and out-year planning.

Many of these tools use calculations of Plant Replacement Value (PRV) in their models to project the appropriate amount of funds to maintain facilities.<sup>29</sup> PRV is used as a common measure of facility and inventory size, as well as the basis for generating facility condition index (FCI) values and estimating recapitalization requirements. DoD standardized formula for calculating PRV is:

$$\text{Plant Replacement Value} = \text{facility quantity} \times \text{replacement unit cost} \times \text{location factor} \times \text{planning \& design (P\&D) factor} \times \text{historical factor} \times \text{contingency factor} \times \text{SIOH} \times \text{inflation.}^{30}$$

<sup>28</sup> Sustainment is defined as “the maintenance and repair activities necessary to keep an inventory of facilities in good working order. It includes regularly scheduled adjustments and inspections, preventive maintenance tasks, and emergency response and service calls for minor repairs. It also includes major repairs or replacement of facility components (usually accomplished by contract) that are expected to occur periodically throughout the life cycle of facilities. This work includes regular roof replacement, refinishing of wall surfaces, repairing and replacement of heating and cooling systems, replacing tile and carpeting, and similar types of work. It does not include environmental compliance costs, facility leases, or other tasks associated with facilities operations (such as custodial services, grounds services, waste disposal, and the provision of central utilities).” Recapitalization means “the major renovation or reconstruction activities (including facility replacements) needed to keep existing facilities modern and relevant in an environment of changing standards and missions. Recapitalization extends the service life of facilities or restores lost service life. It includes restoration and modernization of existing facilities, as well as replacement of existing facilities with new.” See DoD 7000.14-R, Vol. 2B, Chapter 8, para. 080105. for more information on definitions.

<sup>29</sup> Information on PRV can be found in the “Report of the Plant Replacement Value (PRV) Panel, August 2001 – May 2003,” available at [http://www.acq.osd.mil/ie/fim/library/PRV\\_Final\\_Report.pdf](http://www.acq.osd.mil/ie/fim/library/PRV_Final_Report.pdf).

<sup>30</sup> PRV definition from DoD 7000.14-R, Vol. 2B, Chapter 8, para. 080105.D.

DoD allows for a “Historical Requirements Adjustment” of five percent when calculating PRV in order to properly take into account the needs of historic real property. This adjustment is used to recognize that proper budgeting for the maintenance and repair of historic real property can require additional funds. In May 2003, an investigation of PRV confirmed the need for the five percent adjustment. The justification for the five percent adjustment remains:

- “While historic building and structures are not typically “replaced,” these facilities incur significant restoration efforts to extend the life of the facility. Incident to these restorations is the requirement for unique architectural features to be preserved or duplicated.
- During modernization, additional materials and effort are required to mask or screen the impact of these modernizations and to avoid detracting from the architectural theme. This becomes evident in the installation of updated standards in HVAC, fire suppression, force protection, elevators, and handicapped accessibility.
- Construction of modern buildings within historic districts must receive additional architectural features to preserve the architectural theme.
- Utilities and infrastructure are also impacted while being replaced within historic districts. Examples include lighting, roadways, pavements, and fencing as well as the increased cost to replace underground utilities based on the surface that must be disturbed, such as brick or cobblestone vice asphalt.”<sup>31</sup>

DoD affirmed the application of the “Historical Requirements Adjustment” when Unified Facilities Criteria (UFC) 3-701-07, DoD Facilities Pricing Guide (July 2, 2007) was issued.<sup>32</sup>

Another way in which DoD protects historic properties is by protecting them from looting or vandalism. By simply being located “within the fence,” DoD’s historic assets and more specifically, its archaeological sites, are provided a level of protection unparalleled in other Federal land management and in private land holdings alike. This protection is one special benefit afforded DoD’s cultural resources that results from the security centric nature of our defense mission.

***8. Describe the programs and procedures your agency has established to ensure the protection of historic properties, including compliance with Sections 106, 110, and 111 of NHPA.***

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 program to ensure, among other things, the identification and protection of historic properties under their jurisdiction or control. Section 111 further requires that federal agencies establish and implement alternatives for historic properties, where appropriate, including adaptive use and leases that are not needed for current or projected agency purposes.

*Subquestion 8.1: How does your agency oversee compliance with Sections 106, 110, and 111 of NHPA?*

<sup>31</sup> 37 Section 4.1 of the “Report of the Plant Replacement Value (PRV) Panel.”

<sup>32</sup> Available from [http://www.wbdg.org/ccb/DOD/UFC/ufc\\_3\\_701\\_01.pdf](http://www.wbdg.org/ccb/DOD/UFC/ufc_3_701_01.pdf). The historical requirements adjustment is first mentioned in Section 3-2.2.

The Military Departments are required to comply with Section 106, 110, and 111. They report their progress of the performance measures established in the DoDI 4715.16 during EMR annually to OSD, as discussed previously in Question 3.

