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Preserving America's Heritage

With a World of Heritage So Rich

ADVISORY COUNCIL ON HISTORIC PRESERVATION

401 F Street NW, Suite 308 • Washington, DC 20001-2637

Phone: 202-517-0200 • Fax: 202-517-6381 • achp@achp.gov • www.achp.gov



THE NATIONAL HISTORIC PRESERVATION PROGRAM: OVERVIEW

The [National Historic Preservation Act](#) (NHPA) is the cornerstone that defines the federal government's role as a leader in the preservation of our nation's historic properties. Its passage in 1966 was a watershed event that launched a transformation of the federal government from an agent of indifference—frequently responsible for needless loss of historic resources—to a facilitator, an agent of thoughtful change, and a responsible steward of historic properties for future generations.

With passage of the NHPA in 1966, Congress created the national historic preservation program and set the stage for the federal government to be a full partner and a leader in historic preservation. While Congress recognized that national goals for historic preservation could best be achieved by supporting the drive, enthusiasm, and wishes of local citizens and communities, it understood that the federal government must set an example through enlightened policies and practices. In the words of the Act, the federal government's role would be to "provide leadership" for preservation, "contribute to" and "give maximum encouragement" to preservation, and "foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony."

Creating a New Partnership. Key to establishment of a workable national historic preservation program was creation of a partnership between federal, tribal, state, and local governments. To support such a partnership, the NHPA, as originally drafted and later amended, created:

- **National Register of Historic Places.** Maintained by the National Park Service (NPS), the [National Register of Historic Places](#) is the nation's official list of cultural resources. Properties listed in the National Register include districts, sites, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and culture.
- **Historic Preservation Fund.** Through the [Historic Preservation Fund](#) (HPF), the NPS provides matching grants-in-aid to states, Indian tribes, and local governments to assist in their efforts to protect and preserve properties listed on or eligible for listing on the National Register. The HPF is funded from a portion of Outer Continental Shelf oil lease revenues. At the discretion of Congress, the HPF also funds [competitive preservation grants programs](#).
- **State Historic Preservation Officers.** Each state, territory, and the District of Columbia has a State Historic Preservation Officer (SHPO) who is responsible for coordinating historic preservation activities in their jurisdiction with assistance from the federal government through [HPF funding](#). The national advocacy organization for SHPOs is the [National Conference of State Historic Preservation Officers](#) (NCSHPO).
- **Tribal Historic Preservation Officers.** When approved by NPS, federally-recognized Indian tribes can have a Tribal Historic Preservation Officer (THPO) assume the functions of the SHPO on their tribal lands. As of March 1, 2021, there were 200 NPS-recognized THPOs receiving [HPF funding](#) to assist their preservation efforts. The national advocacy organization for THPOs is the [National Association of Tribal Historic Preservation Officers](#) (NATHPO).
- **Certified Local Governments.** SHPOs can certify local government preservation programs as qualified to receive a portion of the HPF funding provided to the state. At least 10 percent of each state's HPF allocation must be subgranted to the state's [Certified Local Governments](#) (CLGs).

A New Era of Federal Responsibility. The drafters of the NHPA appreciated that transforming the role of the federal government in historic preservation would require more than just a new collaborative partnership. A new ethic was needed throughout all levels and agencies of the federal government. The NHPA created roles and requirements for federal agencies which were fundamentally different from the past. The following innovations of the NHPA focus on both the responsibilities and the opportunities for federal agencies to help preserve America's historic properties.

- **Advisory Council on Historic Preservation.** The first and only federal agency created solely to address historic preservation issues, the [Advisory Council on Historic Preservation](#) (ACHP) promotes the preservation, enhancement, and sustainable use of our nation's diverse historic resources, and advises the President and the Congress on national historic preservation policy. The ACHP provides a forum for interested parties to influence federal activities, programs, and policies that affect historic properties.
- **Federal Historic Preservation Programs.** Section 110 of the NHPA outlines a broad range of responsibilities for federal agencies. Among other things, Section 110 calls on all federal agencies to establish [federal preservation programs](#) and designate Federal Preservation Officers to coordinate their historic preservation activities. This requirement applies both to agencies with stewardship responsibilities for public lands and to agencies whose assistance or regulatory programs affect historic properties.
- **Section 106 Review.** [Section 106 of the NHPA](#) (54 U.S.C. 306108) requires consideration of historic preservation in the multitude of federal actions that take place nationwide. Section 106 requires federal agencies to take into account the effects of their actions on National Register listed or eligible properties and provide the ACHP an opportunity to comment on federal projects prior to implementation. The ACHP has issued regulations, "Protection of Historic Properties" (36 CFR Part 800) that guide agencies in fulfilling these responsibilities. Because of Section 106, federal agencies must assume responsibility for the consequences of their actions on historic properties and be publicly accountable for their decisions.

The national historic preservation program has grown and developed over the past 50-plus years as it has coped with factors that drove the creation of the law, including potential conflicts between public works and historic places, energy development and generation, urban revitalization, and rural economic shifts. It doubtless will continue to strengthen and evolve in the face of issues that have recently increased in importance, including climate change, environmental justice, and cultural diversity, to name a few. It offers a firm foundation upon which to continue to build.

July 7, 2021



**NATIONAL HISTORIC PRESERVATION ACT
CHAPTER REFERENCES FOR MAJOR PROGRAM ELEMENTS
Office of Preservation Initiatives**

The [National Historic Preservation Act of 1966](#) (P.L. 89-665, as amended; recodified as 54 U.S.C. 100101, 54 U.S.C. 3001-3071) contains the basic building blocks of the National Historic Preservation Program.

Major program elements may be found in the following parts of the law:

- Policy—Section 300101
- National Register of Historic Places—Chapter 3021
- State Historic Preservation Programs—Chapter 3023
- Certified Local Governments—Chapter 3025
- Preservation Programs of Indian Tribes and Native Hawaiian Organizations—Chapter 3027
- Grants-in-Aid—Chapter 3029
- Historic Preservation Fund—Chapter 3031
- Advisory Council on Historic Preservation—Chapter 3041
- Federal Historic Preservation Programs—Chapter 3061
- Federal Preservation Officers—Section 306104
- Section 110(f) (National Historic Landmarks)—Section 306107
- Section 106—Section 306108
- Leases and Exchanges of Historic Property—Sections 306121-306122
- Secretary of the Interior's Standards and Guidelines—Section 306131
- World Heritage Convention—307101

June 17, 2021

The National Historic Preservation Act

**As amended through December 16, 2016
and Codified in Title 54 of the United States Code**

[The National Historic Preservation Act (“Act”) became law on October 15, 1966, Public Law 89-665, and was codified in title 16 of the United States Code. Various amendments followed through the years. On December 19, 2014, Public Law 13-287 moved the Act’s provisions from title 16 of the United States Code to title 54, with minimal and non-substantive changes to the text of the Act and a re-ordering of some of its provisions. This document shows the provisions of the Act as they now appear in title 54 of the United States Code.

The Act’s name (the “National Historic Preservation Act”) is found in the notes of the very first section of title 54. 54 U.S.C. § 100101 note. While Public Law 13-287 did not repeal the Act’s findings, for editorial reasons those findings were not included in the text of title 54. The findings are still current law. However, rather than citing to the U.S. Code, when referring to the findings one may cite to: “Section 1 of the National Historic Preservation Act, Pub. L. No. 89-665, as amended by Pub. L. No. 96-515.” For ease of use, this document reproduces the text of those findings before proceeding to the title 54 text.

Finally, the attachment at the end of this document attempts to assist those preservation stakeholders who for many years have referred to the Act’s various provisions according to the section numbers used in the 1966 public law and subsequent amendments (“old sections”). The attachment cross-references each of the old sections to the corresponding outdated title 16 legal cite and current title 54 legal cite.]

Section 1 of the National Historic Preservation Act, Pub. L. No. 89-665, as amended by Pub. L. No. 96-515:

... (b) The Congress finds and declares that—

- (1) the spirit and direction of the Nation are founded upon and reflected in its historic heritage;
- (2) the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people;
- (3) historic properties significant to the Nation's heritage are being lost or substantially altered, often inadvertently, with increasing frequency;
- (4) the preservation of this irreplaceable heritage is in the public interest so that its vital legacy of cultural, educational, aesthetic, inspirational, economic, and energy benefits will be maintained and enriched for future generations of Americans;
- (5) in the face of ever-increasing extensions of urban centers, highways, and residential, commercial, and industrial developments, the present governmental and nongovernmental historic preservation programs and activities are inadequate to insure future generations a genuine opportunity to appreciate and enjoy the rich heritage of our Nation;
- (6) the increased knowledge of our historic resources, the establishment of better means of identifying and administering them, and the encouragement of their preservation will improve the planning and execution of Federal and federally assisted projects and will assist economic growth and development; and
- (7) although the major burdens of historic preservation have been borne and major efforts initiated by private agencies and individuals, and both should continue to play a vital role, it is nevertheless necessary and appropriate for the Federal Government to accelerate its historic preservation programs and activities, to give maximum encouragement to agencies and individuals undertaking preservation by private means, and to assist State and local governments

and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities.

Title 54 of the United States Code
Subtitle III—National Preservation Programs
Division A—Historic Preservation

Subdivision 1—General Provisions

Chapter 3001—Policy

Sec.
300101. Policy

54 U.S.C. § 300101. Policy

It is the policy of the Federal Government, in cooperation with other nations and in partnership with States, local governments, Indian tribes, Native Hawaiian organizations, and private organizations and individuals, to—

- (1) use measures, including financial and technical assistance, to foster conditions under which our modern society and our historic property can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations;
- (2) provide leadership in the preservation of the historic property of the United States and of the international community of nations and in the administration of the national preservation program;
- (3) administer federally owned, administered, or controlled historic property in a spirit of stewardship for the inspiration and benefit of present and future generations;
- (4) contribute to the preservation of nonfederally owned historic property and give maximum encouragement to organizations and individuals undertaking preservation by private means;
- (5) encourage the public and private preservation and utilization of all usable elements of the Nation's historic built environment; and
- (6) assist State and local governments, Indian tribes and Native Hawaiian organizations, and the National Trust to expand and accelerate their historic preservation programs and activities.

Chapter 3003—Definitions

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§ 300301. Agency

In this division, the term “agency” has the meaning given the term in section 551 of title 5.

§ 300302. Certified local government

In this division, the term “certified local government” means a local government whose local historic preservation program is certified pursuant to chapter 3025 of this title.

§ 300303. Council

In this division, the term “Council” means the Advisory Council on Historic Preservation established by section 304101 of this title.

§ 300304. Cultural park

In this division, the term “cultural park” means a definable area that—

- (A) is distinguished by historic property, prehistoric property, and land related to that property; and
- (B) constitutes an interpretive, educational, and recreational resource for the public at large.

§ 300305. Historic conservation district

In this division, the term “historic conservation district” means an area that contains—

- (1) historic property;
- (2) buildings having similar or related architectural characteristics;
- (3) cultural cohesiveness; or
- (4) any combination of features described in paragraphs (1) to (3).

§ 300306. Historic Preservation Fund

In this division, the term “Historic Preservation Fund” means the Historic Preservation Fund established under section 303101 of this title.

§ 300307. Historic preservation review commission

In this division, the term “historic preservation review commission” means a board, council, commission, or other similar collegial body—

(1) that is established by State or local legislation as provided in section 302503(a)(2) of this title; and

(2) the members of which are appointed by the chief elected official of a jurisdiction (unless State or local law provides for appointment by another official) from among—

(A) professionals in the disciplines of architecture, history, architectural history, planning, prehistoric and historic archeology, folklore, cultural anthropology, curation, conservation, and landscape architecture, or related disciplines, to the extent that those professionals are available in the community; and

(B) other individuals who have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines and will provide for an adequate and qualified commission.

§ 300308. Historic property

In this division, the term “historic property” means any prehistoric or historic district, site, building, structure, or object included on, or eligible for inclusion on, the National Register, including artifacts, records, and material remains relating to the district, site, building, structure, or object.

§ 300309. Indian tribe

In this division, the term “Indian tribe” means an Indian tribe, band, nation, or other organized group or community, including a Native village, Regional Corporation or Village Corporation (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

§ 300310. Local government

In this division, the term “local government” means a city, county, township, municipality, or borough, or any other general purpose political subdivision of any State.

§ 300311. National Register

In this division, the term “National Register” means the National Register of Historic Places maintained under chapter 3021 of this title.

§ 300312. National Trust

In this division, the term “National Trust” means the National Trust for Historic Preservation in the United States established under section 312102 of this title.

§ 300313. Native Hawaiian

In this division, the term “Native Hawaiian” means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes Hawaii.

§ 300314. Native Hawaiian organization

(a) IN GENERAL.—In this division, the term “Native Hawaiian organization” means any organization that—

- (1) serves and represents the interests of Native Hawaiians;
- (2) has as a primary and stated purpose the provision of services to Native Hawaiians; and
- (3) has demonstrated expertise in aspects of historic preservation that are culturally significant to Native Hawaiians.

(b) INCLUSIONS.—In this division, the term “Native Hawaiian organization” includes the Office of Hawaiian Affairs of Hawaii and Hui Malama I Na Kupuna O Hawai’i Nei, an organization incorporated under the laws of the State of Hawaii.

§ 300315. Preservation or historic preservation

In this division, the term “preservation” or “historic preservation” includes—

- (1) identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, research, interpretation, and conservation;
- (2) education and training regarding the foregoing activities; or
- (3) any combination of the foregoing activities.

§ 300316. Secretary

In this division, the term “Secretary” means the Secretary acting through the Director.

§ 300317. State

In this division, the term “State” means—

- (1) a State, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands; and
- (2) the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

§ 300318. State historic preservation review board

In this division, the term “State historic preservation review board” means a board, council, commission, or other similar collegial body established as provided in section 302301(2) of this title—

- (1) the members of which are appointed by the State Historic Preservation Officer (unless otherwise provided for by State law);
- (2) a majority of the members of which are professionals qualified in history, prehistoric and historic archeology, architectural history, architecture, folklore, cultural anthropology, curation, conservation, landscape architecture, and related disciplines; and

(3) that has the authority to—

- (A) review National Register nominations and appeals from nominations;
- (B) review appropriate documentation submitted in conjunction with the Historic Preservation Fund;
- (C) provide general advice and guidance to the State Historic Preservation Officer; and
- (D) perform such other duties as may be appropriate.

§ 300319. Tribal land

In this division, the term “tribal land” means—

- (1) all land within the exterior boundaries of any Indian reservation; and
- (2) all dependent Indian communities.

§ 300320. Undertaking

In this division, the term “undertaking” means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including—

- (1) those carried out by or on behalf of the Federal agency;
- (2) those carried out with Federal financial assistance;
- (3) those requiring a Federal permit, license, or approval; and
- (4) those subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency.

§ 300321. World Heritage Convention

In this division, the term “World Heritage Convention” means the Convention concerning the Protection of the World Cultural and Natural Heritage, done at Paris November 23, 1972 (27 UST 37).

Subdivision 2—Historic Preservation Program

Chapter 3021—National Register of Historic Places

Sec.

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§ 302101. Maintenance by Secretary

The Secretary may expand and maintain a National Register of Historic Places composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture.

§ 302102. Inclusion of properties on National Register

(a) IN GENERAL.—A property that meets the criteria for National Historic Landmarks established pursuant to section 302103 of this title shall be designated as a National Historic Landmark and included on the National Register, subject to the requirements of section 302107 of this title.

(b) HISTORIC PROPERTY ON NATIONAL REGISTER ON DECEMBER 12, 1980.—All historic property included on the National Register on December 12, 1980, shall be deemed to be included on the National Register as of their initial listing for purposes of this division.

(c) HISTORIC PROPERTY LISTED IN FEDERAL REGISTER OF FEBRUARY 6, 1979, OR PRIOR TO DECEMBER 12, 1980, AS NATIONAL HISTORIC LANDMARKS.—All historic property listed in the Federal Register of February 6, 1979, or prior to December 12, 1980, as National Historic Landmarks are declared by Congress to be National Historic Landmarks of national historic significance as of their initial listing in the Federal Register for purposes of this division and chapter 3201 of this title, except that in the case of a National Historic Landmark district for which no boundaries had been established as of December 12, 1980, boundaries shall first be published in the Federal Register.

§ 302103. Criteria and regulations relating to National Register, National Historic Landmarks, and World Heritage List

The Secretary, in consultation with national historical and archeological associations, shall —

- (1) establish criteria for properties to be included on the National Register and criteria for National Historic Landmarks; and
- (2) promulgate regulations for—
 - (A) nominating properties for inclusion on, and removal from, the National Register and the recommendation of properties by certified local governments;
 - (B) designating properties as National Historic Landmarks and removing that designation;
 - (C) considering appeals from recommendations, nominations, removals, and designations (or any failure or refusal by a nominating authority to nominate or designate);
 - (D) nominating historic property for inclusion in the World Heritage List in accordance with the World Heritage Convention;
 - (E) making determinations of eligibility of properties for inclusion on the National Register; and
 - (F) notifying the owner of a property, any appropriate local governments, and the general public, when the property is being considered for inclusion on the National

Register, for designation as a National Historic Landmark, or for nomination to the World Heritage List.

§ 302104. Nominations for inclusion on National Register

(a) NOMINATION BY STATE.—Subject to the requirements of section 302107 of this title, any State that is carrying out a program approved under chapter 3023 shall nominate to the Secretary property that meets the criteria promulgated under section 302103 of this title for inclusion on the National Register. Subject to section 302107 of this title, any property nominated under this subsection or under section 306102 of this title shall be included on the National Register on the date that is 45 days after receipt by the Secretary of the nomination and the necessary documentation, unless the Secretary disapproves the nomination within the 45-day period or unless an appeal is filed under subsection (c).

(b) NOMINATION BY PERSON OR LOCAL GOVERNMENT.—Subject to the requirements of section 302107 of this title, the Secretary may accept a nomination directly from any person or local government for inclusion of a property on the National Register only if the property is located in a State where there is no program approved under chapter 3023 of this title. The Secretary may include on the National Register any property for which such a nomination is made if the Secretary determines that the property is eligible in accordance with the regulations promulgated under section 302103 of this title. The determination shall be made within 90 days from the date of the nomination unless the nomination is appealed under subsection (c).

(c) NOMINATION BY FEDERAL AGENCY.—Subject to the requirements of section 302107 of this title, the regulations promulgated under section 302103 of this title, and appeal under subsection (d) of this section, the Secretary may accept a nomination directly by a Federal agency for inclusion of property on the National Register only if—

(1) completed nominations are sent to the State Historic Preservation Officer for review and comment regarding the adequacy of the nomination, the significance of the property and its eligibility for the National Register;

(2) within 45 days of receiving the completed nomination, the State Historic Preservation Officer has made a recommendation regarding the nomination to the Federal Preservation Officer, except that failure to meet this deadline shall constitute a recommendation to not support the nomination;

(3) the chief elected officials of the county (or equivalent governmental unit) and municipal political jurisdiction in which the property is located are notified and given 45 days in which to comment;

(4) the Federal Preservation Officer forwards it to the Keeper of the National Register of Historic Places after determining that all procedural requirements have been met, including those in paragraphs (1) through (3) above; the nomination is adequately documented; the nomination is technically and professionally correct and sufficient; and may include an opinion as to whether the property meets the National Register criteria for evaluation;

(5) notice is provided in the Federal Register that the nominated property is being considered for listing on the National Register that includes any comments and the recommendation of the State Historic Preservation Officer and a declaration whether the State Historic Preservation Officer has responded within the 45 day-period of review provided in paragraph (2); and

(6) the Secretary addresses in the Federal Register any comments from the State Historic Preservation Officer that do not support the nomination of the property on the National Register before the property is included in the National Register.

(d) APPEAL.—Any person or local government may appeal to the Secretary—

(1) a nomination of any property for inclusion on the National Register; and

(2) the failure of a nominating authority to nominate a property in accordance with this chapter.

§ 302105. Owner participation in nomination process

(a) REGULATIONS.—The Secretary shall promulgate regulations requiring that before any property may be included on the National Register or designated as a National Historic Landmark, the owner of the property, or a majority of the owners of the individual properties within a district in the case of a historic district, shall be given the opportunity (including a reasonable period of time) to concur in, or object to, the nomination of the property for inclusion or designation. The regulations shall include provisions to carry out this section in the case of multiple ownership of a single property.

(b) WHEN PROPERTY SHALL NOT BE INCLUDED ON NATIONAL REGISTER OR DESIGNATED AS NATIONAL HISTORIC LANDMARK.—If the owner of any privately owned property, or a majority of the owners of privately owned properties within the district in the case of a historic district, object to inclusion or designation, the property shall not be included on the National Register or designated as a National Historic Landmark until the objection is withdrawn.

(c) REVIEW BY SECRETARY.—The Secretary shall review the nomination of the property when an objection has been made and shall determine whether or not the property is eligible for inclusion or designation. If the Secretary determines that the property is eligible for inclusion or designation, the Secretary shall inform the Advisory Council on Historic Preservation, the appropriate State Historic Preservation Officer, the appropriate chief elected local official, and the owner or owners of the property of the Secretary's determination.

§ 302106. Retention of name

Notwithstanding section 43(c) of the Act of July 5, 1946 (known as the Trademark Act of 1946) (15 U.S.C. 1125(c)), buildings and structures on or eligible for inclusion on the National Register (either individually or as part of a historic district), or designated as an individual landmark or as a contributing building in a historic district by a unit of State or local government, may retain the name historically associated with the building or structure.

§ 302107. Regulations

The Secretary shall promulgate regulations—

(1) ensuring that significant prehistoric and historic artifacts, and associated records, subject to subchapter I of chapter 3061, chapter 3125, or the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) are deposited in an institution with adequate long-term curatorial capabilities;

(2) establishing a uniform process and standards for documenting historic property by public agencies and private parties for purposes of incorporation into, or complementing, the national historical architectural and engineering records in the Library of Congress; and

(3) certifying local governments, in accordance with sections 302502 and 302503 of this title, and for the transfer of funds pursuant to section 302902(c)(4) of this title.

§ 302108. Review of threats to historic property

At least once every 4 years, the Secretary, in consultation with the Council and with State Historic Preservation Officers, shall review significant threats to historic property to—

- (1) determine the kinds of historic property that may be threatened;
- (2) ascertain the causes of the threats; and
- (3) develop and submit to the President and Congress recommendations for appropriate action.

Chapter 3023—State Historic Preservation Programs

Sec.

302301. Regulations.

302302. Program evaluation.

302303. Responsibilities of State Historic Preservation Officer.

302304. Contracts and cooperative agreements.

§ 302301. Regulations

The Secretary, in consultation with the National Conference of State Historic Preservation Officers and the National Trust, shall promulgate regulations for State Historic Preservation Programs. The regulations shall provide that a State program submitted to the Secretary under this chapter shall be approved by the Secretary if the Secretary determines that the program provides for—

- (1) the designation and appointment by the chief elected official of the State of a State Historic Preservation Officer to administer the program in accordance with section 302303 of this title and for the employment or appointment by the officer of such professionally qualified staff as may be necessary for those purposes;
- (2) an adequate and qualified State historic preservation review board designated by the State Historic Preservation Officer unless otherwise provided for by State law; and
- (3) adequate public participation in the State Historic Preservation Program, including the process of recommending properties for nomination to the National Register.

§ 302302. Program evaluation

(a) WHEN EVALUATION SHOULD OCCUR.—Periodically, but not less than every 4 years after the approval of any State program under section 302301 of this title, the Secretary, in consultation with the Council on the appropriate provisions of this division, and in cooperation with the State Historic Preservation Officer, shall evaluate the program to determine whether it is consistent with this division.