*Subquestion 8.2: Has your agency dedicated adequate resources to oversee these provisions?*

The Military Departments each have a budget, a portion of which is to be used toward the identification and evaluation of cultural resources. Additionally, each installation has a person tasked with overseeing compliance with the Sections 110, 111, and 106 at the installations. Typically, this person is a Cultural Resource Manager unless it is collateral duty or assigned to another staff person. Installation Integrated Cultural Resources Management Plans (ICRMPs) serve to incorporate cultural resources management into installation mission and operations planning in compliance with cultural resource legislative mandates and DoD policies. ICRMPs include discussions of how the installation will comply with each of the cultural resources legal and policy requirements for the 5-year period covered by each plan.

*Subquestion 8.3: Does your agency use program alternatives such as Programmatic Agreements, Program Comments, and other tools to tailor the Section 106 process to your agencies programs and activities? If so, how effective are these alternatives in meeting their intended goals? If not, are there specific activities or programs that you believe would benefit from treatment under a program alternative?*

DoD has several nationwide Program Comments including programs for Capehart-Wherry Housing, Ammunition Storage Facilities, and Unaccompanied Personnel Housing, as well as the nationwide Programmatic Memorandum of Agreement (PMOA) for WWII Temporary Buildings. These program alternatives have been effective ways to manage large numbers of like resources. Additionally, many installations have Programmatic Agreements (PAs) with State Historic Preservation Offices (SHPOs) for routine maintenance and other common activities. DoD is developing plans to ascertain management solutions for Cold War facilities stewardship, activities associated with maintaining and managing those assets.

*Subquestion 8.4: 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?*

DoD staff does have access to training on Sections 106, 110, and 111 procedures and compliance. The Department of the Navy maintains and offers its Civil Engineer Corps Officers School (CECOS) courses. The mission of CECOS is to provide Seabees, Civil Engineer Corps (CEC) Officers, Facility Engineers and Environmental Professionals with the necessary skills, knowledge and education to enhance lifelong learning and to provide quality support to DoD.<sup>33</sup> Courses offered range from Career Development to Pollution Prevention to Environmental Compliance, Management, and Conservation. Courses are free to DoD personnel. Cultural resources courses available include Advanced Historic Preservation Law and Section 106 Compliance, Introduction to Cultural Resources Management Laws and Regulations, and Native American Traditions and Cultures: Implementing DoD Native American Policy.

Given recent travel restrictions and limited travel funds, access to off-site training on Section 106, 110, and 111, such as the ACHP's 106 Essentials Course, has been limited in the past 2-3 years. To accommodate for the restrictions in travel and limited funds for training, Section 106 training course

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<sup>33</sup> CECOS information and courses: <https://www.netc.navy.mil/centers/csfe/cecos/About.aspx?ID=0>

templates have been recently developed for both the CRM professional and non-CRM staff. These templates can be used at the installation level to provide localized training to staff. In addition, DoD's environmental website contains many educational materials, historic contexts, and training documents.

*Subquestion 8.5: Is your agency considering procedures and policy related to compliance with Sections 106, 110 and 111 of NHPA when evaluating regulatory review under Executive Order 13563, "Improving Regulation and Regulatory Review" (EO 13563)?*

OSD and the Military Departments routinely review internal procedures to ensure compliance processes are clear and concise. The DoDI 4715.16 is scheduled to be reviewed and revised as needed during FY15.

**9. Describe your agency policies that promote and/or influence the protection of historic properties.**

There are several federal agencies that are actively protecting their inventory of historic real property. If you are such an agency, please consider providing additional information on how your agency is accomplishing this task and any successful programs that might benefit other federal agencies. This should include security and/or restricted access limitations your agency has overcome.

*Subquestion 9.1: How is this policy incorporated into your agency's strategic plan?*

DoD has developed strategic plans for different mission areas. The DoD-wide DoDI 4715.16 for Cultural Resources Management provides policy for the management of cultural resources.

*Subquestion 9.2: Does your agency have an asset management plan? If not, why? If yes, what planning and management requirements do historic real properties have in your agency's asset management plan?*

(This answer remains largely unchanged from previous years)

DoDI 4715.16 includes requirements for cultural resources planning, including the need for up-to-date ICRMPs. The policy requires the DoD Departments to:

- Develop and implement a process to fully integrate cultural resources planning processes with broader planning activities in accordance with [DoDI 4715.9, Environmental Planning and Analysis (May 3, 1996).] Integrate cultural resources management with other facilities management systems and processes to provide the greatest overall program effectiveness and business efficiency.
- Ensure that installations prepare, maintain, and implement provisions of their ICRMP in accordance with Enclosure 6 of this Instruction, and in consultation with SHPOs, THPOs, and other appropriate consulting parties.
  - Ensure that these plans are fully coordinated with appropriate installation offices responsible for preparing and maintaining training plans and master plans (including but not limited to: training and test range management plans, range complex master plans, installation master plans, integrated natural resources management plans, integrated pest management plans, endangered species recovery plans, recreational and golf course management plans, grounds maintenance plans, facilities construction site approvals, and other land use activities).



- Ensure that each plan is reviewed annually, updated as mission or environmental changes warrant, and revised and approved by appropriate command levels at least every 5 years.<sup>34</sup>

Enclosure 6 of DoDI 4715.16 outlines the general contents of an ICRMP (eleven items) and specific contents of an ICRMP (twenty items). Additionally, the policy includes an annual reporting metric related to ICRMPs:

Goal. All installations with cultural resources will complete and update ICRMPs as per this policy. In addition, all ICRMPs will be current and implemented, in consultation and partnership with SHPOs, THPOs, and other appropriate consulting parties.

Metric:

- Percent of total ICRMPs, by DoD Component, complete; and percent of total ICRMPs, by DoD Component, developed in consultation.

*Subquestion 9.3: Has your agency entered into any management contracts with other parties to protect your historic properties, including monitoring, repair, stabilization, and rehabilitation? If yes, have these been effective? What are the advantages and disadvantages of these contracts?*

DoD enters into contractual agreements to protect historic properties. The status of such agreements are not available at this time.

*Subquestion 9.4: What types of performance criteria must be met in the stewardship and capital planning for the use of historic properties?*

(This answer remains largely unchanged from previous years)

DoD's historic real property assets are valued as much as the non-historic assets – all assets are to be kept in serviceable condition and used in support of the military mission. Other than the percentage adjustments in PRV (see the response to Question 7), DoD employs no other special performance criteria for historic real property assets.

*Subquestion 9.5: Does your agency utilize a deferred maintenance program for protection of historic properties?*

(This answer remains largely unchanged from previous years)

Prior to FY2008, DoD did not have an accurate accounting of deferred maintenance costs for all built infrastructure, including historic properties. In order to improve their understanding of its total asset inventory, DoD now reports "Real Property Deferred Maintenance," including Heritage Assets:

- Multi-Use Heritage Assets Deferred Maintenance. Multi-use Heritage Assets are Heritage Assets that not only have historical, cultural or architectural significance but are also used for general Government operations. Include a comment in the narrative statement if deferred maintenance amounts for multi-use Heritage Assets are included in the buildings and structures property types.<sup>35</sup>

<sup>34</sup> 39 Available at <http://www.dtic.mil/whs/directives/corres/pdf/471509p.pdf>  
40 Sections 6(d) and 6(e) of DoDI 4715.16.

<sup>35</sup> See <http://comptroller.defense.gov/FMR.aspx>.

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

Agencies frequently work with State Historic Preservation Offices, Tribal Historic Preservation Offices, certified local governments, and private entities and organizations for the protection and management of information about historic properties. Agencies are encouraged to examine their policies, procedures, and capabilities for public-private initiatives and investment and report on their progress.

*Subquestion 10.1: Are there any legal restrictions that would preclude your agency from exploring partnerships for local economic development for the protection of historic properties?*

*Subquestion 10.2: How have partnerships benefited your agency?*

*Subquestion 10.3: How successful has your agency been in developing partnership agreements (e.g. cooperative, cost-share, interagency, research) for the protection of historic properties?*

Information on DoD's policies concerning partnerships can be found in the response to Question 5, above.

**11. Provide specific examples of major challenges, successes, and/or opportunities your agency has encountered in protecting historic properties over the past three years and in recognition of the 50<sup>th</sup> Anniversary of the NHPA.**

*Subquestion 11.1: 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.*

Information on DoD's cultural resources program successes and opportunities can be found in the response to Question 6, above.

## Use

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**12. Explain how your agency has used historic properties.**

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. 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 (Section 5(b) of EO 13287).

*Subquestion 12.1: What is the total number of your agency's historic properties with an assigned mission and/or purpose?*

All active assets in the inventory are reported as necessary to the mission.<sup>36</sup>

*Subquestion 12.2: In what ways has your agency used technologies and/or media, including the Internet, to promote heritage tourism as a use of historic properties?*

(This answer remains largely unchanged from previous years)

In the past three years, DoD has advocated for the improvement and expansion of its cultural resources program and assets' presence on the internet. Making heritage property information available to stakeholders, consulting parties, and members of the interested and general public helps to raise awareness of the numerous cultural resources DoD manages, and the challenges and successes therein. To work towards achieving these goals, DoDI 4715.16 directs the DoD Departments to:

“Ensure that current information on known cultural resources is ... also available (subject to the appropriate confidentiality and security considerations) to consulting parties, as well as residents, visitors, scholars, and the general public; to increase awareness of the significance of ... resources on DoD lands as a means to protect and preserve these items of national heritage.”<sup>37</sup>

To ensure the DoD Departments are making information available as directed, DoD included a performance metric in DoDI 4715.16 to measure “Public Access to Cultural Resource Information:”

Goal. All installations with cultural resources will have a public outreach program in accordance with the implementation of [NHPA] and [EO 13287].