(b) DISAPPROVAL OF PROGRAM.—If, at any time, the Secretary determines that a major aspect of a State program is not consistent with this division, the Secretary shall disapprove the program and suspend in whole or in part any contracts or cooperative agreements with the State and the State Historic Preservation Officer under this division, until the program is consistent with this division, unless the Secretary determines that the program will be made consistent with this division within a reasonable period of time.

(c) OVERSIGHT.—The Secretary, in consultation with State Historic Preservation Officers, shall establish oversight methods to ensure State program consistency and quality without imposing undue review burdens on State Historic Preservation Officers.

(d) STATE FISCAL AUDIT AND MANAGEMENT SYSTEM.—

(1) SUBSTITUTION FOR COMPARABLE FEDERAL SYSTEMS.—At the discretion of the Secretary, a State system of fiscal audit and management may be substituted for comparable Federal systems so long as the State system—

(A) establishes and maintains substantially similar accountability standards; and

(B) provides for independent professional peer review.

(2) FISCAL AUDITS AND REVIEW BY SECRETARY.—The Secretary—

(A) may conduct periodic fiscal audits of State programs approved under this subdivision as needed; and

(B) shall ensure that the programs meet applicable accountability standards.

§ 302303. Responsibilities of State Historic Preservation Officer

(a) IN GENERAL.—It shall be the responsibility of the State Historic Preservation Officer to administer the State Historic Preservation Program.

(b) PARTICULAR RESPONSIBILITIES.—It shall be the responsibility of the State Historic Preservation Officer to—

(1) in cooperation with Federal and State agencies, local governments, and private organizations and individuals, direct and conduct a comprehensive statewide survey of historic property and maintain inventories of the property;

(2) identify and nominate eligible property to the National Register and otherwise administer applications for listing historic property on the National Register;

(3) prepare and implement a comprehensive statewide historic preservation plan;

(4) administer the State program of Federal assistance for historic preservation within the State;

(5) advise and assist, as appropriate, Federal and State agencies and local governments in carrying out their historic preservation responsibilities;

(6) cooperate with the Secretary, the Council, other Federal and State agencies, local governments, and private organizations and individuals to ensure that historic property is taken into consideration at all levels of planning and development;

(7) provide public information, education, and training and technical assistance in historic preservation;

(8) cooperate with local governments in the development of local historic preservation programs and assist local governments in becoming certified pursuant to chapter 3025;

(9) consult with appropriate Federal agencies in accordance with this division on—

(A) Federal undertakings that may affect historic property; and

(B) the content and sufficiency of any plans developed to protect, manage, or reduce or

mitigate harm to that property; and

(10) advise and assist in the evaluation of proposals for rehabilitation projects that may qualify for Federal assistance.

§ 302304. Contracts and cooperative agreements

(a) STATE.—A State may carry out all or any part of its responsibilities under this chapter by contract or cooperative agreement with a qualified nonprofit organization or educational institution.

(b) SECRETARY.—

(1) IN GENERAL.—

(A) AUTHORITY TO ASSIST SECRETARY.—Subject to paragraphs (3) and (4), the Secretary may enter into contracts or cooperative agreements with a State Historic Preservation Officer for any State authorizing the Officer to assist the Secretary in carrying out one or more of the following responsibilities within that State:

- (i) Identification and preservation of historic property.
- (ii) Determination of the eligibility of property for listing on the National Register.
- (iii) Preparation of nominations for inclusion on the National Register.
- (iv) Maintenance of historical and archeological data bases.
- (v) Evaluation of eligibility for Federal preservation incentives.

(B) AUTHORITY TO MAINTAIN NATIONAL REGISTER.— Nothing in subparagraph (A) shall be construed to provide that any State Historic Preservation Officer or any other person other than the Secretary shall have the authority to maintain the National Register for properties in any State.

(2) REQUIREMENTS.—The Secretary may enter into a contract or cooperative agreement under paragraph (1) only if—

(A) the State Historic Preservation Officer has requested the additional responsibility;

(B) the Secretary has approved the State historic preservation program pursuant to sections 302301 and 302302 of this title;

(C) the State Historic Preservation Officer agrees to carry out the additional responsibility in a timely and efficient manner acceptable to the Secretary and the Secretary determines that the Officer is fully capable of carrying out the responsibility in that manner;

(D) the State Historic Preservation Officer agrees to permit the Secretary to review and revise, as appropriate in the discretion of the Secretary, decisions made by the Officer pursuant to the contract or cooperative agreement; and

(E) the Secretary and the State Historic Preservation Officer agree on the terms of additional financial assistance to the State, if there is to be any, for the costs of carrying

out that responsibility.

(3) ESTABLISH CONDITIONS AND CRITERIA.—For each significant program area under the Secretary’s authority, the Secretary shall establish specific conditions and criteria essential for the assumption by a State Historic Preservation Officer of the Secretary’s duties in each of those programs.

(4) PRESERVATION PROGRAMS AND ACTIVITIES NOT DIMINISHED.— Nothing in this chapter shall have the effect of diminishing the preservation programs and activities of the Service.

Chapter 3025—Certification of Local Governments

Sec.

302501. Definitions.

302502. Certification as part of State program.

302503. Requirements for certification.

302504. Participation of certified local governments in National Register nominations.

302505. Eligibility and responsibility of certified local government.

§ 302501. Definitions

In this chapter:

(1) DESIGNATION.—The term “designation” means the identification and registration of property for protection that meets criteria established by a State or locality for significant historic property within the jurisdiction of a local government.

(2) PROTECTION.—The term “protection” means protection by means of a local review process under State or local law for proposed demolition of, changes to, or other action that may affect historic property designated pursuant to this chapter.

§ 302502. Certification as part of State program

Any State program approved under this subdivision shall provide a mechanism for the certification by the State Historic Preservation Officer of local governments to carry out the purposes of this division and provide for the transfer, in accordance with section 302902(c)(4) of this title, of a portion of the grants received by the States under this division, to those local governments.

§ 302503. Requirements for certification

(a) APPROVED STATE PROGRAM.—Any local government shall be certified to participate under this section if the applicable State Historic Preservation Officer, and the Secretary, certify that the local government—

(1) enforces appropriate State or local legislation for the designation and protection of historic property;

(2) has established an adequate and qualified historic preservation review commission by State or local legislation;

(3) maintains a system for the survey and inventory of historic property that furthers the purposes of chapter 3023;

(4) provides for adequate public participation in the local historic preservation program, including the process of recommending properties for nomination to the National Register; and

(5) satisfactorily performs the responsibilities delegated to it under this division.

(b) NO APPROVED STATE PROGRAM.—Where there is no State program approved under sections 302301 and 302302 of this title, a local government may be certified by the Secretary if the Secretary determines that the local government meets the requirements of subsection (a). The Secretary may make grants to the local government certified under this subsection for purposes of this subdivision.

§ 302504. Participation of certified local governments in National Register nominations

(a) NOTICE.—Before a property within the jurisdiction of a certified local government may be considered by a State to be nominated to the Secretary for inclusion on the National Register, the State Historic Preservation Officer shall notify the owner, the applicable chief local elected official, and the local historic preservation commission.

(b) REPORT.—The local historic preservation commission, after reasonable opportunity for public comment, shall prepare a report as to whether the property, in the Commission's opinion, meets the criteria of the National Register. Within 60 days of notice from the State Historic Preservation Officer, the chief local elected official shall transmit the report of the commission and the recommendation of the local official to the State Historic Preservation Officer.

(c) RECOMMENDATION.—

(1) PROPERTY NOMINATED TO NATIONAL REGISTER.—Except as provided in paragraph (2), after receipt of the report and recommendation, or if no report and recommendation are received within 60 days, the State shall make the nomination pursuant to section 302104 of this title. The State may expedite the process with the concurrence of the certified local government.

(2) PROPERTY NOT NOMINATED TO NATIONAL REGISTER.—If both the commission and the chief local elected official recommend that a property not be nominated to the National Register, the State Historic Preservation Officer shall take no further action, unless, within 30 days of the receipt of the recommendation by the State Historic Preservation Officer, an appeal is filed with the State. If an appeal is filed, the State shall follow the procedures for making a nomination pursuant to section 302104 of this title. Any report and recommendations made under this section shall be included with any nomination submitted by the State to the Secretary.

§ 302505. Eligibility and responsibility of certified local government

Any local government—

(1) that is certified under this chapter shall be eligible for funds under section 302902(c)(4) of this title; and

(2) that is certified, or making efforts to become certified, under this chapter shall carry out any responsibilities delegated to it in accordance with such terms and conditions as the Secretary considers necessary or advisable.

Chapter 3027—Historic Preservation Programs and Authorities for Indian Tribes and Native Hawaiian Organizations

Sec.

302701. Program to assist Indian tribes in preserving historic property.

302702. Indian tribe to assume functions of State Historic Preservation Officer.

302703. Apportionment of grant funds.

302704. Contracts and cooperative agreements.

302705. Agreement for review under tribal historic preservation regulations.

302706. Eligibility for inclusion on National Register.

§ 302701. Program to assist Indian tribes in preserving historic property

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program and promulgate regulations to assist Indian tribes in preserving their historic property.

(b) COMMUNICATION AND COOPERATION.—The Secretary shall foster communication and cooperation between Indian tribes and State Historic Preservation Officers in the administration of the national historic preservation program to—

(1) ensure that all types of historic property and all public interests in historic property are given due consideration; and

(2) encourage coordination among Indian tribes, State Historic Preservation Officers, and Federal agencies in historic preservation planning and in the identification, evaluation, protection, and interpretation of historic property.

(c) TRIBAL VALUES.—The program under subsection (a) shall be developed in a manner to ensure that tribal values are taken into account to the extent feasible. The Secretary may waive or modify requirements of this subdivision to conform to the cultural setting of tribal heritage preservation goals and objectives.

(d) SCOPE OF TRIBAL PROGRAMS.—The tribal programs implemented by specific tribal organizations may vary in scope, as determined by each Indian tribe's chief governing authority.

(e) CONSULTATION.—The Secretary shall consult with Indian tribes, other Federal agencies, State Historic Preservations Officers, and other interested parties concerning the program under subsection (a).

§ 302702. Indian tribe to assume functions of State Historic Preservation Officer

An Indian tribe may assume all or any part of the functions of a State Historic Preservation Officer in accordance with sections 302302 and 302303 of this title, with respect to tribal land, as those responsibilities may be modified for tribal programs through regulations issued by the Secretary, if—

(1) the Indian tribe's chief governing authority so requests;

(2) the Indian tribe designates a tribal preservation official to administer the tribal historic preservation program, through appointment by the Indian tribe's chief governing authority or as a tribal ordinance may otherwise provide;

(3) the tribal preservation official provides the Secretary with a plan describing how the functions the tribal preservation official proposes to assume will be carried out;

(4) the Secretary determines, after consulting with the Indian tribe, the appropriate State Historic Preservation Officer, the Council (if the Indian tribe proposes to assume the functions of the State Historic Preservation Officer with respect to review of undertakings under section 306108 of this title), and other Indian tribes, if any, whose tribal or aboriginal land may be affected by conduct of the tribal preservation program, that—

(A) the tribal preservation program is fully capable of carrying out the

functions specified in the plan provided under paragraph (3);

(B) the plan defines the remaining responsibilities of the Secretary and the State Historic Preservation Officer; and

(C) the plan provides, with respect to properties neither owned by a member of the Indian tribe nor held in trust by the Secretary for the benefit of the Indian tribe, at the request of the owner of the properties, that the State Historic Preservation Officer, in addition to the tribal preservation official, may exercise the historic preservation responsibilities in accordance with sections 302302 and 302303 of this title; and

(5) based on satisfaction of the conditions stated in paragraphs (1), (2), (3), and (4), the Secretary approves the plan.

§ 302703. Apportionment of grant funds

In consultation with interested Indian tribes, other Native American organizations, and affected State Historic Preservation Officers, the Secretary shall establish and implement procedures for carrying out section 302902(c)(1)(A) of this title with respect to tribal programs that assume responsibilities under section 302702 of this title.

§ 302704. Contracts and cooperative agreements

At the request of an Indian tribe whose preservation program has been approved to assume functions and responsibilities pursuant to section 302702 of this title, the Secretary shall enter into a contract or cooperative agreement with the Indian tribe permitting the assumption by the Indian tribe of any part of the responsibilities described in section 302304(b) of this title on tribal land, if—

(1) the Secretary and the Indian tribe agree on additional financial assistance, if any, to the Indian tribe for the costs of carrying out those authorities;

(2) the Secretary finds that the tribal historic preservation program has been demonstrated to be sufficient to carry out the contract or cooperative agreement and this division; and

(3) the contract or cooperative agreement specifies the continuing responsibilities of the Secretary or of the appropriate State Historic Preservation Officers and provides for appropriate participation by—

(A) the Indian tribe's traditional cultural authorities;

(B) representatives of other Indian tribes whose traditional land is under the jurisdiction of the Indian tribe assuming responsibilities; and

(C) the interested public.

§ 302705. Agreement for review under tribal historic preservation regulations

The Council may enter into an agreement with an Indian tribe to permit undertakings on tribal land to be reviewed under tribal historic preservation regulations in place of review under regulations promulgated by the Council to govern compliance with section 306108 of this title, if the Council, after consultation with the Indian tribe and appropriate State Historic Preservation Officers, determines that the tribal preservation regulations will afford historic property consideration equivalent to that afforded by the Council's regulations.

§ 302706. Eligibility for inclusion on National Register

(a) IN GENERAL.—Property of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization may be determined to be eligible for inclusion on the National Register.

(b) CONSULTATION.—In carrying out its responsibilities under section 306108 of this title, a Federal agency shall consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to property described in subsection (a).

(c) HAWAII.—In carrying out responsibilities under section 302303 of this title, the State Historic Preservation Officer for Hawaii shall—

(1) consult with Native Hawaiian organizations in assessing the cultural significance of any property in determining whether to nominate the property to the National Register;

(2) consult with Native Hawaiian organizations in developing the cultural component of a preservation program or plan for the property; and

(3) enter into a memorandum of understanding or agreement with Native Hawaiian organizations for the assessment of the cultural significance of a property in determining whether to nominate the property to the National Register and to carry out the cultural component of the preservation program or plan.

Chapter 3029—Grants

Sec.

302901. Awarding of grants and availability of grant funds.

302902. Grants to States.

302903. Grants to National Trust.

302904. Direct grants for the preservation of properties included on National Register. 302905.

Religious property.

302906. Grants and loans to Indian tribes and nonprofit organizations representing ethnic or minority groups.

302907. Grants to Indian tribes and Native Hawaiian organizations.

302908. Grants to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

302909. Prohibited use of grant amounts.

302910. Recordkeeping.

§ 302901. Awarding of grants and availability of grant funds

(a) IN GENERAL.—No grant may be made under this division unless application for the grant is submitted to the Secretary in accordance with regulations and procedures prescribed by the Secretary.

(b) GRANT NOT TREATED AS TAXABLE INCOME.—No grant made pursuant to this division shall be treated as taxable income for purposes of the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

(c) AVAILABILITY.—The Secretary shall make funding available to individual States and the National Trust as soon as practicable after execution of a grant agreement. For purposes of administration, grants to individual States and the National Trust each shall be deemed to be one grant and shall be administered by the Service as one grant.

§ 302902. Grants to States

(a) IN GENERAL.—The Secretary shall administer a program of matching grants to the States for the purposes of carrying out this division.

(b) CONDITIONS.—

(1) IN GENERAL.—No grant may be made under this division—

(A) unless the application is in accordance with the comprehensive statewide historic preservation plan that has been approved by the Secretary after considering its relationship to the comprehensive statewide outdoor recreation plan prepared pursuant to chapter 2003 of this title;

(B) unless the grantee has agreed to make reports, in such form and containing such information, as the Secretary may from time to time require;

(C) unless the grantee has agreed to assume, after completion of the project, the total cost of the continued maintenance, repair, and administration of the property in a manner satisfactory to the Secretary; or

(D) until the grantee has complied with such further terms and conditions as the Secretary may consider necessary or advisable.

(2) WAIVER.—The Secretary may waive the requirements of subparagraphs (A) and (C) of paragraph (1) for any grant under this division to the National Trust.

(3) AMOUNT LIMITATION.—

(A) IN GENERAL.—No grant may be made under this division for more than 60 percent of the aggregate costs of carrying out projects and programs under the administrative control of the State Historic Preservation Officer as specified in section 302303 of this title in any one fiscal year.

(B) SOURCE OF STATE SHARE OF COSTS.—Except as permitted by other law, the State share of the costs referred to in subparagraph (A) shall be contributed by non-Federal sources.

(4) RESTRICTION ON USE OF REAL PROPERTY TO MEET NONFEDERAL SHARE OF COST OF PROJECT.—No State shall be permitted to utilize the value of real property obtained before October 15, 1966, in meeting the non-Federal share of the cost of a project for which a grant is made under this division.

(c) APPORTIONMENT OF GRANT AMOUNTS.—

(1) BASES FOR APPORTIONMENT.—The amounts appropriated and made available for grants to the States—

(A) for the purposes of this division shall be apportioned among the States by the Secretary on the basis of needs as determined by the Secretary; and

(B) for projects and programs under this division for each fiscal year shall be apportioned among the States as the Secretary determines to be appropriate.

(2) NOTIFICATION.—The Secretary shall notify each State of its apportionment under paragraph (1)(B) within 30 days after the date of enactment of legislation appropriating funds under this division.

(3) REAPPORTIONMENT.—Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which the notification is given or during the 2 fiscal years after that fiscal year shall be reapportioned by the Secretary in accordance with paragraph (1)(B). The Secretary shall analyze and revise as necessary the method of apportionment. The method and any revision shall be published by the Secretary in the Federal Register.

(4) TRANSFER OF FUNDS TO CERTIFIED LOCAL GOVERNMENTS.— Not less than 10 percent of the annual apportionment distributed by the Secretary to each State for the purposes of carrying out this division shall be transferred by the State, pursuant to the requirements of this division, to certified local governments for historic preservation projects or programs of the certified local governments. In any year in which the total annual apportionment to the States exceeds \$65,000,000, 50 percent of the excess shall also be transferred by the States to certified local governments.

(5) GUIDELINES FOR USE AND DISTRIBUTION OF FUNDS TO CERTIFIED LOCAL GOVERNMENTS.— The Secretary shall establish guidelines for the use and distribution of funds under paragraph (4) to ensure that no certified local government receives a disproportionate share of the funds available, and may include a maximum or minimum limitation on the amount of funds distributed to any single certified local government. The guidelines shall not limit the ability of any State to distribute more than 10 percent of its annual apportionment under paragraph (4), nor shall the Secretary require any State to exceed the 10 percent minimum distribution to certified local governments.

(d) ADMINISTRATIVE COSTS.—The total direct and indirect administrative costs charged for carrying out State projects and programs shall not exceed 25 percent of the aggregate costs (except in the case of a grant to the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau).

§ 302903. Grants to National Trust

(a) SECRETARY OF THE INTERIOR.—The Secretary may administer grants to the National Trust consistent with the purposes of its charter and this division.

(b) SECRETARY OF HOUSING AND URBAN DEVELOPMENT.—The Secretary of Housing and Urban Development may make grants to the National Trust, on terms and conditions and in amounts (not exceeding \$90,000 with respect to any one structure) as the Secretary of Housing and Urban Development considers appropriate, to cover the costs incurred by the National Trust in renovating or restoring structures that the National Trust considers to be of historic or architectural value and that the National Trust has accepted and will maintain (after the renovation or restoration) for historic purposes.

§ 302904. Direct grants for the preservation of properties included on National Register

(a) ADMINISTRATION OF PROGRAM.—The Secretary shall administer a program of direct grants for the preservation of properties included on the National Register.

(b) AVAILABLE AMOUNT.—Funds to support the program annually shall not exceed 10 percent of the amount appropriated annually for the Historic Preservation Fund.

(c) USES OF GRANTS.—

(1) IN GENERAL.—Grants under this section may be made by the Secretary, in consultation with the appropriate State Historic Preservation Officer—

(A) for the preservation of—

(i) National Historic Landmarks that are threatened with demolition or impairment; and

(ii) historic property of World Heritage significance;

(B) for demonstration projects that will provide information concerning professional methods and techniques having application to historic property;

(C) for the training and development of skilled labor in trades and crafts, and in analysis and curation, relating to historic preservation; and

(D) to assist individuals or small businesses within any historic district included on the National Register to remain within the district.

(2) LIMIT ON CERTAIN GRANTS.—A grant may be made under subparagraph (A) or (D) of paragraph (1) only to the extent that the project cannot be carried out in as effective a manner through the use of an insured loan under section 303901 of this title.

§ 302905. Religious property

(a) IN GENERAL.—Grants may be made under this chapter for the preservation, stabilization, restoration, or rehabilitation of religious property listed on the National Register if the purpose of the grant—

(1) is secular;

(2) does not promote religion; and

(3) seeks to protect qualities that are historically significant.

(b) EFFECT OF SECTION.—Nothing in this section shall be construed to authorize the use of any funds made available under this subdivision for the acquisition of any religious property listed on the National Register.

§ 302906. Grants and loans to Indian tribes and nonprofit organizations representing ethnic or minority groups

The Secretary may, in consultation with the appropriate State Historic Preservation Officer, make grants or loans or both under this subdivision to Indian tribes and to nonprofit organizations representing ethnic or minority groups for the preservation of their cultural heritage.

§ 302907. Grants to Indian tribes and Native Hawaiian organizations

The Secretary shall administer a program of direct grants to Indian tribes and Native Hawaiian organizations for the purpose of carrying out this division as it pertains to Indian tribes and Native Hawaiian organizations. Matching fund requirements may be modified. Federal funds available to an Indian tribe or Native Hawaiian organization may be used as matching funds for the purposes of the Indian tribe's or Native Hawaiian organization's conducting its responsibilities pursuant to this subdivision.

§ 302908. Grants to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau

(a) IN GENERAL.—As part of the program of matching grant assistance from the Historic Preservation Fund to States, the Secretary shall administer a program of direct grants to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau in furtherance of the Compact of Free Association between the United States and the Federated States of Micronesia and the Marshall Islands, approved by the Compact of Free Association Act of 1985 (48 U.S.C. 1901 et seq., 2001 et seq.), and the Compact of Free Association between the United States and Palau, approved by the Joint Resolution entitled “Joint Resolution to approve the ‘Compact of Free Association’ between the United States and Government of Palau, and for other purposes” (48 U.S.C. 1931 et seq.) or any successor enactment.

(b) GOAL OF PROGRAM.—The goal of the program shall be to establish historic and cultural preservation programs that meet the unique needs of each of those nations so that at the termination of the compacts the programs shall be firmly established.

(c) BASIS OF ALLOCATING AMOUNTS.—The amounts to be made available under this subsection shall be allocated by the Secretary on the basis of needs as determined by the Secretary.

(d) WAIVERS AND MODIFICATIONS.—The Secretary may waive or modify the requirements of this subdivision to conform to the cultural setting of those nations. Matching funds may be waived or modified.

§ 302909. Prohibited use of grant amounts

No part of any grant made under this subdivision shall be used to compensate any person intervening in any proceeding under this division.

§ 302910. Recordkeeping

A recipient of assistance under this division shall keep—

- (1) such records as the Secretary shall prescribe, including records that fully disclose—
 - (A) the disposition by the recipient of the proceeds of the assistance;
 - (B) the total cost of the project or undertaking in connection with which the assistance is given or used; and
 - (C) the amount and nature of that portion of the cost of the project or undertaking supplied by other sources; and
- (2) such other records as will facilitate an effective audit.

Chapter 3031—Historic Preservation Fund

Sec.

303101. Establishment.

303102. Content.

303103. Use and availability.

§ 303101. Establishment

To carry out this division (except chapter 3041) and chapter 3121, there is established in the Treasury the Historic Preservation Fund.

§ 303102. Funding

For each of fiscal years 2012 to 2023, \$150,000,000 shall be deposited in the Historic Preservation Fund from revenues due and payable to the United States under section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), section 7433(b) of title 10, or both, notwithstanding any provision of law that those proceeds shall be credited to miscellaneous receipts of the Treasury.

§ 303103. Use and availability

Amounts in the Historic Preservation Fund shall be used only to carry out this division and shall be available for expenditure only when appropriated by Congress. Any amount not appropriated shall remain available in the Historic Preservation Fund until appropriated for those purposes. Appropriations made pursuant to this section may be made without fiscal year limitation.

Chapters 3033 Through 3037—Reserved

Chapter 3039—Miscellaneous

Sec.

303901. Loan insurance program for preservation of property included on National Register.

303902. Training in, and dissemination of information concerning, professional methods and techniques for preservation of historic property.

303903. Preservation education and training program.

§ 303901. Loan insurance program for preservation of property included on National Register

(a) ESTABLISHMENT.—The Secretary shall establish and maintain a program by which the Secretary may, on application of a private lender, insure loans (including loans made in accordance with a mortgage) made by the lender to finance any project for the preservation of a property included on the National Register.

(b) LOAN QUALIFICATIONS.—A loan may be insured under this section if—

(1) the loan is made by a private lender approved by the Secretary as financially sound and able to service the loan properly;

(2) the amount of the loan, and interest rate charged with respect to the loan, do not exceed the amount and rate established by the Secretary by regulation;

(3) the Secretary has consulted the appropriate State Historic Preservation Officer concerning the preservation of the historic property;

(4) the Secretary has determined that the loan is adequately secured and there is reasonable assurance of repayment;

(5) the repayment period of the loan does not exceed the lesser of 40 years or the expected life of the asset financed;

(6) the amount insured with respect to the loan does not exceed 90 percent of the loss sustained by the lender with respect to the loan; and

(7) the loan, the borrower, and the historic property to be preserved meet such other terms and conditions as may be prescribed by the Secretary by regulation, especially terms and conditions relating to the nature and quality of the preservation work.

(c) CONSULTATION.—The Secretary shall consult with the Secretary of the Treasury regarding the interest rate of loans insured under this section.

(d) LIMITATION ON AMOUNT OF UNPAID PRINCIPAL BALANCE OF LOANS.—The aggregate unpaid principal balance of loans insured under this section may not exceed the amount that has been deposited in the Historic Preservation Fund but which has not been appropriated for any purpose.

(e) INSURANCE CONTRACTS.—Any contract of insurance executed by the Secretary under this section may be assignable, shall be an obligation supported by the full faith and credit of the United States, and shall be incontestable except for fraud or misrepresentation of which the holder had actual knowledge at the time it became a holder.

(f) CONDITIONS AND METHODS OF PAYMENT AS RESULT OF LOSS.— The Secretary shall specify, by regulation and in each contract entered into under this section, the conditions and method of payment to a private lender as a result of losses incurred by the lender on any loan insured under this section.

(g) PROTECTION OF FINANCIAL INTERESTS OF FEDERAL GOVERNMENT.— In entering into any contract to insure a loan under this section, the Secretary shall take steps to ensure adequate protection of the financial interests of the Federal Government. The Secretary may—

(1) in connection with any foreclosure proceeding, obtain, on behalf of the Federal Government, the historic property securing a loan insured under this section; and

(2) operate or lease the historic property for such period as may be necessary to protect the interest of the Federal Government and to carry out subsection (h).

(h) CONVEYANCE TO GOVERNMENTAL OR NONGOVERNMENTAL ENTITY OF PROPERTY ACQUIRED BY FORECLOSURE.—

(1) ATTEMPT TO CONVEY TO ENSURE PROPERTY'S PRESERVATION AND USE.—In any case in which historic property is obtained pursuant to subsection (g), the Secretary shall attempt to convey the property to any governmental or nongovernmental entity under conditions that will ensure the property's continued preservation and use. If, after a reasonable time, the Secretary, in consultation with the Council, determines that there is no feasible and prudent means to convey the property and to ensure its continued preservation and use, the Secretary may convey the property at the fair market value of its interest in the property to any entity without restriction.

(2) DISPOSITION OF FUNDS.—Any funds obtained by the Secretary in connection with the conveyance of any historic property pursuant to paragraph (1) shall be deposited in the Historic Preservation Fund and shall remain available in the Historic Preservation Fund until appropriated by Congress to carry out this division.

(i) ASSESSMENT OF FEES IN CONNECTION WITH INSURING LOANS.— The Secretary may assess appropriate and reasonable fees in connection with insuring loans under this

section. The fees shall be deposited in the Historic Preservation Fund and shall remain available in the Historic Preservation Fund until appropriated by Congress to carry out this division.

(j) TREATMENT OF LOANS AS NON-FEDERAL FUNDS.—Notwithstanding any other provision of law, any loan insured under this section shall be treated as non-Federal funds for the purposes of satisfying any requirement of any other provision of law under which Federal funds to be used for any project or activity are conditioned on the use of non-Federal funds by the recipient for payment of any portion of the costs of the project or activity.

(k) INELIGIBILITY OF DEBT OBLIGATION FOR PURCHASE OR COMMITMENT TO PURCHASE BY, OR SALE OR ISSUANCE TO, FEDERAL FINANCING BANK.—No debt obligation that is made or committed to be made, or that is insured or committed to be insured, by the Secretary under this section shall be eligible for purchase by, or commitment to purchase by, or sale or issuance to, the Federal Financing Bank.

§ 303902. Training in, and dissemination of information concerning, professional methods and techniques for preservation of historic property

The Secretary shall develop and make available to Federal agencies, State and local governments, private organizations and individuals, and other nations and international organizations pursuant to the World Heritage Convention, training in, and information concerning, professional methods and techniques for the preservation of historic property and for the administration of the historic preservation program at the Federal, State, and local level. The Secretary shall also develop mechanisms to provide information concerning historic preservation to the general public including students.

§ 303903. Preservation education and training program

The Secretary, in consultation with the Council and other appropriate Federal, tribal, Native Hawaiian, and non-Federal organizations, shall develop and implement a comprehensive preservation education and training program. The program shall include—

- (1) standards and increased preservation training opportunities for Federal workers involved in preservation-related functions;
- (2) preservation training opportunities for other Federal, State, tribal and local government workers, and students;
- (3) technical or financial assistance, or both, to historically black colleges and universities, to tribal colleges, and to colleges with a high enrollment of Native Americans or Native Hawaiians, to establish preservation training and degree programs; and
- (4) where appropriate, coordination with the National Center for Preservation Technology and Training of—
 - (A) distribution of information on preservation technologies;
 - (B) provision of training and skill development in trades, crafts, and disciplines related to historic preservation in Federal training and development programs; and
 - (C) support for research, analysis, conservation, curation, interpretation, and display related to preservation.

Subdivision 3—Advisory Council on Historic Preservation

Chapter 3041—Advisory Council on Historic Preservation

Sec.

304101. Establishment;
vacancies.

304102. Duties of Council.

304103. Cooperation between Council and instrumentalities of executive branch of Federal Government.

304104. Compensation of members of Council.

304105. Administration.

304106. International Centre for the Study of the Preservation and Restoration of Cultural Property.

304107. Transmittal of legislative recommendations, testimony, or comments to any officer or agency of the United States prior to submission to Congress.

304108. Regulations, procedures, and guidelines.

304109. Budget submission.

304110. Report by Secretary to Council.

304111. Reimbursements from State and local agencies.

304112. Effectiveness of Federal grant and assistance programs.

§ 304101. Establishment; vacancies

(a) ESTABLISHMENT.— There is established as an independent agency of the United States Government an Advisory Council on Historic Preservation, which shall be composed of the following members:

- (1) A Chairman appointed by the President selected from the general public.
- (2) The Secretary.
- (3) The Architect of the Capitol.
- (4) The Secretary of Agriculture and the heads of 7 other agencies of the United States (other than the Department of the Interior), the activities of which affect historic preservation, designated by the President.
- (5) One Governor appointed by the President.
- (6) One mayor appointed by the President.
- (7) The President of the National Conference of State Historic Preservation Officers.
- (8) The General Chairman of the National Association of Tribal Historic Preservation Officers.
- (9) The Chairman of the National Trust.
- (10) Four experts in the field of historic preservation appointed by the President from architecture, history, archeology, and other appropriate disciplines.
- (11) Three members from the general public, appointed by the President.
- (12) One member of an Indian tribe or Native Hawaiian organization who represents the interests of the Indian tribe or Native Hawaiian organization of which he or she is a member, appointed by the President.

(b) DESIGNATION OF SUBSTITUTES.—Each member of the Council specified in paragraphs (2) to (5) and (7) through (9) of subsection (a) may designate another officer of the department, agency, or

organization to serve on the Council instead of the member, except that, in the case of paragraphs (2) and (4), no officer other than an Assistant Secretary or an officer having major department wide or agency-wide responsibilities may be designated.

(c) TERM OF OFFICE.—Each member of the Council appointed under paragraphs (10) through (12) of subsection (a) shall serve for a term of 4 years from the expiration of the term of the member's predecessor. The members appointed under paragraphs (5) and (6) shall serve for the term of their elected office but not in excess of 4 years. An appointed member, other than the Chairman of the Council, may not serve more than 2 terms. An appointed member whose term has expired shall serve until that member's successor has been appointed.

(d) VACANCIES.—A vacancy in the Council shall not affect its powers, but shall be filled, not later than 60 days after the vacancy commences, in the same manner as the original appointment (and for the balance of the unexpired term).

(e) CHAIRMAN.—

(1) After January 20, 2017, the Chairman shall—

(A) be appointed by the President, by and with the advice and consent of the Senate;

(B) serve at the will of the President;

(C) serve full time; and

(D) be compensated at the rate provided for Level V of the Executive Schedule Pay Rates under section 5316 of title 5.

(2) The Chairman shall serve for a term of 4 years and may be reappointed once, for a total of not more than 8 years of service as Chairman, except that a Chairman whose appointment has expired under this paragraph shall serve until his or her successor has been appointed. The term of a Chairman shall start (regardless of actual appointment date) on January 20 after each general Presidential election. The first Chairman appointed after the date of enactment of this paragraph shall have a first term commencing on January 20, 2017, and ending on January 19, 2021.

(3) The Chairmen before the first appointment of a Chairman in accordance with paragraph (1) of this subsection shall receive \$100 per diem when engaged in the performance of the duties of the Council, and shall receive reimbursement for necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Council.

(f) DESIGNATION OF VICE CHAIRMAN.—The President shall designate a Vice Chairman from the members appointed under paragraph (5), (6), (10), or (11) of subsection (a). The Vice Chairman shall perform the functions of the Chairman during the absence or disability of the Chairman or when the office is vacant.

(g) QUORUM.—Thirteen members of the Council shall constitute a quorum.

§ 304102. Duties of Council

(a) DUTIES.—The Council shall—

(1) advise the President and Congress on matters relating to historic preservation, recommend measures to coordinate activities of Federal, State, and local agencies and private institutions and individuals relating to historic preservation, and advise on the dissemination of information pertaining to those activities;

(2) encourage, in cooperation with the National Trust and appropriate private agencies, public interest and participation in historic preservation;

(3) recommend the conduct of studies in such areas as—

(A) the adequacy of legislative and administrative statutes and regulations pertaining to historic preservation activities of State and local governments; and

(B) the effects of tax policies at all levels of government on historic preservation;

(4) advise as to guidelines for the assistance of State and local governments in drafting legislation relating to historic preservation;

(5) encourage, in cooperation with appropriate public and private agencies and institutions, training and education in the field of historic preservation;

(6) review the policies and programs of Federal agencies and recommend to Federal agencies methods to improve the effectiveness, coordination, and consistency of those policies and programs with the policies and programs carried out under this division; and

(7) inform and educate Federal agencies, State and local governments, Indian tribes, other nations and international organizations and private groups and individuals as to the Council's authorized activities.

(b) ANNUAL REPORT.—The Council annually shall submit to the President a comprehensive report of its activities and the results of its studies and shall from time to time submit additional and special reports as it deems advisable. Each report shall propose legislative enactments and other actions as, in the judgment of the Council, are necessary and appropriate to carry out its recommendations and shall provide the Council's assessment of current and emerging problems in the field of historic preservation and an evaluation of the effectiveness of the programs of Federal agencies, State and local governments, and the private sector in carrying out this division.

§ 304103. Cooperation between Council and instrumentalities of executive branch of Federal Government

The Council may secure directly from any Federal agency information, suggestions, estimates, and statistics for the purpose of this chapter. Each Federal agency may furnish information, suggestions, estimates, and statistics to the extent permitted by law and within available funds.

§ 304104. Compensation of members of Council

The members of the Council specified in paragraphs (2), (3), and (4) of section 304101(a) of this title shall serve without additional compensation. The Chairman of the Council shall be compensated as provided in subsection (e) of section 304101. The other members of the Council shall receive \$100 per diem when engaged in the performance of the duties of the Council. All members of the Council shall receive reimbursement for necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Council.

§ 304105. Administration

(a) EXECUTIVE DIRECTOR.—There shall be an Executive Director of the Council who shall be appointed by the Chairman with the concurrence of the Council in the competitive service at a rate within the General Schedule, in the competitive service at a rate that may exceed the rate prescribed for the highest rate established for grade 15 of the General Schedule under section 5332 of title 5, or in the

Senior Executive Service under section 3393 of title 5. The Executive Director shall report directly to the Chairman and perform such functions and duties as the Chairman may prescribe.

(b) GENERAL COUNSEL AND APPOINTMENT OF OTHER ATTORNEYS.—

(1) GENERAL COUNSEL.—The Council shall have a General Counsel, who shall be appointed by the Executive Director. The General Counsel shall report directly to the Executive Director and serve as the Council's legal advisor.

(2) APPOINTMENT OF OTHER ATTORNEYS.—The Executive Director shall appoint other attorneys as may be necessary to—

(A) assist the General Counsel;

(B) represent the Council in court when appropriate, including enforcement of agreements with Federal agencies to which the Council is a party;

(C) assist the Department of Justice in handling litigation concerning the Council in court; and

(D) perform such other legal duties and functions as the Executive Director and the Council may direct.

(c) APPOINTMENT AND COMPENSATION OF OFFICERS AND EMPLOYEES.—The Executive Director of the Council may appoint and fix the compensation of officers and employees in the competitive service who are necessary to perform the functions of the Council at rates not to exceed that prescribed for the highest rate for grade 15 of the General Schedule under section 5332 of title 5. The Executive Director, with the concurrence of the Chairman, may appoint and fix the compensation of not to exceed 5 employees in the competitive service at rates that exceed that prescribed for the highest rate established for grade 15 of the General Schedule under section 5332 of title 5 or in the Senior Executive Service under section 3393 of title 5.

(d) APPOINTMENT AND COMPENSATION OF ADDITIONAL PERSONNEL.— The Executive Director may appoint and fix the compensation of such additional personnel as may be necessary to carry out the Council's duties, without regard to the civil service laws and chapter 51 and subchapter III of chapter 53 of title 5.

(e) EXPERT AND CONSULTANT SERVICES.—The Executive Director may procure expert and consultant services in accordance with section 3109 of title 5.

(f) FINANCIAL AND ADMINISTRATIVE SERVICES.—

(1) SERVICES TO BE PROVIDED BY SECRETARY, AGENCY, OR PRIVATE ENTITY.—Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Secretary or, at the discretion of the Council, another agency or private entity that reaches an agreement with the Council, for which payments shall be made in advance, or by reimbursement, from funds of the Council in such amounts as may be agreed on by the Chairman of the Council and the head of the agency or the authorized representative of the private entity that will provide the services.

(2) FEDERAL AGENCY REGULATIONS RELATING TO COLLECTION APPLY.—When a Federal agency affords those services, the regulations of that agency under section 5514(b) of title 5 for the collection of indebtedness of personnel resulting from erroneous payments shall apply to the collection of erroneous payments made to or on behalf of a Council employee, and regulations of

that agency under sections 1513(d) and 1514 of title 31 for the administrative control of funds shall apply to appropriations of the Council. The Council shall not be required to prescribe those regulations.

(g) FUNDS, PERSONNEL, FACILITIES, AND SERVICES.—

(1) PROVIDED BY FEDERAL AGENCY.—Any Federal agency may provide the Council, with or without reimbursement as may be agreed on by the Chairman and the agency, with such funds, personnel, facilities, and services under its jurisdiction and control as may be needed by the Council to carry out its duties, to the extent that the funds, personnel, facilities, and services are requested by the Council and are otherwise available for that purpose. Any funds provided to the Council pursuant to this subsection shall be obligated by the end of the fiscal year following the fiscal year in which the funds are received by the Council.

(2) OBTAINING ADDITIONAL PROPERTY, FACILITIES, AND SERVICES AND RECEIVING DONATIONS OF MONEY.—To the extent of available appropriations, the Council may obtain by purchase, rental, donation, or otherwise additional property, facilities, and services as may be needed to carry out its duties and may receive donations of money for that purpose. The Executive Director may accept, hold, use, expend, and administer the property, facilities, services, and money for the purposes of this division.

(h) RIGHTS, BENEFITS, AND PRIVILEGES OF TRANSFERRED EMPLOYEES.—Any employee in the competitive service of the United States transferred to the Council under section 207 of the National Historic Preservation Act (Public Law 89–665) retains all the rights, benefits, and privileges pertaining to the competitive service held prior to the transfer.

(i) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The Council is exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

(j) PROVISIONS THAT GOVERN OPERATIONS OF COUNCIL.—Subchapter II of chapter 5 and chapter 7 of title 5 shall govern the operations of the Council.

§ 304106. International Centre for the Study of the Preservation and Restoration of Cultural Property

(a) AUTHORIZATION OF PARTICIPATION.—The participation of the United States as a member in the International Centre for the Study of the Preservation and Restoration of Cultural Property is authorized.

(b) OFFICIAL DELEGATION.—The Council shall recommend to the Secretary of State, after consultation with the Smithsonian Institution and other public and private organizations concerned with the technical problems of preservation, the members of the official delegation that will participate in the activities of the international Centre for the Study of the Preservation and Restoration of Cultural Property on behalf of the United States. The Secretary of State shall appoint the members of the official delegation from the persons recommended to the Secretary of State by the Council.

§ 304107. Transmittal of legislative recommendations, testimony, or comments to any officer or agency of the United States prior to submission to Congress

No officer or agency of the United States shall have any authority to require the Council to submit its legislative recommendations, or testimony, or comments on legislation to any officer or agency of the United States for approval, comments, or review, prior to the submission of the recommendations, testimony, or comments to Congress. When the Council voluntarily seeks to obtain the comments or review of any officer or agency of the United States, the Council shall include a description of the actions in its legislative recommendations, testimony, or comments on legislation that it transmits to Congress.

§ 304108. Regulations, procedures, and guidelines

(a) IN GENERAL.—The Council may promulgate regulations as it considers necessary to govern the implementation of section 306108 of this title in its entirety.

(b) PARTICIPATION BY LOCAL GOVERNMENTS.—The Council shall by regulation establish such procedures as may be necessary to provide for participation by local governments in proceedings and other actions taken by the Council with respect to undertakings referred to in section 306108 of this title that affect the local governments.

(c) EXEMPTION FOR FEDERAL PROGRAMS OR UNDERTAKINGS.—The Council, with the concurrence of the Secretary, shall promulgate regulations or guidelines, as appropriate, under which Federal programs or undertakings may be exempted from any or all of the requirements of this division when the exemption is determined to be consistent with the purposes of this division, taking into consideration the magnitude of the exempted undertaking or program and the likelihood of impairment of historic property.

§ 304109. Budget submission

(a) TIME AND MANNER OF SUBMISSION.—The Council shall submit its budget annually as a related agency of the Department of the Interior.

(b) TRANSMITTAL OF COPIES TO CONGRESSIONAL COMMITTEES.— Whenever the Council submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit copies of that estimate or request to the Committee on Natural Resources and Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources and Committee on Appropriations of the Senate.

§ 304110. Report by Secretary to Council

To assist the Council in discharging its responsibilities under this division, the Secretary at the request of the Chairman shall provide a report to the Council detailing the significance of any historic property, describing the effects of any proposed undertaking on the affected property, and recommending measures to avoid, minimize, or mitigate adverse effects.

§ 304111. Reimbursements from State and local agencies

Subject to applicable conflict of interest laws, the Council may receive reimbursements from State and local agencies and others pursuant to agreements executed in furtherance of this division.

§ 304112. Effectiveness of Federal grant and assistance programs

(a) COOPERATIVE AGREEMENTS.—The Council may enter into a cooperative agreement with any Federal agency that administers a grant or assistance program for the purpose of improving the effectiveness of the administration of the program in meeting the purposes and policies of this division. The cooperative agreement may include provisions that modify the selection criteria for a grant or assistance program to further the purposes of this division or that allow the Council to participate in the selection of recipients, if those provisions are not inconsistent with the grant or assistance program's statutory authorization and purpose.

(b) REVIEW OF GRANT AND ASSISTANCE PROGRAMS.—The Council may—

- (1) review the operation of any Federal grant or assistance program to evaluate the effectiveness of the program in meeting the purposes and policies of this division;

(2) make recommendations to the head of any Federal agency that administers the program to further the consistency of the program with the purposes and policies of this division and to improve its effectiveness in carrying out those purposes and policies; and

(3) make recommendations to the President and Congress regarding the effectiveness of Federal grant and assistance programs in meeting the purposes and policies of this division, including recommendations with regard to appropriate funding levels.

Subdivision 4—Other Organizations and Programs

Chapter 3051—Historic Light Station Preservation

Sec.

305101. Definitions.

305102. Duties of Secretary in providing a national historic light station program.

305103. Selection of eligible entity and conveyance of historic light stations.

305104. Terms of conveyance.

305105. Description of property.

305106. Historic light station sales.

§ 305101. Definitions

In this chapter:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of General Services.

(2) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) any department or agency of the Federal Government; or

(B) any department or agency of the State in which a historic light station is located, the local government of the community in which a historic light station is located, a nonprofit corporation, an educational agency, or a community development organization that—

(i) has agreed to comply with the conditions set forth in section 305104 of this title and to have the conditions recorded with the deed of title to the historic light station; and

(ii) is financially able to maintain the historic light station in accordance with the conditions set forth in section 305104 of this title.

(3) FEDERAL AID TO NAVIGATION.—

(A) IN GENERAL.—The term “Federal aid to navigation” means any device, operated and maintained by the United States, external to a vessel or aircraft, intended to assist a navigator to determine position or safe course, or to warn of dangers or obstructions to navigation.

(B) INCLUSIONS.—The term “Federal aid to navigation” includes a light, lens, lantern, antenna, sound signal, camera, sensor, piece of electronic navigation equipment, power source, or other piece of equipment associated with a device described in subparagraph (A).

(4) HISTORIC LIGHT STATION.—The term “historic light station” includes the light tower, lighthouse, keeper’s dwelling, garages, storage sheds, oil house, fog signal building, boat house, barn, pumphouse, tramhouse support structures, piers, walkways, underlying and appurtenant land and related real property and improvements associated with a historic light station that is a historic property.

§ 305102. Duties of Secretary in providing a national historic light station program

To provide a national historic light station program, the Secretary shall—

- (1) collect and disseminate information concerning historic light stations;
- (2) foster educational programs relating to the history, practice, and contribution to society of historic light stations;
- (3) sponsor or conduct research and study into the history of light stations;
- (4) maintain a listing of historic light stations; and
- (5) assess the effectiveness of the program established by this chapter regarding the conveyance of historic light stations.

§ 305103. Selection of eligible entity and conveyance of historic light stations

(a) PROCESS AND POLICIES.—The Secretary and the Administrator shall maintain a process and policies for identifying, and selecting, an eligible entity to which a historic light station could be conveyed for education, park, recreation, cultural, or historic preservation purposes, and to monitor the use of the light station by the eligible entity.