Metric – Percent of installations with cultural resources that have public web sites and/or tour programs. (Compare baseline information (#1) to reported information (#2-4) to calculate percent.)

1. Number of installations with cultural resources.
2. Number of installations with cultural resources that have a cultural resources public Web page or a cultural resources area on an installation's main Web page.
3. Number of installations with cultural resources that have regularly scheduled public tours of cultural resources.
4. Number of installations with cultural resources that include cultural resource information in a welcome package for new residents and/or employees and visitors.

In an effort to implement these policy changes, DoD is working to update its own web page for environmental management information. This website, called the Defense Environmental Information Exchange (DENIX), hosts hundreds of documents related to DoD's assets and Cultural Resources Program. DENIX is also the source for electronic information on military museums and NHLs.<sup>38</sup>

<sup>36</sup> Per internal reporting with OSD BEI. September 2014.

<sup>37</sup> Excerpt from Section 6(f) of DoDI 4715.16.

<sup>38</sup> For more information on DENIX, please see <http://www.denix.osd.mil/cr/>

*Subquestion 12.3: If there are no legal restrictions, how has your agency developed or improved procedures for supporting local economic development and heritage tourism for the use of historic properties?*

At the Department level, DoD has not developed procedures for supporting local economic development and heritage tourism for the use of historic properties due to its mission needs.

*Subquestion 12.4: Explain how your agency has considered the reuse of historic properties when meeting the "Freeze the Footprint" policy?*

In the memo *Department of Defense Revised Real Property Cost Savings and Innovation Plan For FY13-15* from the Acting Under Secretary of Defense, DoD outlines its strategies and tools available to meet the "Freeze the Footprint" policy.<sup>39</sup> The memo states that, "Defense is determined to support the President's Executive Order 13589, Promoting Efficient Spending, initiative by striving not to increase our domestic footprint while still maintaining our ability to support critical military programs and continuing to safeguard our national security." DoD's strategies include "consolidating, realigning, and disposing of underutilized, inefficient and outdated assets." DoD established a baseline footprint from the FY12 FRPP. DoD requested in the President's Budget Request for Fiscal Year 2014 another round of Base Realignment and Closure (BRAC) in 2015.<sup>40</sup> Prior to the "Freeze the Footprint" initiative, DoD had worked to reduce the square footage of its inventory. It has reduced its owned assets square footage in the United States by almost 14% since FY2002. This has been achieved through initiatives such as BRAC 2005 and the privatization of Military Family Housing units. The reuse of historic properties has not been specifically mentioned as a strategy to meet the "Freeze the Footprint" policy, but DoDI 4715.16 states that The Heads of the DoD Departments and Components shall:

- Maximize reuse of historic buildings and structures, where justified by an objective analysis of life-cycle benefits and costs, before disposal, new construction, or leasing in accordance with DoDD 4165.6 and DoDI 4165.70 (References (j) and (k)).<sup>41</sup>

*Subquestion 12.5: Explain how your agency has identified program improvements, realized in compliance with EO 13563, in relation to using historic properties.*

EO 13563, Improving Regulation and Regulatory Review, seeks to better executive agencies' processes and make them more easily accessible to the public. In striving to meet the standards of EO 13563, DoD has developed the "Department of Defense Plan for Retrospective Analysis of Existing Rules." Further, DoD's plan is "designed to create a defined method and schedule for identifying certain significant rules that are obsolete, unnecessary, unjustified, excessively burdensome, or counterproductive." DoD intends its review processes "to facilitate the identification of rules that warrant repeal or modification, or strengthening, complementing, or modernizing rules where necessary or appropriate."<sup>42</sup>

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<sup>39</sup> John Conger, Acting Under Secretary of Defense to Associate Administrator for Government-Wide Policy, General Services Administration. *Department of Defense Revised Real Property Cost Savings and Innovation Plan For FY13-15*, 25 October 2013.

<sup>40</sup> DoD will again request a BRAC round in FY2015 for FY2017.

<sup>41</sup> DoDI 4715.16.

<sup>42</sup> <http://open.defense.gov/Transparency/ReviewsandReports.aspx>

The *Department of Defense Retrospective Review Plan Report*, July 8, 2013, stated that the Permit Application Procedures for Archaeological Research and Enforcement Procedures of the Sunken Military Craft Act (SMCA) on Sunken Military Craft under the jurisdiction of the Department of the Navy are being updated.