(b) APPLICATION REVIEW.—

(1) IN GENERAL.—The Secretary shall—

(A) review all applications for the conveyance of a historic light station, when the agency with administrative jurisdiction over the historic light station has determined the property to be excess property (as that term is defined in section 102 of title 40); and

(B) forward to the Administrator a single approved application for the conveyance of the historic light station.

(2) CONSULTATION.—When selecting an eligible entity, the Secretary shall consult with the State Historic Preservation Officer of the State in which the historic light station is located.

(c) CONVEYANCE OR SALE OF HISTORIC LIGHT STATIONS.—

(1) CONVEYANCE BY ADMINISTRATOR.—Except as provided in paragraph (2), after the Secretary’s selection of an eligible entity, the Administrator shall convey, by quitclaim deed, without consideration, all right, title, and interest of the United States in and to a historic light station, subject to the conditions set forth in section 305104 of this title. The conveyance of a historic light station under this chapter shall not be subject to the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.) or section 416(d) of the Coast Guard Authorization Act of

1998 (Public Law 105–383, 14 U.S.C. 93 note).

(2) HISTORIC LIGHT STATION LOCATED WITHIN A SYSTEM UNIT OR A REFUGE WITHIN NATIONAL WILDLIFE REFUGE SYSTEM.—

(A) APPROVAL OF SECRETARY REQUIRED.—A historic light station located within the exterior boundaries of a System unit or a refuge within the National Wildlife Refuge System shall be conveyed or sold only with the approval of the Secretary.

(B) CONDITIONS OF CONVEYANCE.—If the Secretary approves the conveyance of a historic light station described in subparagraph (A), the conveyance shall be subject to the conditions set forth in section 305104 of this title and any other terms or conditions that the Secretary considers necessary to protect the resources of the System unit or wildlife refuge.

(C) CONDITIONS OF SALE.—If the Secretary approves the sale of a historic light station described in subparagraph (A), the sale shall be subject to the conditions set forth in paragraphs (1) to (4) and (8) of subsection (a), and subsection (b), of section 305104 of this title and any other terms or conditions that the Secretary considers necessary to protect the resources of the System unit or wildlife refuge.

(D) COOPERATIVE AGREEMENTS.—The Secretary is encouraged to enter into cooperative agreements with appropriate eligible entities with respect to historic light stations described in subparagraph (A), as provided in this division, to the extent that the cooperative agreements are consistent with the Secretary's responsibilities to manage and administer the System unit or wildlife refuge.

§ 305104. Terms of conveyance

(a) IN GENERAL.—The conveyance of a historic light station shall be made subject to any conditions, including the reservation of easements and other rights on behalf of the United States, that the Administrator considers necessary to ensure that—

(1) the Federal aids to navigation located at the historic light station in operation on the date of conveyance remain the personal property of the United States and continue to be operated and maintained by the United States for as long as needed for navigational purposes;

(2) there is reserved to the United States the right to remove, replace, or install any Federal aid to navigation located at the historic light station as may be necessary for navigational purposes;

(3) the eligible entity to which the historic light station is conveyed shall not interfere or allow interference in any manner with any Federal aid to navigation or hinder activities required for the operation and maintenance of any Federal aid to navigation without the express written permission of the head of the agency responsible for maintaining the Federal aid to navigation;

(4) (A) the eligible entity to which the historic light station is conveyed shall, at its own cost and expense, use and maintain the historic light station in accordance with this division, the Secretary of the Interior's Standards for the Treatment of Historic Properties contained in part 68 of title 36, Code of Federal Regulations, and other applicable laws; and

(B) any proposed changes to the historic light station shall be reviewed and approved by the Secretary in consultation with the State Historic Preservation Officer of the State in which the historic light station is located, for consistency with section 800.5(a)(2)(vii) of

title 36, Code of Federal Regulations and the Secretary's Standards for Rehabilitation contained in section 67.7 of title 36, Code of Federal Regulations;

(5) the eligible entity to which the historic light station is conveyed shall make the historic light station available for education, park, recreation, cultural, or historic preservation purposes for the general public at reasonable times and under reasonable conditions;

(6) the eligible entity to which the historic light station is conveyed shall not sell, convey, assign, exchange, or encumber the historic light station, any part of the historic light station, or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including any lens or lantern, unless the sale, conveyance, assignment, exchange, or encumbrance is approved by the Secretary;

(7) the eligible entity to which the historic light station is conveyed shall not conduct any commercial activity at the historic light station, at any part of the historic light station, or in connection with any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, in any manner, unless the commercial activity is approved by the Secretary; and

(8) the United States shall have the right, at any time, to enter the historic light station without notice, for purposes of operating, maintaining, and inspecting any aid to navigation and for the purpose of ensuring compliance with this section, to the extent that it is not possible to provide advance notice.

(b) MAINTENANCE OF AID TO NAVIGATION.—Any eligible entity to which a historic light station is conveyed shall not be required to maintain any Federal aid to navigation associated with a historic light station, except any private aid to navigation permitted to the eligible entity under section 83 of title 14.

(c) REVERSION.—In addition to any term or condition established pursuant to this section, the conveyance of a historic light station shall include a condition that the historic light station, or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including any lens or lantern, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if—

(1) the historic light station, any part of the historic light station, or any associated historic artifact ceases to be available for education, park, recreation, cultural, or historic preservation purposes for the general public at reasonable times and under reasonable conditions that shall be set forth in the eligible entity's application;

(2) the historic light station or any part of the historic light station ceases to be maintained in a manner that ensures its present or future use as a site for a Federal aid to navigation;

(3) the historic light station, any part of the historic light station, or any associated historic artifact ceases to be maintained in compliance with this division, the Secretary of the Interior's Standards for the Treatment of Historic Properties contained in part 68 of title 36, Code of Federal Regulations, and other applicable laws;

(4) the eligible entity to which the historic light station is conveyed sells, conveys, assigns, exchanges, or encumbers the historic light station, any part of the historic light fixture, or any associated historic artifact, without approval of the Secretary;

(5) the eligible entity to which the historic light station is conveyed conducts any commercial activity at the historic light station, at any part of the historic light station, or in conjunction with any associated historic artifact, without approval of the Secretary; or

(6) at least 30 days before the reversion, the Administrator provides written notice to the owner that the historic light station or any part of the historic light station is needed for national security purposes.

(d) LIGHT STATIONS ORIGINALLY CONVEYED UNDER OTHER AUTHORITY.—On receiving notice of an executed or intended conveyance by an owner that received from the Federal Government under authority other than this division a historic light station in which the United States retains a reversionary or other interest and that is conveying it to another person by sale, gift, or any other manner, the Secretary shall review the terms of the executed or proposed conveyance to ensure that any new owner is capable of or is complying with any and all conditions of the original conveyance. The Secretary may require the parties to the conveyance and relevant Federal agencies to provide information as is necessary to complete the review. If the Secretary determines that the new owner has not complied or is unable to comply with those conditions, the Secretary shall immediately advise the Administrator, who shall invoke any reversionary interest or take other action as may be necessary to protect the interests of the United States.

§ 305105. Description of property

(a) IN GENERAL.—The Administrator shall prepare the legal description of any historic light station conveyed under this chapter. The Administrator, in consultation with the Secretary of Homeland Security and the Secretary, may retain all right, title, and interest of the United States in and to any historical artifact, including any lens or lantern, that is associated with the historic light station and located at the historic light station at the time of conveyance. Wherever possible, the historical artifacts should be used in interpreting the historic light station. In cases where there is no method for preserving lenses and other artifacts and equipment in situ, priority should be given to preservation or museum entities most closely associated with the historic light station, if they meet loan requirements.

(b) ARTIFACTS.—Artifacts associated with, but not located at, a historic light station at the time of conveyance shall remain the property of the United States under the administrative control of the Secretary of Homeland Security.

(c) COVENANTS.—All conditions placed with the quitclaim deed of title to the historic light station shall be construed as covenants running with the land.

(d) SUBMERGED LAND.—No submerged land shall be conveyed under this chapter.

§ 305106. Historic light station sales

(a) IN GENERAL.—

(1) WHEN SALE MAY OCCUR.—If no applicant is approved for the conveyance of a historic light station pursuant to sections 305101 through 305105 of this title, the historic light station shall be offered for sale.

(2) TERMS OF SALE.—Terms of the sales—

(A) shall be developed by the Administrator; and

(B) shall be consistent with the requirements of paragraphs (1) to (4) and (8) of subsection (a), and subsection (b), of section 305104 of this title.

(3) COVENANTS TO BE INCLUDED IN CONVEYANCE DOCUMENTS.—Conveyance documents shall

include all necessary covenants to protect the historical integrity of the historic light station and ensure that any Federal aid to navigation located at the historic light station is operated and maintained by the United States for as long as needed for that purpose.

(b) NET SALE PROCEEDS.—

(1) DISPOSITION AND USE OF FUNDS.—Net sale proceeds from the disposal of a historic light station—

(A) located on public domain land shall be transferred to the National Maritime Heritage Grants Program established under chapter 3087 in the Department of the Interior; and

(B) under the administrative control of the Secretary of Homeland Security—

(i) shall be credited to the Coast Guard's Operating Expenses appropriation account; and

(ii) shall be available for obligation and expenditure for the maintenance of light stations remaining under the administrative control of the Secretary of Homeland Security.

(2) AVAILABILITY OF FUNDS.—The funds referred to in paragraph (1)(B) shall remain available until expended and shall be available in addition to funds available in the Coast Guard's Operating Expense appropriation for that purpose.

Chapter 3053—National Center for Preservation Technology and Training

Sec.

305301. Definitions.

305302. National Center for Preservation Technology and Training.

305303. Preservation Technology and Training Board.

305304. Preservation grants.

305305. General provisions.

305306. Service preservation centers and offices.

§ 305301. Definitions

In this chapter:

(1) BOARD.—The term "Board" means the Preservation Technology and Training Board established pursuant to section 305303 of this title.

(2) CENTER.—The term "Center" means the National Center for Preservation Technology and Training established pursuant to section 305302 of this title.

§ 305302. National Center for Preservation Technology and Training

(a) ESTABLISHMENT.—There is established within the Department of the Interior a National Center for Preservation Technology and Training. The Center shall be located at Northwestern State University of Louisiana in Natchitoches, Louisiana.

(b) PURPOSES.—The purposes of the Center shall be to—

(1) develop and distribute preservation and conservation skills and technologies for the identification, evaluation, conservation, and interpretation of historic property;

(2) develop and facilitate training for Federal, State, and local resource preservation professionals, cultural resource managers, maintenance personnel, and others working in the preservation field;

(3) take steps to apply preservation technology benefits from ongoing research by other agencies and institutions;

(4) facilitate the transfer of preservation technology among Federal agencies, State and local governments, universities, international organizations, and the private sector; and

(5) cooperate with related international organizations including the International Council on Monuments and Sites, the International Center for the Study of Preservation and Restoration of Cultural Property, and the International Council on Museums.

(c) PROGRAMS.—The purposes shall be carried out through research, professional training, technical assistance, and programs for public awareness, and through a program of grants established under section 305304 of this title.

(d) EXECUTIVE DIRECTOR.—The Center shall be headed by an Executive Director with demonstrated expertise in historic preservation appointed by the Secretary with advice of the Board.

(e) ASSISTANCE FROM SECRETARY.—The Secretary shall provide the Center assistance in obtaining such personnel, equipment, and facilities as may be needed by the Center to carry out its activities.

§ 305303. Preservation Technology and Training Board

(a) ESTABLISHMENT.—There is established a Preservation Technology and Training Board.

(b) DUTIES.—The Board shall—

(1) provide leadership, policy advice, and professional oversight to the Center;

(2) advise the Secretary on priorities and the allocation of grants among the activities of the Center; and

(3) submit an annual report to the President and Congress.

(c) MEMBERSHIP.—The Board shall be comprised of—

(1) the Secretary;

(2) 6 members appointed by the Secretary, who shall represent appropriate Federal, State, and local agencies, State and local historic preservation commissions, and other public and international organizations; and

(3) 6 members appointed by the Secretary on the basis of outstanding professional qualifications, who represent major organizations in the fields of archeology, architecture, conservation, curation, engineering, history, historic preservation, landscape architecture, planning, or preservation education.

§ 305304. Preservation grants

(a) IN GENERAL.—The Secretary, in consultation with the Board, shall provide preservation technology and training grants to eligible applicants with a demonstrated institutional capability and

commitment to the purposes of the Center, in order to ensure an effective and efficient system of research, information distribution, and skills training in all the related historic preservation fields.

(b) GRANT REQUIREMENTS.—

(1) ALLOCATION.—Grants provided under this section shall be allocated in such a fashion as to reflect the diversity of the historic preservation fields and shall be geographically distributed.

(2) LIMIT ON AMOUNT A RECIPIENT MAY RECEIVE.—No grant recipient may receive more than 10 percent of the grants allocated under this section within any year.

(3) LIMIT ON ADMINISTRATIVE COSTS.—The total administrative costs, direct and indirect, charged for carrying out grants under this section may not exceed 25 percent of the aggregate costs.

(c) ELIGIBLE APPLICANTS.—Eligible applicants may include—

(1) Federal and non-Federal laboratories;

(2) accredited museums;

(3) universities;

(4) nonprofit organizations;

(5) System units and offices and Cooperative Park Study Units of the System;

(6) State Historic Preservation Offices;

(7) tribal preservation offices; and

(8) Native Hawaiian organizations.

(d) STANDARDS AND METHODS.—Grants shall be awarded in accordance with accepted professional standards and methods, including peer review of projects.

§ 305305. General provisions

(a) ACCEPTANCE OF GRANTS AND TRANSFERS.—The Center may accept—

(1) grants and donations from private individuals, groups, organizations, corporations, foundations, and other entities; and

(2) transfers of funds from other Federal agencies.

(b) CONTRACTS AND COOPERATIVE AGREEMENTS.—Subject to appropriations, the Center may enter into contracts and cooperative agreements with Federal, State, local, and tribal governments, Native Hawaiian organizations, educational institutions, and other public entities to carry out the Center's responsibilities under this chapter.

(c) ADDITIONAL FUNDS.—Funds appropriated for the Center shall be in addition to funds appropriated for Service programs, centers, and offices in existence on October 30, 1992.

§ 305306. Service preservation centers and offices

To improve the use of existing Service resources, the Secretary shall fully utilize and further develop the Service preservation (including conservation) centers and regional offices. The Secretary shall improve the coordination of the centers and offices within the Service, and shall, where appropriate, coordinate their activities with the Center and with other appropriate parties.

Chapter 3055—National Building Museum

Sec.

305501. Definitions.

305502. Cooperative agreement to operate museum.

305503. Activities and functions.

305504. Matching grants to Committee.

305505. Annual report.

§ 305501. Definitions

In this chapter:

(1) BUILDING ARTS.—The term “building arts” includes all practical and scholarly aspects of prehistoric, historic, and contemporary architecture, archeology, construction, building technology and skills, landscape architecture, preservation and conservation, building and construction, engineering, urban and community design and renewal, city and regional planning, and related professions, skills, trades, and crafts.

(2) COMMITTEE.—The term “Committee” means the Committee for a National Museum of the Building Arts, Incorporated, a nonprofit corporation organized and existing under the laws of the District of Columbia, or its successor.

§ 305502. Cooperative agreement to operate museum

To provide a national center to commemorate and encourage the building arts and to preserve and maintain a nationally significant building that exemplifies the great achievements of the building arts in the United States, the Secretary and the Administrator of General Services shall enter into a cooperative agreement with the Committee for the operation of a National Building Museum in the Federal building located in the block bounded by Fourth Street, Fifth Street, F Street, and G Street, Northwest in Washington, District of Columbia. The cooperative agreement shall include provisions that—

(1) make the site available to the Committee without charge;

(2) provide, subject to available appropriations, such maintenance, security, information, janitorial, and other services as may be necessary to ensure the preservation and operation of the site; and

(3) prescribe reasonable terms and conditions by which the Committee can fulfill its responsibilities under this division.

§ 305503. Activities and functions

The National Building Museum shall—

(1) collect and disseminate information concerning the building arts, including the establishment of a national reference center for current and historic documents, publications, and research

relating to the building arts;

(2) foster educational programs relating to the history, practice, and contribution to society of the building arts, including promotion of imaginative educational approaches to enhance understanding and appreciation of all facets of the building arts;

(3) publicly display temporary and permanent exhibits illustrating, interpreting and demonstrating the building arts;

(4) sponsor or conduct research and study into the history of the building arts and their role in shaping our civilization; and

(5) encourage contributions to the building arts.

§ 305504. Matching grants to Committee

The Secretary shall provide matching grants to the Committee for its programs related to historic preservation. The Committee shall match the grants in such a manner and with such funds and services as shall be satisfactory to the Secretary, except that not more than \$500,000 may be provided to the Committee in any one fiscal year.

§ 305505. Annual report

The Committee shall submit an annual report to the Secretary and the Administrator of General Services concerning its activities under this chapter and shall provide the Secretary and the Administrator of General Services with such other information as the Secretary may consider necessary or advisable.

Subdivision 5—Federal Agency Historic Preservation Responsibilities

Chapter 3061—Program Responsibilities and Authorities

Subchapter I—In General

Sec.

306101. Assumption of responsibility for preservation of historic property.

306102. Preservation program.

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306107. Planning and actions to minimize harm to National Historic Landmarks.

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Subchapter II—Lease, Exchange, or Management of Historic Property

306121. Lease or exchange.

306122. Contracts for management of historic property.

Subchapter III—Protection and Preservation of Resources

306131. Standards and guidelines.

Subchapter I—In General

§ 306101. Assumption of responsibility for preservation of historic property

(a) IN GENERAL.—

(1) AGENCY HEAD RESPONSIBILITY.—The head of each Federal agency shall assume responsibility for the preservation of historic property that is owned or controlled by the agency.

(2) USE OF AVAILABLE HISTORIC PROPERTY.—Prior to acquiring, constructing, or leasing a building for purposes of carrying out agency responsibilities, a Federal agency shall use, to the maximum extent feasible, historic property available to the agency, in accordance with Executive Order No. 13006 (40 U.S.C. 3306 note).

(3) NECESSARY PRESERVATION.—Each Federal agency shall undertake, consistent with the preservation of historic property, the mission of the agency, and the professional standards established pursuant to subsection (c), any preservation as may be necessary to carry out this chapter.

(b) GUIDELINES FOR FEDERAL AGENCY RESPONSIBILITY FOR AGENCY-OWNED HISTORIC PROPERTY.—In consultation with the Council, the Secretary shall promulgate guidelines for Federal agency responsibilities under this subchapter (except section 306108).

(c) PROFESSIONAL STANDARDS FOR PRESERVATION OF FEDERALLY OWNED OR CONTROLLED HISTORIC PROPERTY.—The Secretary shall establish, in consultation with the Secretary of Agriculture, the Secretary of Defense, the Smithsonian Institution, and the Administrator of General Services, professional standards for the preservation of historic property in Federal ownership or control.

§ 306102. Preservation program

(a) ESTABLISHMENT.—Each Federal agency shall establish (except for programs or undertakings exempted pursuant to section 304108(c) of this title), in consultation with the Secretary, a preservation program for the identification, evaluation, and nomination to the National Register, and protection, of historic property.

(b) REQUIREMENTS.—The program shall ensure that—

(1) historic property under the jurisdiction or control of the agency is identified, evaluated, and nominated to the National Register;

(2) historic property under the jurisdiction or control of the agency is managed and maintained in a way that considers the preservation of their historic, archeological, architectural, and cultural values in compliance with section 306108 of this title and gives special consideration to the preservation of those values in the case of property designated as having national significance;

(3) the preservation of property not under the jurisdiction or control of the agency but potentially affected by agency actions is given full consideration in planning;

(4) the agency's preservation-related activities are carried out in consultation with other Federal, State, and local agencies, Indian tribes, Native Hawaiian organizations carrying out historic preservation planning activities, and the private sector; and

(5) the agency's procedures for compliance with section 306108 of this title—

(A) are consistent with regulations promulgated by the Council pursuant to section 304108(a) and (b) of this title;

(B) provide a process for the identification and evaluation of historic property for listing on the National Register and the development and implementation of agreements, in consultation with State Historic Preservation Officers, local governments, Indian tribes, Native Hawaiian organizations, and the interested public, as appropriate, regarding the means by which adverse effects on historic property will be considered; and

(c) provide for the disposition of Native American cultural items from Federal or tribal land in a manner consistent with section 3(c) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3002(c)).

§ 306103. Recordation of historic property prior to alteration or demolition

Each Federal agency shall initiate measures to ensure that where, as a result of Federal action or assistance carried out by the agency, a historic property is to be substantially altered or demolished—

(1) timely steps are taken to make or have made appropriate records; and

(2) the records are deposited, in accordance with section 302107 of this title, in the Library of Congress or with such other appropriate agency as the Secretary may designate, for future use and reference.

§ 306104. Agency Preservation Officer

The head of each Federal agency (except an agency that is exempted under section 304108(c) of this title) shall designate a qualified official as the agency's Preservation Officer who shall be responsible for coordinating the agency's activities under this division. Each Preservation Officer may, to be considered qualified, satisfactorily complete an appropriate training program established by the Secretary under section 306101(c) of this title.

§ 306105. Agency programs and projects

Consistent with the agency's missions and mandates, each Federal agency shall carry out agency programs and projects (including those under which any Federal assistance is provided or any Federal license, permit, or other approval is required) in accordance with the purposes of this division and give consideration to programs and projects that will further the purposes of this division.

§ 306106. Review of plans of transferees of surplus federally owned historic property

The Secretary shall review and approve the plans of transferees of surplus federally owned historic property not later than 90 days after receipt of the plans to ensure that the prehistorical, historical, architectural, or culturally significant values will be preserved or enhanced.

§ 306107. Planning and actions to minimize harm to National Historic Landmarks

Prior to the approval of any Federal undertaking that may directly and adversely affect any National Historic Landmark, the head of the responsible Federal agency shall to the maximum extent possible undertake such planning and actions as may be necessary to minimize harm to the landmark. The head of

the Federal agency shall afford the Council a reasonable opportunity to comment with regard to the undertaking.

§ 306108. Effect of undertaking on historic property

The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, shall take into account the effect of the undertaking on any historic property. The head of the Federal agency shall afford the Council a reasonable opportunity to comment with regard to the undertaking.

§ 306109. Costs of preservation as eligible project costs

A Federal agency may include the costs of preservation activities of the agency under this division as eligible project costs in all undertakings of the agency or assisted by the agency. The eligible project costs may include amounts paid by a Federal agency to a State to be used in carrying out the preservation responsibilities of the Federal agency under this division, and reasonable costs may be charged to Federal licensees and permittees as a condition to the issuance of the license or permit.

§ 306110. Annual preservation awards program

The Secretary shall establish an annual preservation awards program under which the Secretary may make monetary awards in amounts of not to exceed \$1,000 and provide citations for special achievement to officers and employees of Federal, State, and certified local governments in recognition of their outstanding contributions to the preservation of historic property. The program may include the issuance of annual awards by the President to any citizen of the United States recommended for the award by the Secretary.

§ 306111. Environmental impact statement

Nothing in this division shall be construed to—

- (1) require the preparation of an environmental impact statement where the statement would not otherwise be required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or
- (2) provide any exemption from any requirement respecting the preparation of an environmental impact statement under that Act.

§ 306112. Waiver of provisions in event of natural disaster or imminent threat to national security

The Secretary shall promulgate regulations under which the requirements of this subchapter (except section 306108) may be waived in whole or in part in the event of a major natural disaster or an imminent threat to national security.

§ 306113. Anticipatory demolition

Each Federal agency shall ensure that the agency will not grant a loan, loan guarantee, permit, license, or other assistance to an applicant that, with intent to avoid the requirements of section 306108 of this title, has intentionally significantly adversely affected a historic property to which the grant would relate, or having legal power to prevent it, has allowed the significant adverse effect to occur, unless the agency, after consultation with the Council, determines that circumstances justify granting the assistance despite the adverse effect created or permitted by the applicant.

§ 306114. Documentation of decisions respecting undertakings

With respect to any undertaking subject to section 306108 of this title that adversely affects any historic property for which a Federal agency has not entered into an agreement pursuant to regulations issued by the Council, the head of the agency shall document any decision made pursuant to section 306108 of this title. The head of the agency may not delegate the responsibility to document a decision pursuant to this section. Where an agreement pursuant to regulations issued by the Council has been executed with respect to an undertaking, the agreement shall govern the undertaking and all of its parts.

Subchapter II—Lease, Exchange, or Management of Historic Property

§ 306121. Lease or exchange

(a) **AUTHORITY TO LEASE OR EXCHANGE.**—Notwithstanding any other provision of law, each Federal agency, after consultation with the Council—

(1) shall, to the extent practicable, establish and implement alternatives (including adaptive use) for historic property that is not needed for current or projected agency purposes; and

(2) may lease historic property owned by the agency to any person or organization, or exchange any property owned by the agency with comparable historic property, if the agency head determines that the lease or exchange will adequately ensure the preservation of the historic property.

(b) **PROCEEDS OF LEASE.**—Notwithstanding any other provision of law, the proceeds of a lease under subsection (a) may be retained by the agency entering into the lease and used to defray the costs of administration, maintenance, repair, and related expenses incurred by the agency with respect to that property or other property that is on the National Register that is owned by, or are under the jurisdiction or control of, the agency. Any surplus proceeds from the leases shall be deposited in the Treasury at the end of the 2d fiscal year following the fiscal year in which the proceeds are received.

§ 306122. Contracts for management of historic property

The head of any Federal agency having responsibility for the management of any historic property may, after consultation with the Council, enter into a contract for the management of the property. The contract shall contain terms and conditions that the head of the agency considers necessary or appropriate to protect the interests of the United States and ensure adequate preservation of the historic property.

Subchapter III—Protection and Preservation of Resources

§ 306131. Standards and guidelines

(a) **STANDARDS.**—

(1) **IN GENERAL.**—Each Federal agency that is responsible for the protection of historic property (including archeological property) pursuant to this division or any other law shall ensure that—

(A) all actions taken by employees or contractors of the agency meet professional standards under regulations developed by the Secretary in consultation with the Council, other affected agencies, and the appropriate professional societies of archeology, architecture, conservation, history, landscape architecture, and planning;

(B) agency personnel or contractors responsible for historic property meet qualification standards established by the Office of Personnel Management in consultation with the Secretary and appropriate professional societies of archeology, architecture, conservation, curation, history, landscape architecture, and planning; and

(C) records and other data, including data produced by historical research and archeological surveys and excavations, are permanently maintained in appropriate databases and made available to potential users pursuant to such regulations as the Secretary shall promulgate.

(2) CONSIDERATIONS.—The standards referred to in paragraph (1)(B) shall consider the particular skills and expertise needed for the preservation of historic property and shall be equivalent requirements for the disciplines involved.

(3) REVISION.—The Office of Management and Budget shall revise qualification standards for the disciplines involved.

(b) GUIDELINES.—To promote the preservation of historic property eligible for listing on the National Register, the Secretary shall, in consultation with the Council, promulgate guidelines to ensure that Federal, State, and tribal historic preservation programs subject to this division include plans to—

(1) provide information to the owners of historic property (including architectural, curatorial, and archeological property) with demonstrated or likely research significance, about the need for protection of the historic property, and the available means of protection;

(2) encourage owners to preserve historic property intact and in place and offer the owners of historic property information on the tax and grant assistance available for the donation of the historic property or of a preservation easement of the historic property;

(3) encourage the protection of Native American cultural items (within the meaning of section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)) and of property of religious or cultural importance to Indian tribes, Native Hawaiian organizations, or other Native American groups; and

(4) encourage owners that are undertaking archeological excavations to—

(A) conduct excavations and analyses that meet standards for federally-sponsored excavations established by the Secretary;

(B) donate or lend artifacts of research significance to an appropriate research institution;

(C) allow access to artifacts for research purposes; and

(D) prior to excavating or disposing of a Native American cultural item in which an Indian tribe or Native Hawaiian organization may have an interest under subparagraph (B) or (C) of section 3(a)(2) of the Native American Graves

Protection and Repatriation Act (25 U.S.C. 3002(a)(2)(B), (C)), give notice to and consult with the Indian tribe or Native Hawaiian organization.

Subdivision 6—Miscellaneous

Chapter 3071—Miscellaneous

Sec.

307101. World Heritage Convention.

307102. Effective date of regulations.

307103. Access to information.

307104. Inapplicability of division to White House, Supreme Court building, or United States Capitol.

307105. Attorney's fees and costs to prevailing parties in civil actions.

307106. Authorization for expenditure of appropriated funds.

307107. Donations and bequests of money, personal property, and less than fee interests in historic property.

307108. Privately donated funds.

§ 307101. World Heritage Convention

(a) **AUTHORITY OF SECRETARY.**—In carrying out this section, the Secretary of the Interior may act directly or through an appropriate officer in the Department of the Interior.

(b) **PARTICIPATION BY UNITED STATES.**—The Secretary shall direct and coordinate participation by the United States in the World Heritage Convention in cooperation with the Secretary of State, the Smithsonian Institution, and the Council. Whenever possible, expenditures incurred in carrying out activities in cooperation with other nations and international organizations shall be paid for in such excess currency of the country or area where the expense is incurred as may be available to the United States.

(c) **NOMINATION OF PROPERTY TO WORLD HERITAGE COMMITTEE.**— The Secretary shall periodically nominate property that the Secretary determines is of international significance to the World Heritage Committee on behalf of the United States. No property may be nominated unless it has previously been determined to be of national significance. Each nomination shall include evidence of such legal protections as may be necessary to ensure preservation of the property and its environment (including restrictive covenants, easements, or other forms of protection). Before making any nomination, the Secretary shall notify the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(d) **NOMINATION OF NON-FEDERAL PROPERTY TO WORLD HERITAGE COMMITTEE REQUIRES WRITTEN CONCURRENCE OF OWNER.**—No non-Federal property may be nominated by the Secretary to the World Heritage Committee for inclusion on the World Heritage List unless the owner of the property concurs in the nomination in writing.

(e) **CONSIDERATION OF UNDERTAKING ON PROPERTY.**—Prior to the approval of any undertaking outside the United States that may directly and adversely affect a property that is on the World Heritage List or on the applicable country's equivalent of the National Register, the head of a Federal agency having direct or indirect jurisdiction over the undertaking shall take into account the effect of the undertaking on the property for purposes of avoiding or mitigating any adverse effect.

§ 307102. Effective date of regulations

(a) **PUBLICATION IN FEDERAL REGISTER.**—No final regulation of the Secretary shall become effective prior to the expiration of 30 calendar days after it is published in the Federal Register during which either or both Houses of Congress are in session.

(b) DISAPPROVAL OF REGULATION BY RESOLUTION OF CONGRESS.— The regulation shall not become effective if, within 90 calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: “That Congress disapproves the regulation promulgated by the Secretary dealing with the matter of , which regulation was transmitted to Congress on , ” the blank spaces in the resolution being appropriately filled.

(c) FAILURE OF CONGRESS TO ADOPT RESOLUTION OF DISAPPROVAL OF REGULATION.—If at the end of 60 calendar days of continuous session of Congress after the date of promulgation of a regulation, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the regulation, and neither House has adopted such a resolution, the regulation may go into effect immediately. If, within the 60 calendar days, a committee has reported or been discharged from further consideration of such a resolution, the regulation may go into effect not sooner than 90 calendar days of continuous session of Congress after its promulgation unless disapproved as provided for.

(d) SESSIONS OF CONGRESS.—For purposes of this section—

(1) continuity of session is broken only by an adjournment sine die; and

(2) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of 60 and 90 calendar days of continuous session of Congress.

(e) CONGRESSIONAL INACTION OR REJECTION OF RESOLUTION OF DISAPPROVAL NOT DEEMED APPROVAL OF REGULATION.—Congressional inaction on or rejection of a resolution of disapproval shall not be deemed an expression of approval of the regulation.

§ 307103. Access to information

(a) AUTHORITY TO WITHHOLD FROM DISCLOSURE.—The head of a Federal agency, or other public official receiving grant assistance pursuant to this division, after consultation with the Secretary, shall withhold from disclosure to the public information about the location, character, or ownership of a historic property if the Secretary and the agency determine that disclosure may—

(1) cause a significant invasion of privacy;

(2) risk harm to the historic property; or

(3) impede the use of a traditional religious site by practitioners.

(b) ACCESS DETERMINATION.—When the head of a Federal agency or other public official determines that information should be withheld from the public pursuant to subsection (a), the Secretary, in consultation with the Federal agency head or official, shall determine who may have access to the information for the purpose of carrying out this division.

(c) CONSULTATION WITH COUNCIL.—When information described in subsection (a) has been developed in the course of an agency’s compliance with section 306107 or 306108 of this title, the Secretary shall consult with the Council in reaching determinations under subsections (a) and (b).

§ 307104. Inapplicability of division to White House, Supreme Court building, or United States Capitol

Nothing in this division applies to the White House and its grounds, the Supreme Court building and its grounds, or the United States Capitol and its related buildings and grounds.

§ 307105. Attorney's fees and costs to prevailing parties in civil actions

In any civil action brought in any United States district court by any interested person to enforce this division, if the person substantially prevails in the action, the court may award attorney's fees, expert witness fees, and other costs of participating in the civil action, as the court considers reasonable.

§ 307106. Authorization for expenditure of appropriated funds

Where appropriate, each Federal agency may expend funds appropriated for its authorized programs for the purposes of activities carried out pursuant to this division, except to the extent that appropriations legislation expressly provides otherwise.

§ 307107. Donations and bequests of money, personal property, and less than fee interests in historic property

(a) MONEY AND PERSONAL PROPERTY.—The Secretary may accept donations and bequests of money and personal property for the purposes of this division and shall hold, use, expend, and administer the money and personal property for those purposes.

(b) LESS THAN FEE INTEREST IN HISTORIC PROPERTY.—The Secretary may accept gifts or donations of less than fee interests in any historic property where the acceptance of an interest will facilitate the conservation or preservation of the historic property. Nothing in this section or in any provision of this division shall be construed to affect or impair any other authority of the Secretary under other provision of law to accept or acquire any property for conservation or preservation or for any other purpose.

§ 307108. Privately donated funds

(a) PROJECTS FOR WHICH FUNDS MAY BE USED.—In furtherance of the purposes of this division, the Secretary may accept the donation of funds that may be expended by the Secretary for projects to acquire, restore, preserve, or recover data from any property included on the National Register, as long as the project is owned by a State, any unit of local government, or any non-profit entity.

(b) CONSIDERATION OF FACTORS RESPECTING EXPENDITURE OF FUNDS.—

(1) IN GENERAL.—In expending the funds, the Secretary shall give due consideration to—

- (A) the national significance of the project;
- (B) its historical value to the community;
- (C) the imminence of its destruction or loss; and
- (D) the expressed intentions of the donor.

(2) FUNDS AVAILABLE WITHOUT REGARD TO MATCHING REQUIREMENTS.—Funds expended under this subsection shall be made available without regard to the matching requirements established by sections 302901 and 302902(b) of this title, but the recipient of the funds shall be permitted to utilize them to match any grants from the Historic Preservation Fund.

(c) TRANSFER OF UNOBLIGATED FUNDS.—The Secretary may transfer unobligated funds previously donated to the Secretary for the purposes of the Service, with the consent of the donor, and any funds so transferred shall be used or expended in accordance with this division.

Old Section Name	Old Title 16 Legal Cite	Current Title 54 Legal Cite	
Section 1	16 U.S.C. 470(a)	54 U.S.C. 100101 note. It provides the short title: the "National Historic Preservation Act."	
	16 U.S.C. 470(b)	Not repealed but omitted from the text of title 54. It provides findings for the National Historic Preservation Act. It is still valid law and may be cited as: Section 1 of the National Historic Preservation Act, Pub. L. No. 89-665, as amended by Pub. L. No. 96-515.	
Section 2	16 U.S.C. 470-1	54 U.S.C. 300101	
Section 101	16 U.S.C. 470a(a)(1)(A) (1st sentence)	54 U.S.C. 302101	
	16 U.S.C. 470a(a)(1)(A) (last sentence)	54 U.S.C. 302106	
	16 U.S.C. 470a(a)(1)(B)	54 U.S.C. 302102	
	16 U.S.C. 470a(a)(2)	54 U.S.C. 302103	
	16 U.S.C. 470a(a)(3) through (5)	54 U.S.C. 302104	
	16 U.S.C. 470a(a)(6)	54 U.S.C. 302105	
	16 U.S.C. 470a(a)(7)	54 U.S.C. 302107	
	16 U.S.C. 470a(a)(8)	54 U.S.C. 302108	
	16 U.S.C. 470a(b)(1)	54 U.S.C. 302301	
	16 U.S.C. 470a(b)(2)	54 U.S.C. 302302	
	16 U.S.C. 470a(b)(3)	54 U.S.C. 302303	
	16 U.S.C. 470a(b)(4)	54 U.S.C. 302304	
	16 U.S.C. 470a(b)(5)	Repealed as obsolete. It provided that any State historic preservation program in effect under prior authority of law could be treated as an approved program for purposes of 16 U.S.C. 470a(b) until the earlier of the date on which the Secretary approved a program submitted by the State under 16 U.S.C. 470a(b) or 3 years after December 12, 1992.	
	16 U.S.C. 470a(b)(6)	54 U.S.C. 302304	
	16 U.S.C. 470a(c)(1) (1st sentence)	54 U.S.C. 302502	
	16 U.S.C. 470a(c)(1) (2d, last sentences)	54 U.S.C. 302503	
	16 U.S.C. 470a(c)(2)	54 U.S.C. 302504	
	16 U.S.C. 470a(c)(3)	54 U.S.C. 302505	
	16 U.S.C. 470a(c)(4)	54 U.S.C. 302501	
	16 U.S.C. 470a(d)(1)	54 U.S.C. 302701	
	16 U.S.C. 470a(d)(2)	54 U.S.C. 302702	
	16 U.S.C. 470a(d)(3)	54 U.S.C. 302703	
	16 U.S.C. 470a(d)(4)	54 U.S.C. 302704	
	16 U.S.C. 470a(d)(5)	54 U.S.C. 302705	
	16 U.S.C. 470a(d)(6)	54 U.S.C. 302706	
	16 U.S.C. 470a(e)(1)	54 U.S.C. 302902	
	16 U.S.C. 470a(e)(2)	54 U.S.C. 302903	
	16 U.S.C. 470a(e)(3)(A)	54 U.S.C. 302904	
	16 U.S.C. 470a(e)(3)(B)	54 U.S.C. 302906	
	16 U.S.C. 470a(e)(3)(C)	54 U.S.C. 302904	
	16 U.S.C. 470a(e)(4)	54 U.S.C. 302905	
	16 U.S.C. 470a(e)(5)	54 U.S.C. 302907	
	16 U.S.C. 470a(e)(6)	54 U.S.C. 302908	
	16 U.S.C. 470a(f)	54 U.S.C. 302909	
	16 U.S.C. 470a(g), (h)	54 U.S.C. 306101	
	16 U.S.C. 470a(i)	54 U.S.C. 303902	
	16 U.S.C. 470a(j)	54 U.S.C. 303903	
	Section 102	16 U.S.C. 470b(a) (1st sentence paragraph (1))	54 U.S.C. 302901
		16 U.S.C. 470b(a) (1st sentence paragraphs (2) through (6))	54 U.S.C. 302902
		16 U.S.C. 470b(a) (2d sentence)	54 U.S.C. 302902
		16 U.S.C. 470b(a) (last sentence)	54 U.S.C. 302901
		16 U.S.C. 470b(b)	54 U.S.C. 302902
		16 U.S.C. 470b(c)	Previously repealed.
16 U.S.C. 470b(d) (relating to remaining cost of project)		54 U.S.C. 302902	
16 U.S.C. 470b(d) (relating to availability)	54 U.S.C. 302901		

	16 U.S.C. 470b(e)	54 U.S.C. 302902
Section 103	16 U.S.C. 470c	54 U.S.C. 302902
Section 104	16 U.S.C. 470d	54 U.S.C. 303901
Section 105	16 U.S.C. 470e	54 U.S.C. 302910
Section 106	16 U.S.C. 470f	54 U.S.C. 306108
Section 107	16 U.S.C. 470g	54 U.S.C. 307104
Section 108	16 U.S.C. 470h (1st paragraph)	54 U.S.C. 303101
	16 U.S.C. 470h (last paragraph 1st sentence)	54 U.S.C. 303102
	16 U.S.C. 470h (last paragraph last sentence)	54 U.S.C. 303103
Section 109	16 U.S.C. 470h-1	54 U.S.C. 307108
Section 110	16 U.S.C. 470h-2(a)(1)	54 U.S.C. 306101
	16 U.S.C. 470h-2(a)(2)	54 U.S.C. 306102
	16 U.S.C. 470h-2(b)	54 U.S.C. 306103
	16 U.S.C. 470h-2(c)	54 U.S.C. 306104
	16 U.S.C. 470h-2(d)	54 U.S.C. 306105
	16 U.S.C. 470h-2(e)	54 U.S.C. 306106
	16 U.S.C. 470h-2(f)	54 U.S.C. 306107
	16 U.S.C. 470h-2(g)	54 U.S.C. 306109
	16 U.S.C. 470h-2(h)	54 U.S.C. 306110
	16 U.S.C. 470h-2(i)	54 U.S.C. 306111
	16 U.S.C. 470h-2(j)	54 U.S.C. 306112
	16 U.S.C. 470h-2(k)	54 U.S.C. 306113
	16 U.S.C. 470h-2(l)	54 U.S.C. 306114
Section 111	16 U.S.C. 470h-3(a), (b)	54 U.S.C. 306121
	16 U.S.C. 470h-3(c)	54 U.S.C. 306122
Section 112	16 U.S.C. 470h-4	54 U.S.C. 306131
Section 113 (Repealed)	16 U.S.C. 470h-5	Repealed as obsolete. It provided that the Secretary study the suitability and feasibility of alternatives for controlling illegal interstate and international traffic in antiquities and not later than 18 months after October 30, 1992, submit to Congress a report detailing the Secretary's findings and recommendations from the study.
Section 201	16 U.S.C. 470i	54 U.S.C. 304101
Section 202	16 U.S.C. 470j	54 U.S.C. 304102
Section 203	16 U.S.C. 470k	54 U.S.C. 304103
Section 204	16 U.S.C. 470l	54 U.S.C. 304104
Section 205	16 U.S.C. 470m	54 U.S.C. 304105
Section 206	16 U.S.C. 470n	54 U.S.C. 304106
Section 207 (Repealed)	16 U.S.C. 470o	Repealed as obsolete. It provided that personnel, property, records, and unexpended balances of funds be transferred by the Department of the Interior to the Advisory Council on Historic Preservation within 60 days of the effective date of Public Law 94-422, which was approved on September 28, 1976.
Section 208	16 U.S.C. 470p	54 U.S.C. 304105
Section 209	16 U.S.C. 470q	54 U.S.C. 304105
Section 210	16 U.S.C. 470r	54 U.S.C. 304107
Section 211	16 U.S.C. 470s	54 U.S.C. 304108
Section 212	16 U.S.C. 470t(a) (1st sentence)	54 U.S.C. 304109
	16 U.S.C. 470t(a) (last sentence)	Repealed as unnecessary. It authorized to be appropriated amounts necessary to carry out this part.
	16 U.S.C. 470t(b)	54 U.S.C. 304109
Section 213	16 U.S.C. 470u	54 U.S.C. 304110
Section 214	16 U.S.C. 470v	54 U.S.C. 304108
Section 215	16 U.S.C. 470v-1	54 U.S.C. 304111
Section 216	16 U.S.C. 470v-2	54 U.S.C. 304112
Section 301	16 U.S.C. 470w(1)	54 U.S.C. 300301
	16 U.S.C. 470w(2)	54 U.S.C. 300317
	16 U.S.C. 470w(3)	54 U.S.C. 300310

	16 U.S.C. 470w(4)	54 U.S.C. 300309
	16 U.S.C. 470w(5)	54 U.S.C. 300308
	16 U.S.C. 470w(6)	54 U.S.C. 300311
	16 U.S.C. 470w(7)	54 U.S.C. 300320
	16 U.S.C. 470w(8)	54 U.S.C. 300315
	16 U.S.C. 470w(9)	54 U.S.C. 300304
	16 U.S.C. 470w(10)	54 U.S.C. 300305
	16 U.S.C. 470w(11)	54 U.S.C. 300316
	16 U.S.C. 470w(12)	54 U.S.C. 300318
	16 U.S.C. 470w(13)	54 U.S.C. 300307
	16 U.S.C. 470w(14)	54 U.S.C. 300319
	16 U.S.C. 470w(15)	54 U.S.C. 300302
	16 U.S.C. 470w(16)	54 U.S.C. 300303
	16 U.S.C. 470w(17)	54 U.S.C. 300313
	16 U.S.C. 470w(18)	54 U.S.C. 300314
Section 302	16 U.S.C. 470w-1	54 U.S.C. 307106
Section 303	16 U.S.C. 470w-2	54 U.S.C. 307107
Section 304	16 U.S.C. 470w-3	54 U.S.C. 307103
Section 305	16 U.S.C. 470w-4	54 U.S.C. 307105
Section 306	16 U.S.C. 470w-5(a) (1st sentence)	54 U.S.C. 305502
	16 U.S.C. 470w-5(a) (last sentence)	54 U.S.C. 305503
	16 U.S.C. 470w-5(b)	54 U.S.C. 305502
	16 U.S.C. 470w-5(c)	54 U.S.C. 305504
	16 U.S.C. 470w-5(d)	Repealed as obsolete. It provided for the renovation of the site on which the National Museum for the Building Arts is located.
	16 U.S.C. 470w-5(e)	54 U.S.C. 305505
	16 U.S.C. 470w-5(f)	54 U.S.C. 305501
Section 307	16 U.S.C. 470w-6	54 U.S.C. 307102
Section 308	16 U.S.C. 470w-7(a)	54 U.S.C. 305102
	16 U.S.C. 470w-7(b)	54 U.S.C. 305103
	16 U.S.C. 470w-7(c)	54 U.S.C. 305104
	16 U.S.C. 470w-7(d)	54 U.S.C. 305105
	16 U.S.C. 470w-7(e)	54 U.S.C. 305101
Section 309	16 U.S.C. 470w-8	54 U.S.C. 305106
Section 401	16 U.S.C. 470x	Not repealed but omitted from the text of title 54. It provides the following findings regarding the National Center for Preservation Technology and Training provisions: "The Congress finds and declares that, given the complexity of technical problems encountered in preserving historic properties and the lack of adequate distribution of technical information to preserve such properties, a national initiative to coordinate and promote research, distribute information, and provide training about preservation skills and technologies would be beneficial." It may be cited as Pub. L. No. 102-175, title XL, § 4022, 106 Stat. 4765 (1992).
Section 402	16 U.S.C. 470x-1	54 U.S.C. 305301
Section 403	16 U.S.C. 470x-2	54 U.S.C. 305302
Section 404	16 U.S.C. 470x-3	54 U.S.C. 305303
Section 405	16 U.S.C. 470x-4	54 U.S.C. 305304
Section 406	16 U.S.C. 470x-5	54 U.S.C. 305305
Section 407	16 U.S.C. 470x-6	54 U.S.C. 305306

Section 401*	16 U.S.C. 470a-1	54 U.S.C. 307101 (a) through (d). * = These are legislative provisions that were enacted to codify requirements of the World Heritage Convention, and were included among the National Historic Preservation Act Amendments of 1980. However, they were not technically part of the National Historic Preservation Act. Their "Section 401" and "Section 402" numbering in the first column refers to their section numbers under the public law that enacted the 1980 amendments, rather than their numbering for the National Historic Preservation Act itself. However, their "old section" names are included since, particularly in the case of "Section 402," below, those are section names that have been popularly used by practitioners.
Section 402*	16 U.S.C. 470a-2	54 U.S.C. 307101 (e). See "*" notes, above. This is the section that imposes requirements similar to "Section 106" regarding projects outside the United States.