This rule is a revision of the current 32 CFR part 767. The rule establishes a single permitting process for members of the public wishing to engage in activities on Department of Navy sunken and terrestrial military craft. The rule also incorporates provisions for a special-use permit to be issued in the case of minimally intrusive operations such as sample collection or remotely-operated vehicle documentation of historic sites. Also the rule outlines penalties and enforcement procedures.<sup>43</sup>

As a result of this, there will be “an avenue for the public to access sites that are otherwise restricted from disturbance by the SMCA. Such access will allow research that can bring to light new information about the nation's maritime heritage and increase public knowledge of the US Navy's history and service.”<sup>44</sup>

### **13. Explain the overall condition of the historic properties within your agency's control.**

The condition of an asset can have a direct link to its status as viable to an agency's mission. Proper understanding of a historic property's condition is more complex due to the additional management and treatment requirements. Federal agencies should ensure that historic properties have a contemporary use to meet mission needs.

*Subquestion 13.1: What efforts has your agency undertaken to improve the condition of historic properties?*

DoDD 4165.6, and DoDI 4165.70 provide the policy guidance and procedures to ensure that all historic property are maintained in good condition and fully utilized to support the military mission.

*Subquestion 13.2: Discuss how the condition of your historic properties affects your agency's ability to use them in support of its mission.*

Policies, as described above, have improved DoD's ability to ensure military installation assets and services are available when and where needed, with the joint capabilities and capacities necessary to effectively and efficiently support DoD missions.

The previous Quality Rating system has been replaced with a new method of evaluating the condition of buildings, the Facilities Condition Index (FCI). The definition of this data element is: the FCI represents a measure of an asset's physical condition. It is expressed as a percentage 0 (totally failed) to 100 (perfect condition). It is expressed as a ratio of the estimated cost for an asset's current total Deferred Maintenance and Repair (DM&R) to that asset's plant replacement value (PRV). An FCI rating between

<sup>43</sup><http://www.regulations.gov/contentStreamer?objectId=0900006481381aec&disposition=attachment&contentType=pdf>

<sup>44</sup><http://www.regulations.gov/contentStreamer?objectId=0900006481381aec&disposition=attachment&contentType=pdf>

60 and 79 indicates a building is poor condition. Whereas, a rating below 60 means the building's condition is failing. In a policy memo, the Under Secretary of Defense for Acquisition, Technology and Logistics, established the following goals for the maintenance of DoD's buildings:

- “Fund sustainment programs at 90 percent or higher of the Facility Sustainment Model requirement.
- 80 percent as the minimum inventory-wide FCI goal for each Component to meet annually for the facilities they manage beginning in FY 2016. If a Component determines that a higher FCI goal is necessary to meet operational requirements, the Component Head should submit to an alternate goal with supporting rationale.
- Beginning with the FY 2016 Program Review ... Components [will] develop mitigation plans for those facilities with an FCI below 60 percent as reported in the latest annual submission to the Department's Real Property Asset Database. The plans will provide the recommended mitigation (repair, replace, mothball, or demolish), estimated cost of the mitigation action and a notional fiscal year for funding the mitigation. The Components shall submit these plans annually to the Deputy Under Secretary of Defense for Installations and Environment (DUSD(I&E)) in conjunction with their Program Objective Memorandum submissions.”<sup>45</sup>

These goals include DoD's historic real property. As this is a new program, data is not yet available to show the condition of historic real property.

Additionally, a few archaeological sites have been “hardened” to facilitate the use of those sites as part of military training. This has been done at Marine Corps Base Quantico and Fort Drum.

**14. Describe your agency policies that promote and/or influence the use of its historic properties.**

There are several federal agencies that are actively using their inventory of historic real property for supporting local economies and heritage tourism purposes. If you are such an agency, please consider providing additional information on how your agency is accomplishing this task and any successful programs that might benefit other federal agencies. This should include security and/or restricted access limitations your agency has overcome to support local economies and heritage tourism programs.

*Subquestion 14.1: Have you incorporated these policies into your agency's strategic plan?*

DoD's central strategic plan addresses our mission of National Defense. However, DoD maintains several strategic plans for various other mission areas and Components.

*Subquestion 14.2: Does your agency have an asset management plan? If not, why? If yes, explain how this plan accounts for the management of historic properties.*

In 2012, DoD published Unified Facilities Criteria (UFC) 2-100-01, "Installation Master Planning."<sup>46</sup> There are ten strategies to support the “DOD-wide [sic] overarching installation planning philosophy, which is

<sup>45</sup> Mr. Frank Kendall letter to Under Secretaries of the Military Departments, Directors of Defense Agencies, Directors of Field Activities, Washington Headquarters Services. SUBJECT: Facility Sustainment and Recapitalization Policy. 29 April 2014.