THE
NATIONAL HISTORIC PRESERVATION
PROGRAM AT

50

Priorities and Recommendations for the

FUTURE

The Preservation Program Today: A RECORD OF SUCCESS

In 1966, the National Historic Preservation Act (NHPA) created the foundation for today's national preservation program. Fifty years after enactment of the NHPA, the program has matured and achieved many successes:

- ▶ Federal historic preservation tax credits have stimulated nearly \$120 billion in private investment to rehabilitate commercial historic properties across the nation.
- ▶ More than 91,000 places have been listed on the National Register of Historic Places, including many rural districts and older neighborhoods, representing more than 1.8 million contributing historic resources.
- ▶ More than 2,500 National Historic Landmarks commemorate the nation's most significant events and achievements.
- ▶ Federal property managers care for an extensive inventory of historic buildings and cultural resources on public lands, often using them to carry out their primary mission and programs.
- ▶ Tens of thousands of federal actions are considered for their effects on historic properties during project planning, providing communities and citizens a voice in protecting the places that matter to them.
- ▶ Fifty states, eight territories, the District of Columbia, 171 tribal governments, and 1,966 local governments partner with the private sector and the federal government so Americans in virtually every community benefit from the preservation program and are represented in America's story.

GAY HEAD LIGHT, MARTHA'S VINEYARD, MA
(iStockphoto © Rolf_52)

Historic Preservation Serves the American People and the Nation's Future



The National Historic Preservation Act’s innovative and prophetic vision of historic places as a living part of our communities has even greater potential to provide broad public benefits today than it did in 1966.”

— U.S. CONFERENCE OF MAYORS, JUNE 2016

THE NEXT 50 YEARS OF THE NATIONAL PRESERVATION PROGRAM

How can we strengthen the national historic preservation program’s value to the public? How can we improve outcomes that appropriately balance and serve both preservation and development goals?

For the 50th anniversary of the National Historic Preservation Act in 2016, the Advisory Council on Historic Preservation (ACHP) considered these questions as part of a public process to identify the program’s needs for the future and priorities for improvement. The ACHP consulted with numerous public and private partners in preservation, including state, tribal, and local governments and other stakeholders, to develop policy recommendations for the next 50 years of historic preservation in America.

The ACHP recommends policies that do the following:

- ▶ Strengthen public support
- ▶ Enhance leadership
- ▶ Improve preservation planning
- ▶ Strengthen funding and investment
- ▶ Engage the public
- ▶ Advance equity and inclusion in what is preserved
- ▶ Respond to indigenous peoples’ concerns
- ▶ Enhance heritage education
- ▶ Promote collaboration and partnerships
- ▶ Address sustainability, disasters, and climate adaptation

For a full list of policy recommendations and actions, see www.achp.gov.

TIPPECANOE COUNTY COURTHOUSE, LAFAYETTE, IN

SOME HIGHLIGHTS OF THE ACHP'S RECOMMENDATIONS INCLUDE THE FOLLOWING:

Strengthen Public and Private Investment in Historic Preservation

- ▶ Promote greater use of historic tax credits that leverage private investment for economic development and community revitalization.
- ▶ Encourage creative public/private partnerships to rehabilitate places that are important to local communities, and ease restrictions on leasing, surplus transfer, and cooperative uses of federally owned historic properties.
- ▶ Fund preservation efforts to meet current needs and build capacity for the future.

Improve Planning Decisions and Promote Efficient Reviews of Federal Infrastructure Projects

- ▶ Invest in digital technologies that deliver timely information about historic properties to inform governmental and private sector project planning decisions.
- ▶ Promote early planning to ensure historic preservation concerns are addressed without delaying infrastructure projects.
- ▶ Streamline agency review by funding adequate staffing levels and training for those responsible for consulting on federal undertakings.

Engage All Americans in Preserving Our Heritage

- ▶ Facilitate involvement of local communities in the federal government's decision-making process and remove any barriers to public participation.
- ▶ Expand efforts to reach out and include all Americans in telling and preserving America's story and the heritage that reflects our diverse society.

continued >>

“Historic preservation has demonstrated an unparalleled capacity to revitalize our older cities, neighborhoods, and communities; foster vibrant economic and social activity; generate jobs; spur tourism; attract talent; and contribute to the resurgence of American cities.”

— U.S. CONFERENCE OF MAYORS, JUNE 2016



RESTORED FOUNDER'S CABIN, GREAT FALLS, MT

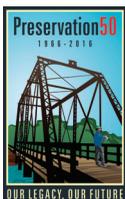
Enhance Attention to the Interests of Indian Tribes, Native Hawaiian Organizations, and Alaska Natives

- ▶ Respect tribal sovereignty and support meaningful roles for Indian tribes, Native Hawaiian organizations, and Alaska Natives in managing public lands that have special geographical, historical, and cultural connections to tribes.
- ▶ Promote early consultation to ensure tribal voices are heard in the planning process and any conflicts are resolved long before a project is in the construction phase.

Broaden Appreciation for Our Exceptional American History

- ▶ Grow every American citizen's appreciation of our shared American heritage through public outreach and formal and informal education, including school programs, work-study experiences, historic interpretation, and innovative uses of technology.

The ACHP looks forward to working with the Administration, the Congress, and a wide range of stakeholders and other interested parties in implementing these and other recommendations for the future.



Preserving America's Heritage

ADVISORY COUNCIL ON HISTORIC PRESERVATION

401 F Street NW, Suite 308, Washington, DC 20001
Phone: 202-517-0200 • Fax: 202-517-6381

www.achp.gov

MARCH 2017

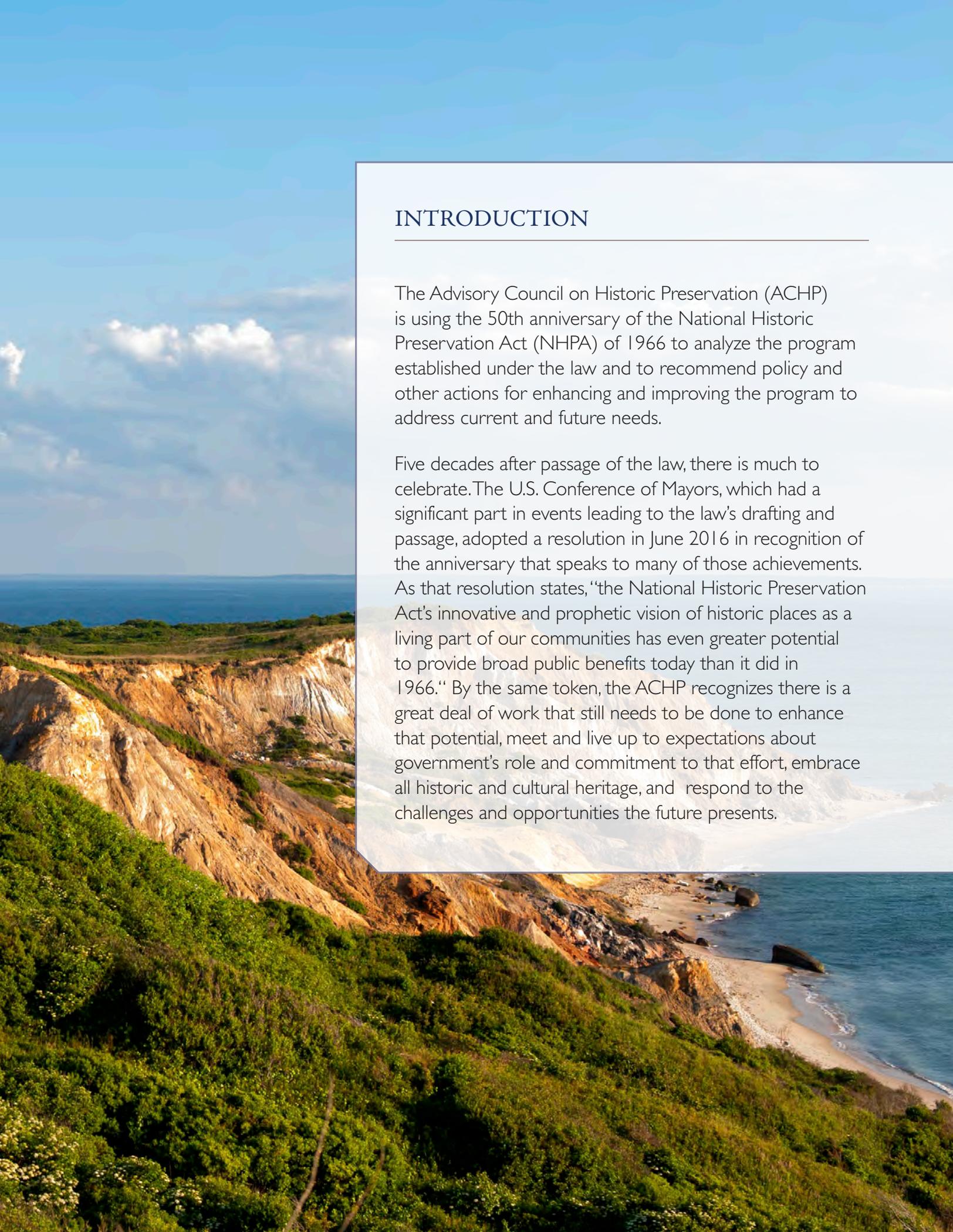
THE
NATIONAL HISTORIC PRESERVATION
PROGRAM AT



Priorities and Recommendations for the

FUTURE





INTRODUCTION

The Advisory Council on Historic Preservation (ACHP) is using the 50th anniversary of the National Historic Preservation Act (NHPA) of 1966 to analyze the program established under the law and to recommend policy and other actions for enhancing and improving the program to address current and future needs.

Five decades after passage of the law, there is much to celebrate. The U.S. Conference of Mayors, which had a significant part in events leading to the law's drafting and passage, adopted a resolution in June 2016 in recognition of the anniversary that speaks to many of those achievements. As that resolution states, "the National Historic Preservation Act's innovative and prophetic vision of historic places as a living part of our communities has even greater potential to provide broad public benefits today than it did in 1966." By the same token, the ACHP recognizes there is a great deal of work that still needs to be done to enhance that potential, meet and live up to expectations about government's role and commitment to that effort, embrace all historic and cultural heritage, and respond to the challenges and opportunities the future presents.

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CREATION OF THE NATIONAL HISTORIC PRESERVATION PROGRAM

Within a few generations, historic preservation has evolved from a limited pursuit of saving great houses and major landmarks into a grassroots movement concerned with preserving communities and everyday places important to our past. Enactment of the NHPA in 1966 furthered this evolution, signaling America's resolve to preserve its heritage and to use the law and its major elements to improve the quality of life across the United States. Since the 1960s, great progress has been made through a public-private, intergovernmental historic preservation partnership. Across America, citizens, organizations, businesses, and elected officials continue to discover and show their appreciation for heritage through pride in their historic communities and care for those places with special meaning for residents and visitors alike. Over the last 50 years, the key components of the NHPA have provided a firm foundation for modern historic preservation.

After World War II, with a rapidly growing population creating a need for modern infrastructure and housing, the United States began to make major investments in highways, urban renewal, and public works. Neighborhoods were destroyed, historic buildings razed, and archaeological sites ravaged. Government projects and suburban sprawl irrevocably altered rural landscapes. The loss of the nation's heritage reached epidemic proportions.

Citizens and elected officials determined to act. A special committee of the U.S. Conference of Mayors, in cooperation with the National Trust for Historic Preservation and several federal agencies, began a study of protecting America's historic cultural environment. The resulting report, *With Heritage So Rich*, described the extent of heritage loss, the breadth of public interest in preserving that heritage, and recommendations for encouraging and supporting its preservation. The report outlined strategies that included government-led identification of places worthy of preservation, federal support for state and local preservation efforts, and processes to guide planning and review of threats to historic sites and buildings from government actions.

This report influenced Congress to enact a strong, new statute establishing a nationwide preservation policy—the National Historic Preservation Act of 1966, signed into law by President Lyndon B. Johnson on October 15, 1966. In the preamble to the law, Congress declared that “the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people,” and that it is “necessary and appropriate for the Federal Government to accelerate its historic preservation programs and activities, to give maximum encouragement to agencies and individuals undertaking preservation by private means, and to assist State and local governments and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities.” It would therefore be federal policy to encourage the balancing of modern societal needs with preservation; be a national preservation leader; manage and care for prehistoric and historic resources under its control; and foster both non-federal governmental and private preservation activities.

The NHPA expanded the National Register of Historic Places to include historic properties of national, state, and local significance; established preservation grants-in-aid for survey, planning, and preservation activities; authorized State Historic Preservation Offices (SHPOs) in every state, territory, and the District of Columbia; created the ACHP for policy guidance and oversight within the executive branch; and established the Section 106 planning process for federally sponsored projects affecting historic properties. Subsequent changes to the law by Congress created the Historic Preservation Fund (HPF), authorized tribal and local government preservation programs, and mandated federal preservation program responsibilities. Other preservation-oriented legislation provided federal tax incentives for rehabilitation of commercial historic properties.

**IN CELEBRATION OF THE 50TH ANNIVERSARY OF THE
NATIONAL HISTORIC PRESERVATION ACT**

Adopted June 2016, U.S. Conference of Mayors

WHEREAS 50 years ago, the United States Conference of Mayors demonstrated visionary leadership in addressing the accelerating loss of historic places across the United States by releasing *With Heritage So Rich*, which championed the preservation of America's historic places as a living part of our communities;

WHEREAS the findings and recommendations of *With Heritage So Rich* formed the basis for the National Historic Preservation Act of 1966, which states that

- *the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people; and*
- *the preservation of this irreplaceable heritage is in the public interest so that its vital legacy of cultural, educational, aesthetic, inspirational, economic, and energy benefits will be maintained and enriched for future generations of Americans;*

WHEREAS the National Historic Preservation Act motivated the state and federal partnership of the National Conference of State Historic Preservation Officers, the Advisory Council on Historic Preservation, and the National Park Service to implement preservation programs throughout the country and led to the establishment of the Historic Preservation Fund, the principal source of funding for critically important programs that preserve our cultural resources, spur job creation and community revitalization, and foster economic growth;

WHEREAS the National Historic Preservation Act inspired the creation of Federal Historic Tax Credits, which represent the largest federal investment in historic preservation and have catalyzed the rehabilitation of more than 41,250 buildings, created 2.3 million jobs, and leveraged more than \$117.6 billion in private investment;

WHEREAS the preservation movement is deeply committed to telling the full story of our nation's history and seeks to identify, acknowledge, and protect previously undervalued places and underrepresented communities in order to capture the full breadth and diversity of our national heritage;

WHEREAS historic preservation has demonstrated an unparalleled capacity to revitalize our older cities, neighborhoods, and communities; foster vibrant economic and social activity; generate jobs; spur tourism; attract talent; and contribute to the resurgence of American cities;

WHEREAS the National Historic Preservation Act's innovative and prophetic vision of historic places as a living part of our communities has even greater potential to provide broad public benefits today than it did in 1966;

WHEREAS the wide array of stakeholders—including all levels of government, nonprofit and private enterprises, and individuals—celebrating the anniversary of the National Historic Preservation Act affords a singular opportunity to reinvigorate the forward-looking vision, in which the United States Conference of Mayors has a central role to play;

NOW THEREFORE BE IT RESOLVED that the United States Conference of Mayors celebrates the 50th anniversary of the National Historic Preservation Act and recommits to another 50 years of visionary leadership in historic preservation in order to maintain our nation's historic places as living parts of our communities and as vibrant places for Americans to live, work, and play.



THE PRESERVATION PROGRAM TODAY: A RECORD OF SUCCESS

Fifty years after enactment of the NHPA, the program has matured and achieved many successes:

- ▶ Federal historic preservation tax credits have stimulated nearly \$120 billion in private investment to rehabilitate commercial historic properties across the nation.
- ▶ More than 91,000 places have been listed on the National Register of Historic Places, including many rural districts and older neighborhoods, representing more than 1.8 million contributing historic resources.
- ▶ More than 2,500 National Historic Landmarks commemorate the nation's most significant events and achievements.
- ▶ Federal property managers care for an extensive inventory of historic buildings and cultural resources on public lands, often using them to carry out their primary mission and programs.

- ▶ Tens of thousands of federal actions are considered for their effects on historic properties during project planning, providing communities and citizens a voice in protecting the places that matter to them.
- ▶ Fifty states, eight territories, the District of Columbia, 171 tribal governments, and 1,966 local governments partner with the private sector and the federal government so Americans in virtually every community benefit from the preservation program and are represented in America's story.

As evidenced by these and related achievements, the foundation of the national historic preservation program is sound and continues to provide the essential framework for preserving and enhancing the nation's heritage. Informed by 50 years of success, this report sets out ideas for policy actions that would improve existing programs, target certain areas that have not been addressed in the past 50 years, and meet the challenges of the future.

MAKING A GOOD MODEL BETTER

Taking Stock Now and For the Future

Many of the major factors that drove the creation of the law persist, including potential conflicts with public works and infrastructure, energy development and generation, urban revitalization, loss of industry, and rural economic shifts. Other issues have also risen in importance, including national security,

the consequences of population change and increased cultural diversity, environmental and economic sustainability, climate change, and coping with natural disasters. Thus, despite an impressive record of accomplishment carried out under the law, the goals and policies articulated in the NHPA have not been



fully realized, and preservation continues to face financial and other challenges. To achieve the goals of the NHPA over the coming decades, the ACHP has undertaken this examination of federal policy and the implementing programs that comprise the NHPA public-private partnership.

While the principal focus of historic preservation is place-based, there are factors beyond the physical characteristics of a building, a cultural landscape, or an archaeological site that come into play in addressing preservation's why, what, and how. For example, are

Americans being engaged and educated about the shared, complex history of the United States, including their local community's role in that history and their own place in the continuing story? Do the places identified as significant to the past represent what communities believe are the most important places to them, and do these places adequately tell the country's diverse stories that need to be told? Does the national preservation program adequately take into account cultural values and traditions associated with these places? These and other related questions must be considered moving into the future.

Improving the National Historic Preservation Program

Beyond the specific components of the program laid out in the NHPA as it has been amended and refined over the years, the ACHP suggests some priorities to help guide, improve, and strengthen the program over the next several decades.

The preservation community in general, and public agencies and organizations in particular, must truly engage all Americans in preserving the nation's heritage and participating in the national historic preservation program. The federal government, along with its public and private partners, must lead by example and showcase how preservation is relevant and essential to the needs and interests of American society in the 21st century, recognizing and respecting the cultural heritage of all Americans in the process. A related issue is to identify ways to communicate the benefits and needs of historic preservation to leaders and decision makers and make those values resonate with them. In fact, better ways need to be found to engage and inspire people in general, particularly young people, with places and stories reflecting all of American history, culture, and experience, while enhancing public involvement and community access to preservation programs.

Enhancing and sustaining the national historic preservation program is essential to maintain and improve its effectiveness. Stable and adequate public funding must be provided to carry out an effective program. At the same time, more private investment in preservation needs to be supported and encouraged, along with incentives for public-private partnerships to make things happen. Investing in formal and informal education as well as expanded research can help encourage preservation as a key component of community sustainability, rural development, and climate change resilience and adaptation.

Finally, steps need to be taken to improve the effectiveness of the national historic preservation program by re-examining and improving upon the basic processes of preservation planning and decision making. Preservationists need to capitalize on program improvement opportunities and technology that help them be more efficient and do a better job of managing historic resources effectively, get "the most bang for the buck," and at the same time balance professional recommendations and practices with community needs and values in deciding what is important and what and how it should be preserved.

The background image shows a desert landscape with a stone wall in the foreground. The wall is built from large, reddish-brown rocks. The ground is dry and rocky, with sparse, dry vegetation. In the distance, there are more rocks and some green shrubs under a clear blue sky. A semi-transparent white text box is overlaid on the center of the image.

Recommended Actions for Advancing Preservation Program Priorities

Specific steps can be taken to move the national historic preservation program forward over the near term and begin to address many of these identified priorities.

Some questions to consider include how can the national historic preservation program's value to the public be strengthened? How can the outcomes that appropriately balance and serve both preservation and development goals be improved? The ACHP consulted with numerous public and private partners in preservation, including state, tribal, and local governments and other stakeholders, to develop the following policy recommendations for the next 50 years of historic preservation in America.





MAINTAIN AND STRENGTHEN PUBLIC SUPPORT

MANY CITIZENS AND ELECTED OFFICIALS grasp the value of preserving important historic places and documenting and telling their stories, especially when preservation is presented as a tool for creating thriving, culturally vibrant downtowns or residential neighborhoods, or contributing to tourism, but this has not translated to broad public support and needed funding.

Attracting a more diverse population to join the preservation effort is also complicated by limited success stories and questions about long-term value to the communities in question. The social, economic, and environmental benefits of historic preservation need to be more clearly demonstrated, documented, and communicated in compelling ways. Building an appreciation for history and a strong role for education about historic places in basic curricula are also critical components of this challenge.

RECOMMENDED ACTIONS

1. The Administration should take a leadership role in formulating and carrying out a coordinated preservation initiative that demonstrates to the federal establishment; the Congress; tribal, state, and local entities; and the public that heritage is a vibrant and essential component of contemporary society, and that historic preservation provides strategies and tools to address major issues that confront the nation today. This initiative should incorporate and build on prior efforts, now embodied in federal law, such as Save America's Treasures and Preserve America, and advance the current theme of recognizing, protecting, and celebrating the heritage of all Americans. The initiative should be led by the White House; engage all federal agencies; and work in partnership with tribal, state, and local governments, the non-profit preservation community, national professional and trade associations, and the private sector. It should exhibit leadership by example on the part of federal agencies through stewardship, professionalism, and support of non-federal efforts and widely communicate the value of historic preservation.
2. National preservation organizations and their federal partners should identify common goals and build partnerships with the National Congress of American Indians, National Governors Association, National Conference of State Legislatures, U.S. Conference of Mayors, National League of Cities, National Association of Counties, and similar organizations to promote a variety of mutual objectives that help support preservation policies and programs within all levels of government and the private sector.