<sup>46</sup> [http://wbdg.org/ccb/DOD/UFC/ufc\\_2\\_100\\_01.pdf](http://wbdg.org/ccb/DOD/UFC/ufc_2_100_01.pdf)

to develop a sustainable platform to support the effective execution of assigned military missions as efficiently as possible,” one of which is Natural, Historic and Cultural Resource Management.<sup>47</sup>

Section 2-3 of this UFC discusses Natural, Historic, and Cultural Resource Management. It states “installations have natural, historic, and cultural resources that must be considered in the planning process ... Historic and cultural resources may include historic buildings, structures, objects, districts, landscapes, and archaeological sites, as well as sacred sites to Native American tribes.” Further, this UFC directs planners to “coordinate planning decisions with installation cultural and natural resource managers early in the planning process to avoid project delays and additional funding needs from the inadvertent discovery of historic, cultural and natural resources within proposed project areas.”<sup>48</sup> Section 2-3.3 incorporates the NHPA Section 106 and its regulations, 36 CFR 800, language into the document and encourages planners to contact the installation CRM early in the planning process.

Historic properties and principles of heritage stewardship are also discussed throughout the document, such as when addressing multi-story construction and Framework planning. For infill, it states that “planners shall take into account the potential impacts of all proposed actions on historic properties when considering infill within an historic district.”<sup>49</sup>

*Subquestion 14.3: 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 economic development and heritage tourism?*

None: DoD’s assets are for mission needs only, not economic development or tourism, and we do not involve stakeholders in mission planning.

*Subquestion 14.4: Does your agency have protocols for its managers to identify historic properties that are available for transfer, lease, or sale? What criteria are considered when recommending such actions?*

(This answer remains largely unchanged from previous years)

DoD Directive (DoDD) 4165.6, Real Property, and DoDI 4165.72, Real Property Disposal are the Department-wide policies for transfer, lease or sale of all DoD real property, including historic assets.<sup>50</sup> DoDI 4165.72 directs the DoD Departments to “establish programs and procedures to dispose of real property that conform to applicable law and the policies, guidance, and procedures provided by and pursuant to [DoDD 4165.6] and [DoDI 4165.72].”<sup>51</sup> DoD Department policies have more detailed requirements on the disposal process relevant to their business practices.

The criteria for disposal actions are again applicable to all types of real property. DoDI 4165.72 directs the following procedure to dispose of real property:

The programs of the Military Departments shall ensure that... real property for which there is no foreseeable military requirement, either in peacetime or for mobilization, and for which the

<sup>47</sup> Unified Facilities Criteria (UFC) 2-100-01, "Installation Master Planning." 2-1.

<sup>48</sup> Unified Facilities Criteria (UFC) 2-100-01, "Installation Master Planning." 2-3.

<sup>49</sup> Unified Facilities Criteria (UFC) 2-100-01, "Installation Master Planning." 2-2.2

<sup>50</sup> DoDD 4165.06 available from <http://www.dtic.mil/whs/directives/corres/pdf/416506p.pdf>; DoDI 4165.72 available from <http://www.dtic.mil/whs/directives/corres/pdf/416572p.pdf>.

<sup>51</sup> Section 4.3.1., DoDI 4165.72.

Department of Defense does not have disposal authority, is promptly reported for disposal to [GSA]... in accordance with applicable regulations of those agencies.<sup>52</sup>

The disposal procedures include several factors to consider in addition to the obvious legal requirements. DoDI 4165.72 reinforces the uniqueness of disposing historic properties:

Disposal of real property may include disposing of associated interests in real property such as authorized by section 2668a of title 10, U.S.C. [Easements: granting restrictive easements in connection with land conveyances], including those needed to comply with the requirements of the National Historic Preservation Act...<sup>53</sup>

*Subquestion 14.5: When negotiating leases, how does your agency budget for the use of lease proceeds in the rehabilitation and maintenance of historic properties?*

(This answer remains largely unchanged from previous years)

DoD FMR Volume 12, Chapter 14, *Transferring, Disposing, And Leasing Of Real Property And Personal Property* (June 2009)<sup>54</sup> provides the financial procedures for the disposal, transfer or leasing out of real and personal property.

“Funds received from leases entered into pursuant to Title 10, U.S.C. §2667 shall be deposited into the special fund Treasury receipt account 5189, “Lease of DoD Real Property.”<sup>55</sup>

The regulation does not differentiate between historic and non-historic real property assets.

*Subquestion 14.6: Does your agency limit public access to historic properties? If so, what considerations affect decisions to limit access?*

DoD limits most access to installations based on security concerns, although there are procedures in place to allow access if requested and in keeping with the threat level assessment. For example, the Santa-Elena National Historic Landmark, at Marine Corps Recruiting Depot Parris Island, SC, may be accessed by coordinating with installation staff.

**15. 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 NHPA, Section 111 (16 U.S.C. § 470h-3) 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. All three authorities ensure long-term protection of federal historic properties.