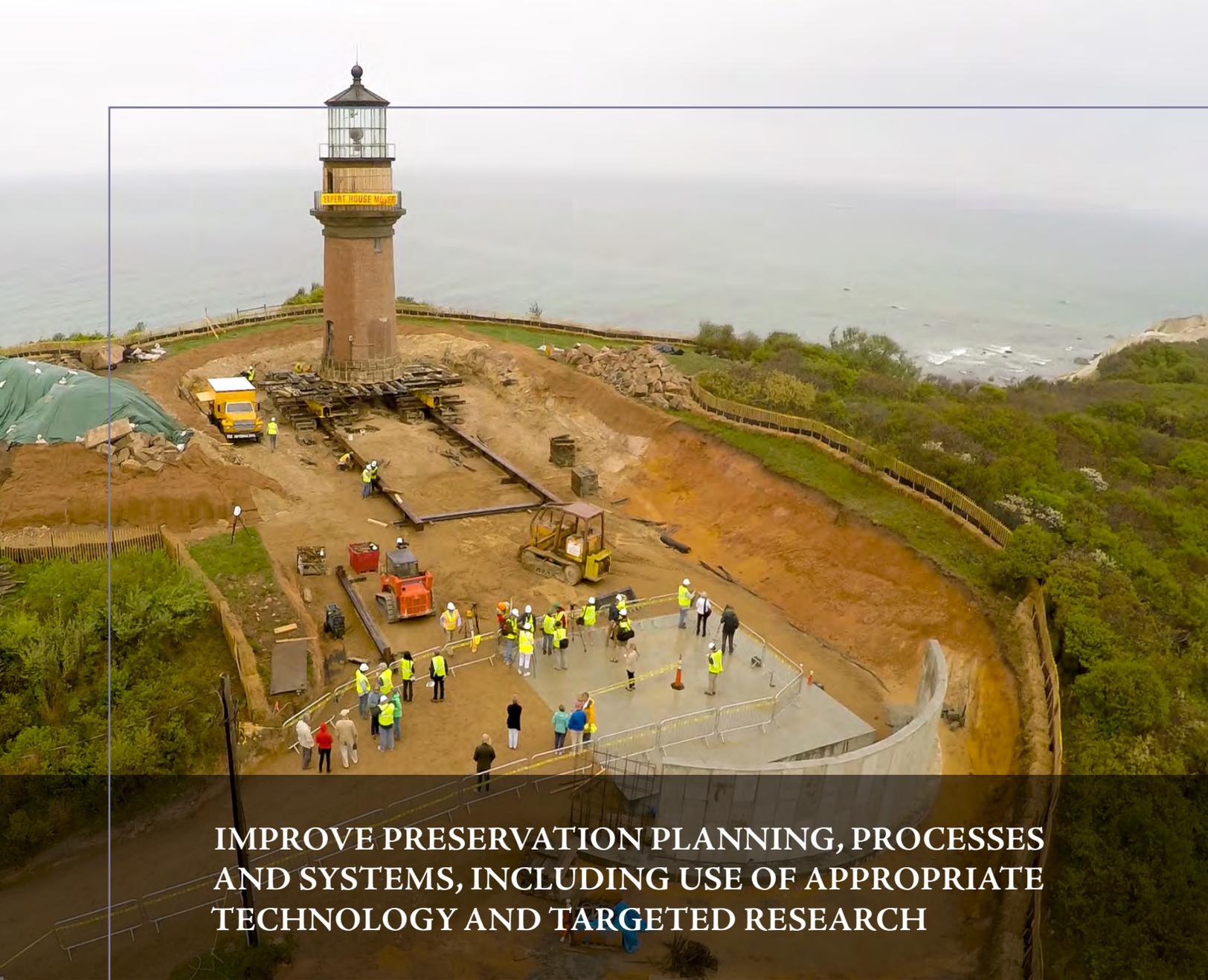


PROVIDE NECESSARY LEADERSHIP AND EXPERTISE

THE NATIONAL PRESERVATION PROGRAM NEEDS forceful and consistent leadership at the policy and program levels in the federal government in order to advance preservation as a national priority and carry out an effective program. Such leadership includes advocating for financial, staffing, and other resources, “enlarging the tent” through collaboration and partnership, developing and emphasizing appropriate standards and best practices while leading by example, and regular consultation with stakeholders and other interested parties. Adjustments in preservation education programs and career development are also needed to properly prepare preservation professionals, attract a broader range of participants to the field, and address generational changes in the workforce.

RECOMMENDED ACTIONS

1. Representatives of the federal historic preservation program should be integrated into the policy-making bodies of the Administration. The chairperson of the ACHP should be included on such bodies as the Domestic Policy Council as well as other appropriate interagency councils, task forces, and committees. There should also be created a full-time senior position for cultural heritage matters at the Council on Environmental Quality (CEQ).
2. The ACHP and the Secretary of the Interior, with the assistance of the Director of the Office of Management and Budget (OMB), should ensure all federal agencies have Senior Policy Officials (SPOs) in place as required by Executive Order 13287 and should regularly use that network of senior policy-makers, working with agency Federal Preservation Officers (FPOs), to advance federal preservation policies.
3. The Federal Executive Institute and the Office of Personnel Management (OPM), in consultation with the ACHP and the National Park Service (NPS), should incorporate training on federal preservation policies, procedures, and agency responsibilities into established training and briefing programs for federal policy-level officials and senior executives, with the involvement of the FPOs.
4. OPM and NPS should cooperate to review their respective professional standards for historic preservation personnel and reconcile differences. Federal agencies, assisted by the NPS and OPM, should ensure professional staff and contractors dealing with preservation issues conform to the Secretary of the Interior's Professional Qualification Standards and OPM's professional standards in disciplines related to historic preservation.



IMPROVE PRESERVATION PLANNING, PROCESSES AND SYSTEMS, INCLUDING USE OF APPROPRIATE TECHNOLOGY AND TARGETED RESEARCH

WHILE THE FRAMEWORK for the identification and planning consideration of historic properties is sound, a fresh look at the procedures and criteria that guide the recognition, protection, and enhancement of historic properties may offer broader applicability and greater transparency, stakeholder and public participation, and efficiency. Such a re-examination could promote better integration of preservation systems with other environmental and planning review processes. It could also spur innovation in process, techniques, and uses of technology. Maintaining objective criteria and defensible processes are fundamental needs for all preservation program components.

RECOMMENDED ACTIONS

1. The ACHP should work closely with its fellow members on the Federal Permitting Improvement Steering Council, in consultation with the National Conference of State Historic Preservation Officers (NCSHPO), National Association of Tribal Historic Preservation Officers (NATHPO), and other stakeholders, to identify strategies for enhancing and improving the planning, review, and completion of major infrastructure projects while also addressing important historic preservation needs.
2. NPS, the Federal Permitting Improvement Steering Committee, the ACHP, NCSHPO, and NATHPO in cooperation with academic digital data collaboratives, should work together on ways to organize, store, and share data that collectively can provide stakeholders with a comprehensive nationwide digital inventory of historic properties that is accessible and relevant to federal and other project planning needs. The Administration should commit adequate funds on an annual basis to develop and maintain the digital inventory.
3. The ACHP and NPS should expand Section 106 and related preservation training, especially online, for government officials, applicants for federal assistance, and consultants, with special attention to tribal issues and other priority areas such as infrastructure improvement, climate change adaptation, and disaster response and recovery.
4. The ACHP, in consultation with NPS, Department of Housing and Urban Development, National Alliance of Preservation Commissions, and NCSHPO, should explore better ways to involve Certified Local Governments and local governments receiving Community Development Block Grant funds in the federal historic preservation and environmental review processes.
5. The ACHP should develop strategies and guidance to encourage early identification of historic places and concerned stakeholders, especially Indian tribes and underrepresented communities, to promote Section 106 reviews that focus on outcomes while meeting procedural requirements, and to improve accountability in carrying out the results of Section 106 reviews.
6. The ACHP, in consultation with NPS, NATHPO, NCSHPO, and knowledgeable parties like the American Folklife Center of the Library of Congress, should develop guidance to better integrate traditional cultural properties, cultural landscapes, and intangible cultural values associated with historic places into federal planning and property management processes and promote landscape-level planning and mitigation.
7. The ACHP should work with interagency bodies such as the Federal Permitting Improvement Steering Committee and stakeholder groups like NCSHPO, NATHPO, and industry associations to identify and find resources to support opportunities to use Section 106 program alternatives to increase efficiency and focus individual Section 106 reviews where they have impact on outcomes.
8. Federal agencies, with the assistance of the ACHP and NPS, should make concerted efforts to develop effective agency preservation programs as specified in Section 110 of the NHPA. To this end, they should undertake periodic evaluations of their preservation programs to identify opportunities for improvement and take steps to implement positive changes.



OBTAIN ADEQUATE AND SUSTAINABLE FINANCIAL SUPPORT

WHILE THE NATIONAL HISTORIC PRESERVATION PROGRAM has a commendable record of achievement, the Historic Preservation Fund has never been funded anywhere near its authorized levels, impeding the effective use of the varied tools that the NHPA provides for states, tribes, local governments, and federal agencies to fully identify and protect historic places and share them with the public. Likewise, adequate funding for federal agency preservation programs and activities would improve the effectiveness of proactive work using the mechanisms provided in the NHPA.

RECOMMENDED ACTIONS

1. Congress should authorize the HPF to be a permanent, fully funded trust fund with inflation-adjusted levels of annual contributions. Statutory HPF funding allocations should be updated to reflect current and projected priorities and needs, with result of increased annual funding to SHPOs, Tribal Historic Preservation Offices (THPOs), and Certified Local Governments adequate to meet current needs and to build capacity for the future.
2. The Administration should seek, and the Congress should appropriate, stable and adequate funding in annual budgets for preservation assistance programs such as Save America's Treasures, Preserve America, National Heritage Areas, the American Battlefield Protection Program, and other targeted historic preservation grants programs.
3. Federal agencies should request, and the Administration should support, adequate funding for meeting their historic preservation obligations. This includes agencies that carry out the national historic preservation program (NPS and the ACHP) and those that have obligations under the NHPA. Agencies should also be encouraged to use their other authorities, such as leasing and public-private partnerships, to address preservation needs.
4. The ACHP should promote and provide guidance on "creative mitigation" strategies that support alternative uses of planning and mitigation funds related to resolving adverse effects under Section 106.
5. The Administration should clarify authorities for federal agencies to provide financial assistance to SHPOs and THPOs to carry out key preservation activities and, if needed, remove impediments.



ENCOURAGE PRIVATE INVESTMENT

THE FEDERAL HISTORIC PRESERVATION tax incentives program has been an outstanding success for the rehabilitation of commercial historic structures. Further financial incentives for private preservation efforts are needed, though, and uncertainty about the continuation of the tax credits undermines public-private partnerships that are increasingly important for preservation. Likewise, existing incentive programs or innovative funding strategies should also be examined to see how they could be improved and made more useful for a wider range of preservation needs.

RECOMMENDED ACTIONS

1. The Administration and the Congress should commit to supporting the current federal historic tax incentive program during any upcoming congressional consideration of general tax reform and advocate for improvements that would make tax incentives more effective and supportive of historic building reuse.
2. NPS, in collaboration with the National Trust for Historic Preservation, SHPOs, and other stakeholders including the development community, should continue to seek ways to improve the administration of the federal historic preservation tax incentives program and the interpretation of the Secretary of the Interior's Standards for Rehabilitation. A significant goal of this effort should be to promote greater use of the historic tax credits for economic development and community revitalization.
3. The Administration should work with Congress and individual federal agencies, as appropriate, to identify and seek to limit or remove legal and policy impediments and provide incentives to leasing or transferring surplus federal properties. This should include examination of leasebacks for other federal uses, and federal support for innovative incentive techniques (such as transfer of development rights) in order to make available underutilized or vacant federal historic buildings for private preservation efforts.



EXPAND AND ENCOURAGE PUBLIC ENGAGEMENT

COMMUNITY INVOLVEMENT AND ENGAGEMENT in deciding what is important and how significant resources should be managed can strengthen public and political support for preservation and promote diversity throughout the program. Modern technology and social media can be used to better advantage than they have been. Local preservation planning and the Section 106 process, for example—both intended to be public consultative strategies that bring together a wide range of stakeholders—need to foster more effective communication and public engagement. Planning processes to implement the National Environmental Policy Act (NEPA) and related environmental statutes that consider cultural resource impacts would benefit from a similar review.

RECOMMENDED ACTIONS

1. The ACHP, in collaboration with other federal agencies, NCSHPO, and the National Trust for Historic Preservation, should examine current requirements and provide additional guidance to ensure earlier and more effective involvement of stakeholders and the public in the Section 106 process, and assist federal agencies in providing training for agency officials in public engagement strategies and techniques.
2. CEQ should undertake a similar effort with regard to federal agency public and stakeholder engagement processes under NEPA.
3. Federal agencies, in consultation with the ACHP, should expand their efforts to promote public engagement and give special attention to working with underrepresented communities to develop innovative strategies and techniques for engaging them. These efforts should employ innovative applications of technology and social media to promote public engagement and transparency in federal planning processes involving or potentially affecting historic and cultural resources.



ADVANCE EQUITY AND INCLUSION

THE RICH DIVERSITY OF AMERICAN SOCIETY needs to be reflected both in the resources recognized as historic and in the active involvement of local communities in making decisions about what is important and worthy of preservation. Minority and ethnic communities that have historically been underrepresented in the national historic preservation program must be more effectively engaged and supported in preserving their own heritage, including the places that tell their part of the American story. This includes relating sometimes difficult stories that illustrate the complex interactions of different people and institutions over the course of history.

RECOMMENDED ACTIONS

1. National preservation organizations, in collaboration with NPS and national professional groups such as the American Institute of Architects, American Planning Association, American Society of Landscape Architects, and national archaeological societies, should intensify efforts to diversify the preservation workforce and leadership through education, training, mentoring, and career building.
2. National, state, and local preservation organizations should partner with government agencies, youth organizations, and educational institutions that conduct or support youth engagement programs and mentoring efforts to promote education and career building in the historic preservation field, with special attention to underrepresented and minority communities.
3. The Departments of the Interior and Agriculture, along with other federal land management agencies with outdoor recreation and conservation responsibilities and the Corporation for National and Community Service should promote the use of the Youth Conservation Corps, the 21st Century Conservation Service Corps, and similar seasonal employment and career development programs for the expanded involvement of youth and young adults, especially minority youth, in historic preservation.



RECOGNIZE THE FULL RANGE OF THE NATION'S HERITAGE

CURRENT NATIONAL REGISTER and National Historic Landmark criteria for evaluating historic significance as well as legal protective mechanisms need to be evaluated and perhaps modified to ensure that the values communities place on their heritage are reflected in both process and outcomes. While professional expertise is both important and necessary, overly academic or complex requirements may limit effective public engagement and ultimately impede the preservation of what citizens really value. The preservation community needs to examine and clarify the role of intangible culture and traditional values within a place-based historic preservation program and process. This includes not only cultural landscapes and sites sacred to native peoples, but also less obvious sites that are culturally significant to minority communities and may not meet other typical preservation tests like age, integrity, or easily definable boundaries. With regard to the archaeological record, more thought needs to be given to distinguish sites that need long-term preservation from those appropriate for shorter-term research and study.

RECOMMENDED ACTIONS

1. NPS, in collaboration with partners and other stakeholders, should continue to evaluate the definition of “historic property” and current National Register criteria and guidance to better address intangible and traditional cultural values associated with historic places. Special attention should be paid to criteria for judging the integrity of historic properties, assigning a period of significance, use of oral traditions and traditional cultural knowledge, and the 50-year-rule to ensure a broadly inclusive National Register. This may be especially important as such issues affect identification and evaluation of places important to Indian tribes, Native Hawaiian organizations, Alaska Natives, and underrepresented communities.
2. NPS, in collaboration with partners and other stakeholders, should develop additional strategies for dealing with historic sites associated with the recent past, including 20th and 21st century architecture and vernacular large-scale suburban developments constructed since World War II. Such resources should continue to be identified and evaluated for their significance and preservation value, but adjustments to preservation strategies, tools, or standards may be necessary.
3. NPS should offer training for FPOs and other federal officials, and make more technical assistance available to SHPOs, THPOs, and Certified Local Governments, on National Register documentation and registration processes. NPS should also work with NCSHPO on ways to encourage and facilitate community involvement in the National Register processes by providing understandable guidance on public participation, addressing possible barriers to more effective engagement, and finding ways to reach broad audiences with limited resources and staff.



EMBRACE AND RESPOND TO THE CULTURES, VIEWS, AND CONCERNS OF INDIGENOUS PEOPLES

BASED ON PROVISIONS OF THE NHPA and other federal laws and policies, Indian tribes, Native Hawaiian organizations, Alaska Natives, and indigenous communities of current and former U.S. territories are provided a formal role in the national preservation program. This is to provide special consideration to better recognize and protect the cultural heritage of indigenous peoples and to give them a voice in planning and decision making. However, in practice, those goals are unmet, and places of importance to these groups are often overlooked. Often this happens because places important to tribal and native identity and culture, and the intangible and tangible cultural heritage that may be associated with them, are not well understood, not easily communicated, or otherwise fully recognized for a variety of reasons. As a result, these cultural values and places may not be properly considered within mandated preservation processes. While causes range from oversight or intentional avoidance to deficiencies in funding, staffing, communication, and cultural understanding, the fact remains that systems supporting consultation and resource protection must be upgraded to fulfill the NHPA's intent.

RECOMMENDED ACTIONS

1. The Department of the Interior should lead an interagency effort to identify ways to strengthen protections for traditional cultural properties and sacred sites and explore the relationship among Section 106, NEPA, the Native American Graves Protection and Repatriation Act, and other related authorities, such as state and territorial burial laws, to develop a more holistic approach to dealing with places of traditional cultural and religious significance to indigenous peoples. In addition to federal agencies, this initiative should include representatives of Indian tribes, Native Hawaiian organizations, Alaska Native communities, and SHPOs.
2. The Administration, in consultation with Indian tribes and states, should develop ways to strengthen protections for historic resources on ancestral tribal land, including places subject to treaty rights and related law. A part of this effort should be directed at educating the public about tribal connections to federal lands and ancestral lands, the historical and contemporary presence of tribes in different areas, and the history of federal Indian policy to increase support for tribal self-determination and self-government.
3. The Administration should undertake a comprehensive effort to improve tribal consultation, especially government-to-government consultation. Consideration should be given to strengthening or expanding existing Executive Orders or issuing additional government-wide directives regarding tribal consultation. The Department of the Interior, in consultation with the ACHP, the National Congress of American Indians, and NATHPO, should develop mandatory training for federal officials along with practical and accessible guidance on conducting tribal consultation.
4. The Administration should encourage federal agencies to support meaningful and substantive roles for Indian tribes, Native Hawaiian organizations, and Alaska Natives in managing public lands that have special geographical, historical, and cultural connections to tribes. The Department of the Interior should develop guidance and share best practices for cooperative management and other collaborative partnerships.
5. The ACHP, in collaboration with the Department of the Interior, NCSHPO, and NATHPO, should encourage ongoing dialogue, collaboration, partnerships, and cooperative agreements among Indian tribes, federal agencies, and SHPOs to promote the consideration and protection of sites important to tribes in the Section 106 process. Actions should include the development of guidance and sharing of best practices.
6. The Administration should make tribal cultural heritage issues a permanent part of the agenda and structure of the White House Council on Native American Affairs.
7. The Department of the Interior should lead an interagency effort to increase public education efforts regarding tribal, Native Hawaiian, and Native Alaskan interests, focusing on accurate information and better understanding of native cultures and their history.



ENHANCE FURTHER APPRECIATION FOR HERITAGE THROUGH FORMAL AND INFORMAL EDUCATION

INTEGRATING CULTURAL HERITAGE AWARENESS into education systems can build a better understanding among young Americans of the importance of history and historic preservation, and their connection to place and culture. Informal education through better onsite as well as virtual interpretation and improved information access through modern technologies can enhance public appreciation of the underlying stories of historic properties and the richness of heritage. Targeted youth conservation and service learning programs can introduce young people to the possibilities and practicalities of trades necessary to preserve historic places and keep historic technologies alive. Expanded professional and vocational training can lead to careers in preservation and broaden participation in the field.

RECOMMENDED ACTIONS

1. The Department of Education, NPS, the National Endowment for the Humanities, and other federal agencies with heritage education programs should collaborate with the National Council for Preservation Education, the American Association for State and Local History, educational institutions, and the preservation community to establish national goals and priorities for professional and vocational preservation education, with special attention to encouraging and supporting the participation of Native Americans and underrepresented communities in preservation activities. A related goal is to incorporate historic preservation into federal grant and technical assistance programs that support curriculum development, enhancement of teaching skills, and student demonstration programs. Particular attention should be paid to service learning, local history, introduction of K-12 students to history and historic places, and innovative uses of technology.
2. The Department of Labor should support vocational training in preservation skills, including traditional building trades, through its programs, in collaboration with such entities as the NPS National Center for Preservation Technology and Training, the American Association of Community Colleges, the Preservation Trades Network and other building trades organizations, and other sponsors of vocational training programs.
3. The National Endowment for the Humanities, the National Endowment for the Arts, the Institute of Museum and Library Services, the Smithsonian Institution, and similar entities should advance programs to promote public appreciation of American history, integrating historic places, archaeological resources, and museum and archival collections.
4. Federal agencies with programs that support various Executive Orders such as those regarding Tribal and Native Alaskan Colleges and Universities, Hispanic-Serving Colleges and Universities, Historically Black Colleges and Universities, and universities and colleges with significant enrollment of Asian American and Pacific Islander students should integrate historic preservation into their programs.



PROMOTE COLLABORATION AND PARTNERSHIP

INCREASING RECOGNITION of historic preservation's contributions to social and economic development can foster greater public-private partnerships that benefit preservation. Outreach to the business community, foundations, or other non-traditional partners can expand preservation's horizons and potential. Among federal agencies, removing legal and policy obstacles to out-leasing, cooperative management, and adaptive use of historic properties, as well as encouraging more effective partnerships, could preserve more significant places and allow for greater engagement of public and private entities in fulfilling NHPA goals.

RECOMMENDED ACTIONS

1. In consultation with the ACHP, OMB, the National Trust for Historic Preservation, and appropriate business and trade associations, major federal assistance and property management agencies should evaluate and, where necessary, remove impediments to their abilities to negotiate public-private partnerships and develop incentives that further historic preservation goals.
2. The national preservation organizations, along with their primary federal partners, should build partnerships with other organizations with heritage interests such as the Smithsonian Institution and the museum community, national groups associated with Native American, African American, Hispanic, Asian American, and other communities, and commercial ventures such as Ancestry.com and Google. The preservation community should also expand partnerships with other organizations whose primary interests can affect historic preservation, such as the American Society of Civil Engineers, National Association of Home Builders, Institute for Sustainable Infrastructure, American Association of State Highway and Transportation Officials, and similar groups.



ADDRESS CLIMATE CHANGE, DISASTER PLANNING, AND ENVIRONMENTAL SUSTAINABILITY

PIONEERING WORK done on the environmental benefits of historic preservation demonstrates its value as a tool for sustainable development as well as its relevance in addressing the challenges of climate change. Preservation efforts in the wake of natural disasters continue to show the value of digital mapping, inventories, and other critical pre-disaster planning to post-disaster response. Historic preservation and concern for cultural community assets need to be more fully integrated into climate adaptation and resilience planning, energy conservation, disaster planning, and local and regional sustainability strategies. In order for this to happen, planning processes and regulatory requirements need to be developed with an eye to fostering better mutual understanding and awareness of the needs and limitations of planning, engineering, regulation, and preservation.

RECOMMENDED ACTIONS

1. The Administration should integrate historic preservation strategies into initiatives and actions that it pursues to address the challenges of climate change preparedness and resilience, including better preparation for natural disaster preparation, response, and recovery.
2. CEQ, NPS, the National Center for Preservation Technology and Training, and the ACHP should assess federal and federally supported research programs to identify opportunities to advance research that demonstrates the contributions historic places and historic preservation techniques and strategies can make to advancing national policy goals of sustainability, climate change adaptation and resilience, economic development, community revitalization, health, and the like.



SUMMARY

Over the last five decades, historic preservation increasingly has been recognized and used as a valuable tool for revitalizing and enhancing communities. Preservation efforts have created jobs, enhanced and revitalized downtowns and neighborhoods, preserved and sustained rural areas, and helped Americans highlight what is special about their heritage. In this journey of discovery, an expanding number of individuals and organizations have helped determine what the nation's heritage is and then have shared it with fellow citizens as well as foreign visitors through education, tourism, and other means. America's rich patrimony and the historic places associated with it provide important touchstones for modern society, adding variety, interest, and continuity to the communities in which Americans live, work, and play. Preserving and passing on the details that make up the American story in all its richness and variety to

young people is vitally important to this country's future as a democratic society and as a nation founded on the principles of "we the people" and "e pluribus unum."