<sup>52</sup> Section 5.1., DoDI 4165.72.

<sup>53</sup> Section 5.1.6., DoDI 4165.72.

<sup>54</sup> Available from [http://comptroller.defense.gov/Portals/45/documents/fmr/current/12/12\\_14.pdf](http://comptroller.defense.gov/Portals/45/documents/fmr/current/12/12_14.pdf).

<sup>55</sup> Section 140203 of DoD FMR 7000.14-R, Volume 12, Chapter 14.



*Subquestion 15.1: Does your agency utilize Section 111 (16 U.S.C. § 470h-3) authorities in the management of historic properties? If yes, provide examples how your agency has used this authorization.*

*Subquestion 15.2: If your agency has not used Section 111 (16 U.S.C. § 470h-3) authorities explain why and any impediments for using this authority.*

DoD does not issue any policy or guidance to preclude the use of Section 111 of the NHPA by DoD Departments. However, the Departments have not made extensive use of that authority, preferring instead to use “Enhanced Use Leasing” under 10 U.S.C. 2667. This codified allowance is a special statutory authority specific to DoD. DoD uses it extensively, but not often for historic property leasing. As noted in DoD’s 2003 Section 3 Report, the Departments have found that Enhanced Use Leasing has the potential for more flexible use.

*Subquestion 15.3: Does your agency adhere to any other federal regulations or authorities in lieu of Section 111 (16 U.S.C. § 470h-3) of NHPA when transferring or disposing of its historic properties (e.g., 36 CFR § 18, Public Building Cooperative Use Act, or regulations developed for use by specific agencies)?*

(This answer remains largely unchanged from previous years)

In addition to NHPA Section 111 and 10 USC 2667, DoD has also used the BRAC process to transfer or dispose of its real property.<sup>56</sup> BRAC is a congressionally authorized process DoD has used to reorganize its base structure to more efficiently and effectively support its forces, increase operational readiness and facilitate new ways of doing business. The first four rounds (1988, 1991, 1993 and 1995) of the BRAC process resulted in the full closure of 125 major military installations, the reorganization of dozens more, and the closure or realignment of hundreds of minor facilities. The last round of BRAC was in 2005 and authorized the closure of 22 major military installations, the realignment of 33 others, and the closure or realignment of hundreds of other minor facilities, by the end of FY2011.<sup>57</sup> Many of the installations closed under BRAC contained historic properties that were successfully transferred and reused by other Federal agencies, private industry, local governments, and non-profit organizations.

Regardless of authority considered, the security of military installations is of paramount importance. Therefore, out-leasing of any military real property – historic or not – can be complicated by the location of such assets within a secure perimeter of a military installation.

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

Agencies frequently work with State Historic Preservation Offices, Tribal Historic Preservation Offices, certified local governments, and private entities and organizations, for the use and management of information about historic properties. Agencies are encouraged to examine their policies, procedures, and capabilities to public-private initiatives and investment and report on their progress.

<sup>56</sup> As authorized by federal law, the “BRAC process” consists of the provisions of Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Pub. L. 100-526, 102 Stat.2623, 10

<sup>57</sup> BRAC information available from <http://www.brac.gov/docs/final/Volume1BRACReport.pdf>

*Subquestion 16.1: Are there any legal restrictions that would preclude your agency from exploring partnerships for local economic development for the use of historic properties?*

*Subquestion 16.2: If your agency uses partnerships, please describe the nature of these partnerships.*

*Subquestion 16.3: How have partnerships benefited your agency?*

*Subquestion 16.4: Does your agency have any volunteer programs? If so, how are volunteers used in the management or interpretation of historic properties?*

Information on the Department's policies concerning partnerships can be found in the response to Question 5, above.

**17. Provide specific examples of major challenges, successes, and/or opportunities your agency has encountered in using historic properties over the past three years and in recognition of the 50<sup>th</sup> Anniversary of the NHPA.**

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.

Information on DoD's cultural resources program successes and opportunities can be found in the response to Question 6, above.

**18. Describe your agency's sustainability goals and climate change adaptation planning, in accordance with EO 13514 and how these goals are being met, taking stewardship of historic properties are being addressed.**

*Subquestion 18.1: Has your agency prepared a Strategic Sustainability Performance Plan and Agency Adaptation Plan in accordance with EO 13514, and if so, do they include discussion of historic properties either in general terms or as specific examples?*

DoD developed a Strategic Sustainability Performance Plan in FY2012 and 2013.<sup>58</sup> A 2014 plan has been submitted to Office of Management and Budget (OMB), but is not yet available for public release.<sup>59</sup> This Climate Change Adaptation Roadmap will be discussed in the next DoD Section 3 report that includes FY2014.<sup>60</sup> The earlier plans do discuss historic properties. For instance, the 2012 plan states:

DoD manages the largest portfolio of historic buildings in the federal government. As stewards of some of the nation's most significant historic resources, DoD continues to be a leader in adaptively reusing its historic buildings. By balancing mission needs with appropriate

<sup>58</sup> [http://www.acq.osd.mil/ie/download/green\\_energy/dod\\_sustainability/2012/DoD%20SSPP%20FY12-FINAL.PDF](http://www.acq.osd.mil/ie/download/green_energy/dod_sustainability/2012/DoD%20SSPP%20FY12-FINAL.PDF) and <http://www.denix.osd.mil/sustainability/loader.cfm?csModule=security/getfile&pageid=35931>

<sup>59</sup> The Secretary Defense announced the release of the 2014 Climate Change Adaptation Roadmap for October 31, 2014. Link to the speech is: <http://www.defense.gov/Speeches/Speech.aspx?SpeechID=1893>

<sup>60</sup> <http://www.acq.osd.mil/ie/download/CCARprint.pdf>

rehabilitation practices, reuse of DoD's historic buildings reduces landfill demolition and construction waste, and sets an example for achieving the goals of EO 13514.<sup>61</sup>

*Subquestion 18.2: Is your agency considering impacts to historic properties when addressing climate change preparedness and resilience in accordance with EO 13653?*

All undertakings at DoD installations are reviewed for impacts to historic properties under Section 106 of the NHPA and projects related to climate change preparedness and resilience would not be exempted from this review. With respect to trying to protect historic properties from climate change impacts, DoD has begun examination of potential considerations and impacts (for example, increased erosion of sites in coastal areas as sea level rises), but has not yet developed any specific projects to address those impacts.

*Subquestion 18.3: How does your agency coordinate historic preservation and sustainability goals in project planning?*

DoD recently completed guidance on appropriate rehabilitation practices for historic buildings to assist DoD in meeting the energy efficiency goals of EO 13514. DoD incorporates sustainable practices with historic properties where and when it is appropriate and mission supporting. For example, photovoltaic panels have been installed at the Home of the Commandants, a National Historic Landmark at the Marine Corps Barracks, Washington, DC.

*Subquestion 18.4: Has your agency rehabilitated or adaptively reused historic properties to achieve sustainability goals?*

As discussed above, DoD incorporates sustainable practices with historic properties where appropriate and mission supporting.

*Subquestion 18.5: How has your agency promoted the rehabilitation of historic properties to achieve energy efficiency goals as an alternative to new construction?*

Facilities personnel are provided training concerning the potential for the adaptive use of historic structures. Installation of PV panels at the Home of the Commandant is cited as a demonstration project that promotes the compatibility of historic preservation and energy efficiency.

*Subquestion 18.6: How is your agency planning for the continuous improvement and better building performance management, energy efficiency enhancements, and energy waste reduction in an open and transparent way, as outlined in the Presidential Memorandum: Federal Leadership on Energy Management (December 2013)?*

The DoDI 4170.11, Installation Energy Management, states "it is DoD policy that:

- a. Installation energy management shall satisfy all goals and policies established by References (b) through (e), and in accordance with sections 8251 et seq. and 6361 et seq. of Title 42, United States Code (Reference (g)).
- b. DoD utility infrastructure be secure, safe, reliable, and efficient.
- c. Utility commodities are procured effectively and efficiently.

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<sup>61</sup> Department of Defense Strategic Sustainability Performance Plan, p. 91.

- d. The Department of Defense maximize energy and water conservation efforts.
- e. The Department of Defense invest in cost effective renewable energy sources and energy efficient facility designs and regionally consolidate Defense requirements to aggregate bargaining power to achieve better energy deals.
- f. This Instruction, including the principles in References (c), (d), and (e), shall be applied to all facilities that use U.S. funding, both appropriated and non-appropriated, for construction, sustainment, renovation, maintenance, or operation, without regard to the location of those facilities.
- g. Readiness and sustainability policies and installation missions are considered and facilitated as part of installation energy management practices.<sup>62</sup>

*Subquestion 18.7: Has your agency faced resistance to reuse of historic properties due to the perceived incompatibility of preservation with sustainability goals and climate resilient investment?*

Opposition to reuse of historic buildings is generally based upon the unsuitability of the existing structure for the proposed new use, such as, when the building is too small to accommodate an effort to consolidate offices from multiple buildings under one roof. Site-sensitive characteristics inherent in many historic buildings, such as orientation that reduces solar gain and enhances air flow, are recognized and utilized, as appropriate, in DoD sustainable practices.

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<sup>62</sup> <http://www.dtic.mil/whs/directives/corres/pdf/417011p.pdf>



Department of Defense Response to:  
Executive Order 13287, "Preserve America,"  
Section 3: Reporting Progress on the  
Identification, Protection, and Use of  
Federal Historic Properties

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Office of the Under Secretary of Defense  
For Acquisition, Technology, and Logistics