With passage of the NHPA in 1966, Congress made the federal government a full partner, a supporter, and a leader in helping make those goals a reality. But that vision still needs to be fully realized. To embark on the next 50 years, citizens need to capitalize on preservation's potential while developing a reinvigorated framework to address current priorities and future needs. Pursuing the recommended actions outlined in this report will help the federal government, working with its many public and private partners, fulfill the goals articulated by Congress 50 years ago on behalf of the American people.



PHOTO CAPTIONS

Cover and inside: Gay Head Light, Martha's Vineyard, MA (iStockphoto ©Rolf_52)

P. 2: Panoramic show by the fountain at Union Terminal, Cincinnati, OH (Hilary Begley/Cincinnati Museum Center)

P. 4-5: Eastern Shoshone tribal dancers, International Day, Rock Springs, WY

P. 6-7: Anasazi ruin, Canyons of the Ancients National Monument, CO

P. 8: Historic Keesler Bridge rededication, Greenwood, MS

P. 10: Mission Operations Control Room, Johnson Space Center, Houston, TX

P. 12: Moving Gay Head Light from eroding cliff, Aquinnah, Martha's Vineyard, MA (Drew Kinsman)

P. 14: Bridge of Lions repair and reconstruction, St. Augustine, FL

P. 16: U.S. Post Office sale, Westport, CT (Evan Kalish)

P. 18: Vinegar Jones historic cabin restoration, Great Falls, MT

P. 20: Jones family tenant farm, Leon County, FL (Tall Timers Research Station and Land Conservancy)

P. 22: Historic Chicano Park murals, San Diego, CA (NPS)

P. 24: Justin Aguino outside his home at Ohkay Owingeh Pueblo, NM (Kate Russell Photography)

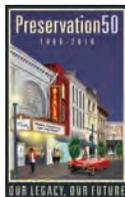
P. 26: Learning mud brick-making, Greenville County, SC

P. 28: Ethnic festival with Taiko drummers, Rutland, VT (Jerry LeBlond)

P. 30: Dock Street flooding, downtown Annapolis, MD (Amy McGovern)

P. 32: Painting the Chesire County Courthouse weathervane, Keene, NH (Steve Hooper)

P. 33: Walking tour in the historic N. Lahr Building, St. Cloud, MN (Minnesota State Historic Preservation Office)



Preserving America's Heritage

ADVISORY COUNCIL ON
HISTORIC PRESERVATION

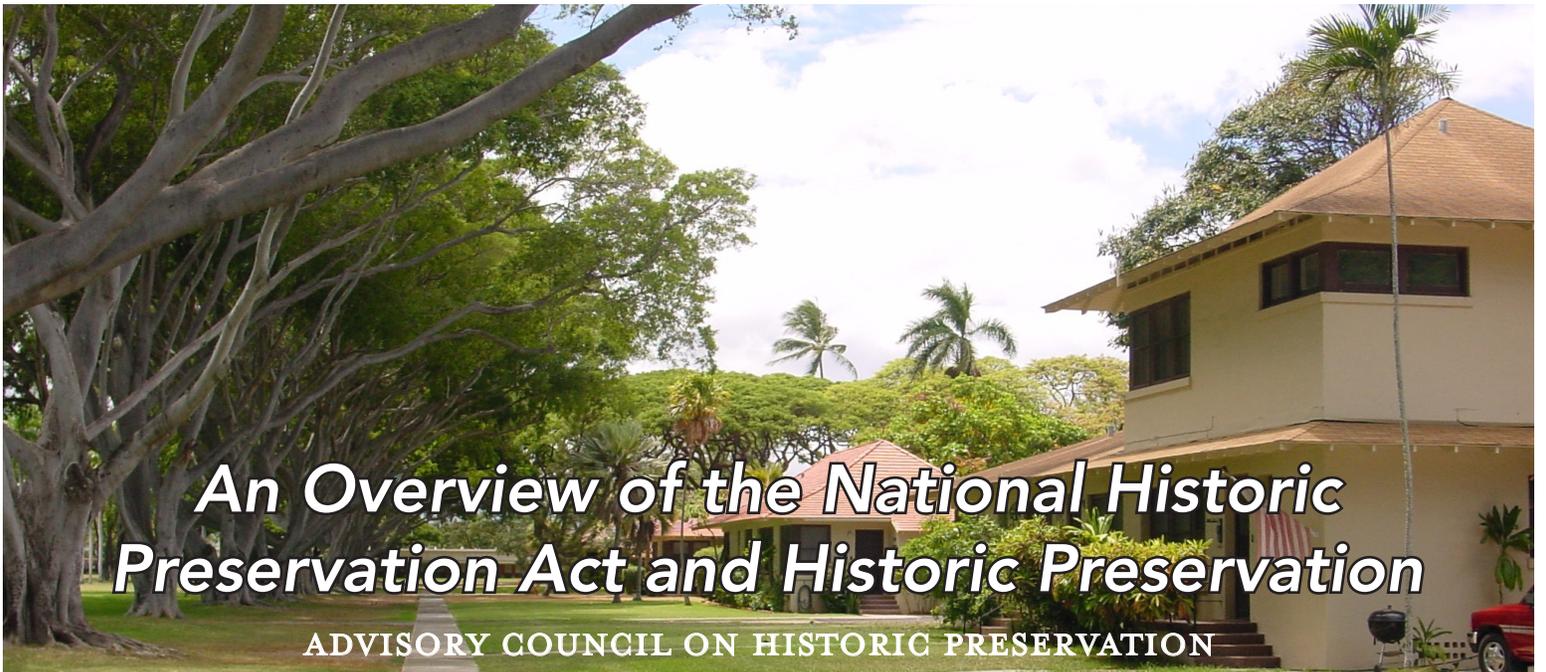
401 F Street NW, Suite 308, Washington, DC 20001
Phone: 202-517-0200 • Fax: 202-517-6381

www.achp.gov

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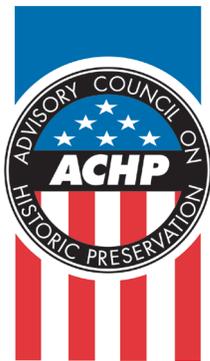


PRESERVING AMERICA'S HERITAGE



*An Overview of the National Historic
Preservation Act and Historic Preservation*

ADVISORY COUNCIL ON HISTORIC PRESERVATION



Preserving America's Heritage



Explore and Enjoy Our Heritage

An independent federal agency, the Advisory Council on Historic Preservation (ACHP) promotes the preservation, enhancement, and productive use of our nation's historic resources and advises the President and Congress on national historic preservation policy. It also provides a forum for influencing federal activities, programs, and policies that affect historic properties. In addition, the ACHP has a key role in carrying out the Administration's Preserve America initiative.

John L. Nau, III, of Houston, Texas, is chairman of the 23-member council, which is served by a professional staff with offices in Washington, D.C. For more information about the ACHP, contact:

Advisory Council on Historic Preservation
1100 Pennsylvania Avenue NW, Suite 803
Washington, D.C. 20004
Phone: 202-606-8503

Web sites: www.achp.gov and www.preserveamerica.gov

Cover, clockwise from top left: Bussman Farm on the Mark Twain National Forest, Missouri; Tomb of the Unknowns, Arlington National Cemetery, Virginia; Dulles International Airport, Virginia; Hickam Air Force Base, Hawaii; Grand Canyon National Park, Arizona

TOWARD PRESERVATION

The National Preservation Movement and Origin of the National Historic Preservation Act of 1966

In the 1950s, a frenzy of modernization and a growing post-World War II population and economy were leading to the wholesale destruction of historic places in the United States. Places like Savannah, Georgia, with a unique city plan dating to the 18th century containing hundreds of historic structures, were at risk from efforts to revitalize older communities or a disregard for how new construction would affect existing places.

Modernization threatened to destroy what was best and most worth keeping of the past. The federal government's sponsorship of highway projects through city centers and removal of decaying urban areas in the name of progress did not adequately consider the full spectrum of local concerns and interests.

While the United States has long enjoyed a preservation ethic (for example, creating Yellowstone National Park, the world's first national park, in the 1870s), cities nationwide began realizing in the 1960s that perhaps more was being sacrificed to progress than their communities and the nation could afford to lose.

It was in this atmosphere that local people began to band together to retain the special character that made their homes and their environment special and unique. This grassroots effort was championed by the United States Conference of Mayors with significant assistance from the National Trust for Historic Preservation. These groups urged federal and state governments to consider the importance of historic places before they were destroyed. Indeed, in many cases federal construction and renewal projects had resulted in the destruction of places greatly valued by local citizens.

A major result was the report "With Heritage So Rich," created by the Special Committee on Historic Preservation of the United States Conference of Mayors. Lady Bird Johnson, then First Lady of the



Ellis Island, New York Harbor

United States, provided the foreword to that report. She described how the relentless pressure of growth had led to the destruction of almost half of the 12,000 structures listed on the national Historic American Buildings Survey, and she urged action for change.

As a result of this concern, the U.S. Congress passed the National Historic Preservation Act (NHPA), signed into law by President Lyndon Baines Johnson on October 15, 1966. NHPA created the national preservation structure that has saved untold thousands of places that make our communities richer economically, culturally, and aesthetically. Clearly, sustainable historic preservation, more than a cost to society for maintaining the past, is instead a wise investment in its future.

On March 3, 2003, President George W. Bush issued Executive Order 13287, Preserve America, which aims to make the NHPA even more effective in the future than over the past 40 years. Mrs. Laura Bush, First Lady of the United States, is the Honorary Chair of Preserve America.

In this publication, following the motto of Preserve America, "Explore and Enjoy Our Heritage," you will learn why historic preservation is so important to your community and your country.

NATIONAL REGISTER OF HISTORIC PLACES

Register is Official List of Preservation Sites

The National Register of Historic Places encourages citizens, public agencies, and private organizations to recognize and use the places of our past to create livable and viable communities for the future. Authorized under the National Historic Preservation Act, the National Register of Historic Places (National Register) has become the official list of the nation's historic places worthy of preservation. Part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect historic and archaeological resources, the National Register is administered by the National Park Service



Vanderbilt Mansion National Historic Site, New York

under the Secretary of the Interior. Properties listed include districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture including the following:

- All historic areas in the National Park System;
- National Historic Landmarks that have been designated by the Secretary of the Interior for their significance to all Americans; and
- Properties significant to the nation, state, or community, nominated by State Historic Preservation Offices, federal agencies, and tribal preservation offices.

America's historic places embody our unique spirit, character, and identity. Representing important historical trends and events; reflecting the lives of significant persons; illustrating distinctive architectural, engineering, and artistic design; and imparting information about America's past, historic

places tell compelling stories of the nation, as well as states and communities throughout the country. The National Register of Historic Places helps preserve these significant historic places by recognizing this irreplaceable heritage, fostering a national preservation ethic, promoting a greater appreciation of America's heritage, and increasing and broadening the public's understanding of historic places.

Listing properties in the National Register often changes the way communities perceive their historic places and strengthens the efforts by private citizens and public officials to preserve these resources. The National Register recognizes properties as diverse as a dugout shelter of an Oklahoma pioneer settler, the Vanderbilt Mansion in New York, and a 12,000-year-old prehistoric site, helping many to appreciate the richness and variety of the nation's heritage.

One common question property owners have about the National Register is, "Will there be restrictions on my property after listing?" Owners of private property listed in the National Register have no obligation to open their properties to the public, to restore them, or even to maintain them. Owners can do anything they wish with their property provided no federal license, permit, or funding is involved. However, local historical commissions, design review committees, or special zoning ordinances established by state legislation or local ordinances, may link National Register listing to separate standards or restrictions. A State Historic Preservation Officer or local government official can provide additional information about how National Register listing may relate to state or local requirements.

For private owners, federal funding for historic buildings usually comes as tax credits for rehabilitation of historic properties for income-generating projects. Owners of National Register properties who choose to participate in the preservation tax incentive program must follow the Secretary of the Interior's Standards for Rehabilitation and receive approval by the National Park Service of the rehabilitation project in order to receive the federal tax credit.

NHPA

National Historic Preservation Act Creates Framework for Local and National Efforts

In response to the destruction of older buildings and neighborhoods in the immediate post-World War II years, the National Historic Preservation Act of 1966 (NHPA) signaled America's commitment to preserving its heritage. The NHPA established the framework that focused local, state, and national efforts on a common goal of preserving the historic fabric of our nation.

The Act has many components, but the major features are that the NHPA:

- Conceived the national historic preservation partnership involving federal, tribal, state, and local governments along with the private sector. This structure today includes State Historic Preservation Officers (one in every state and U.S. territory), Indian tribal and Native Hawaiian organizations, and Tribal Historic Preservation Officers.
- Fostered the system by which federal agencies

survey and identify districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture, and use this information to plan projects so that, where possible, historic places are protected.

- Established the National Register of Historic Places that provides federal recognition to properties of local and state, as well as national, significance.
- Created the Advisory Council on Historic Preservation – that advises the President and Congress on historic preservation matters and works with federal agencies to address historic resources in the fulfillment of their missions.
- Authorized matching grants to states, Certified Local Governments, and Indian tribes for historic preservation surveys, plans, and projects.

Major Organizations in Historic Preservation

Advisory Council on Historic Preservation

An independent federal agency, the ACHP promotes the preservation, enhancement, and productive use of our nation's historic resources and advises the President and Congress on national historic preservation policy. It provides a forum for influencing federal activities, programs, and policies that affect historic properties. In addition, the ACHP has a key role in carrying out the Administration's Preserve America initiative.

www.achp.gov

National Park Service

The NPS is a bureau within the Department of the Interior. The NPS preserves the natural and cultural resources and values of the National Park System for the enjoyment, education, and inspiration of this and future generations. The NPS cooperates with partners to extend the benefits of natural and cultural resources conservation and outdoor recreation throughout this country and the world. www.nps.gov

State Historic Preservation Officers

Each state and territory has a State Historic Preservation Officer (SHPO) who administers the national historic

preservation program at the state level. They locate and record historic resources; nominate significant historic resources to the National Register; foster historic preservation programs at the local government level; assist in creating preservation ordinances; provide funds for preservation activities; review federal historic preservation tax incentive projects; provide technical assistance; and review federal projects for their impact on historic properties. www.ncshpo.org

Tribal Historic Preservation Officers

Federally recognized Indian tribes may assume responsibilities for the preservation of significant historic properties on tribal lands and have generally parallel responsibilities to the SHPOs.

www.nathpo.org

National Trust for Historic Preservation

Created by Congress in 1949, the National Trust is a private, non-profit organization that provides leadership, education, advocacy, and resources to save America's diverse historic places and revitalize our communities. Its 270,000 members are part of a movement saving historic properties nationally. www.preservationnation.org

BENEFITS OF HISTORIC PRESERVATION

The National Historic Preservation Act of 1966

The National Historic Preservation Act and the national preservation structure it created are not designed to prevent change. They were created to ensure the benefits of historic preservation are available to local communities, states, and the nation. Congress created them in response to a grassroots aversion to the unreasonable destruction of important places.

The preamble to the National Historic Preservation Act of 1966 explains its purpose as follows:

The Congress finds and declares that:

- The spirit and direction of the nation are founded upon and reflected in its historic heritage.
- The historical and cultural foundations of the nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people.
- Historic properties significant to the nation's heritage are being lost or substantially altered, often inadvertently, with increasing frequency;
- The preservation of this irreplaceable heritage is in the public interest so that its vital legacy of cultural, educational, aesthetic, inspirational, economic, and energy benefits will be maintained and enriched for future generations of Americans.
- In the face of ever-increasing extensions of urban centers, highways, and residential, commercial, and industrial developments, the present governmental and non-governmental historic preservation programs and activities are inadequate to ensure future generations a genuine opportunity to appreciate and enjoy the rich heritage of our nation.
- The increased knowledge of our historic resources, the establishment of better means of identifying and administering them, and the encouragement of their preservation will improve the planning and execution of federal and federally assisted projects and will assist economic growth and development.
- Although the major burdens of historic preservation have been borne and major efforts initiated by private agencies and individuals, and both should



Independence Hall, Philadelphia

continue to play a vital role, it is nevertheless necessary and appropriate for the federal government to accelerate its historic preservation programs and activities, to give maximum encouragement to agencies and individuals undertaking preservation by private means, and to assist state and local governments and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities.

How remarkably different, and how much culturally poorer, the United States of America would be if it lost such iconic places as Mount Vernon, Independence Park in Philadelphia, and Vicksburg National Battlefield in Mississippi. Such places hold obvious significance where America's legacies are held in trust for present and future generations. But less famous sites also are of vast importance to local communities and tell wonderful human stories of our nation's history. Preservation does not mean locking away or preventing use of heritage resources; rather it encourages the sustainable appropriate use of cultural and heritage assets.

BENEFITS OF HISTORIC PRESERVATION

Capitalizing on Historic Preservation

Heritage tourism boosts local economies

Many people, fascinated by the sites where American history occurred, are eager to experience these places themselves. International visitors or American citizens who travel to experience authentic historic places and learn directly from them are called "heritage tourists." Spending billions of dollars every year, they are among the fastest-growing variety of traveler. Their travels provide hundreds of millions of tax dollars, regenerating interest in historic districts and areas by locals as well.

It's often cheaper and better to rehabilitate rather than to raze and replace

Historic preservation can be less expensive than new construction. It can be cost-effective to rehabilitate structures for new or contemporary uses than to tear them down and build new structures. Further, investing in rehabilitation of older urban areas tends to revitalize these areas, making them popular for residences and businesses while keeping existing jobs and creating new ones.

When population declines in urban areas, tax revenues fall and businesses relocate outside the cities. Areas become blighted, falling into disuse and disrepair. People use more energy building new houses

and businesses and commuting to their workplaces when they relocate outside established communities. Hundreds of cities across the nation have encouraged revitalization through actions such as converting old factories or manufacturing facilities into apartments and condominiums, restaurants and other businesses, creating vibrant, interesting, and beautiful areas for people to live and work.

Historic structures tell local and national story

Of course, there are less tangible but perhaps even more important reasons to preserve unique old structures and historic spaces. They often offer a more human scale than many contemporary structures. The way they were designed and how they were constructed tell us much about the cultures that created them, and the traditions and events from which our nation grew. Places of heritage provide a link to our history and make a community more aesthetically and intellectually interesting.

Historic preservation allows people today to understand their origins and connects them with the continuum of history. By standing on or in the places where history took place, one can forge a personal connection with a community's heritage.



Downtown St. Louis, Missouri, has experienced a successful revitalization effort.

BENEFITS OF HISTORIC PRESERVATION

Dollars and Sense: The Economic Side of Preservation

The National Historic Preservation Act (NHPA) has revitalized more than historic neighborhoods in its 40-plus years of existence. By encouraging a multitude of partnerships between state and federal agencies, private business and citizens, the NHPA has resulted in a far-reaching bang for its buck:

- More than \$19 billion from the private sector invested in neglected historic properties through federal tax credits
- More than \$8.6 billion from the private sector invested in 1,400 urban and village neighborhoods through the National Main Street Program (a program of the National Trust for Historic Preservation)
- 161,000 new jobs through the National Main Street Program
- 43,800 new businesses through the National Main Street Program
- 48,800 rehabilitated historic structures
- The establishment of more than 2,500 historic districts
- Increase in heritage tourism
- Increase in property values
- Lessening of crime due to revitalization of previously decaying neighborhoods

Source: Witness Statement to the Congressional Committee on Resources, Patricia H. Gay, Executive Director of the Preservation Resource Center of New Orleans

CASE STUDY

General Grant Makes Key Civil War Decision at Dillon's Plantation

On May 12, 1863, Generals Ulysses S. Grant and William T. Sherman were headquartered at Dillon's Plantation near Raymond, Mississippi. They were maneuvering their Union military forces to capture Vicksburg, seeking to secure the vital Mississippi River corridor, cut the Confederate States of America in two, and deny it the economic and military use of the river. A sharp skirmish was fought in the area of Dillon's Plantation that day while the Battle of Raymond raged nearby, as Confederate forces fought desperately to blunt the Union drive.

That evening, receiving news of the favorable outcome of the Battle of Raymond, the two generals conferred on how the campaign was unfolding. Grant decided to change the route of the Union troops' advance, electing to move decisively against Jackson, the capital of Mississippi, before turning on Vicksburg as he had originally planned. This brilliant and daring decision resulted in the destruction

of railroads and war materials in Jackson, forcing the retreat of a sizeable Confederate army, thereby preventing it from joining ranks with the defenders of Vicksburg. These actions assured Union success in the Vicksburg campaign, contributing directly to the outcome of the Civil War and reunification of the nation.

The story of this decision was largely unknown but recently has been resurrected, largely because Dillon's Plantation suddenly became available to the public through actions taken by the U.S. Department of Agriculture's Farm Service Agency (FSA). This is a historic preservation story that shows how the process works to save special places of American heritage.

Under Section 106 of the National Historic Preservation Act, federal agencies and offices are required to review historic resources when considering the

CASE STUDY

effects of their actions. On December 26, 2000, the FSA foreclosed on a 470-acre farm in Hinds County, Mississippi. Fulfilling the required review of the property before placing it on the market to sell, the FSA contacted the Mississippi State Historic Preservation Office (SHPO). The SHPO notified the FSA that the property was associated with an important Civil War action and was eligible for listing on the National Register of Historic Places.

This coincided with a congressional authorization to the National Park Service in November 2000 of a study on how to better preserve Civil War battlefields along the Vicksburg Campaign Trail, considered of national significance to the history of the United States. The Vicksburg National Military Park investigated the site of Dillon's Plantation and reported that since the area today appears much as it did in 1863, "preservation of the site is crucial to the establishment of the Vicksburg Campaign Trail."

As a result, on January 9, 2003, the FSA transferred the property to the Natchez Trace Parkway, part of

the National Park Service. The property will now be surveyed and researched by archaeologists and other experts. Educational exhibits and markers will be prepared to interpret the events surrounding the decision that played a part in ending the Civil War – and preserving the United States of America.

Vicksburg — www.nps.gov/vick/index.htm



Cannons mark the site of the Civil War Battle of Raymond, Mississippi.

CASE STUDY

African Burial Ground Changes Historical Perspective

In May 1991, the U.S. General Services Administration (GSA), a federal agency that among other essential activities provides office space and buildings for federal agencies to occupy, made a startling discovery.

GSA was planning to build a new federal building on lower Broadway in New York City. Because the site was located in an older part of Manhattan considered historic, GSA was required to do an archaeological investigation on the site before constructing the new building. (Federal agencies are required by law to do so to be sure their construction work does not destroy historic artifacts or resources below the ground.) Just as the archaeological investigation was about to be completed, the archaeologists discovered skeletons and other remains from human burials. The building site was located on a graveyard! The graveyard was buried deep beneath layers of earth and later development, and had been hidden from view for centuries.

The present is often literally built on the past, so finding human remains in an urban area was not especially shocking. But this particular cemetery would turn up not only the forgotten resting places of perhaps 20,000 people, but also uproot some popular contemporary misconceptions of American history.

With the discovery, work stopped temporarily on the new federal building, because under the National Historic Preservation Act (NHPA) federal agencies have to consider the impact their activities may have on historic resources, even if they were unknown when work began. Other laws and regulations deal with the importance of proper, respectful treatment of human remains. It is also essential to inform and include other people, groups, levels of government and organizations that might have a legitimate interest in the historic resources involved in such cases.

Once that process began, the story began to emerge. During the Colonial period in New York, first under the Dutch and later under the English

and finally extending into the era of the early years of the United States of America, slavery was widespread there and throughout the Americas. Many people mistakenly believe that this practice was largely confined to a specific region of the United States. In fact, the practice was prevalent from the time of the first Spanish settlers. Including all of the Western Hemisphere during the centuries before the practice was outlawed, it is believed that close to 10 million people were forcibly removed from Africa, and those who survived the voyage to the New World were made to work for others and live in bondage without what today would be considered the most basic of human rights. For purposes of comparison, consider that in 2006, only eight of the 50 states had total populations that exceeded 10 million people.

As the Revolutionary War era began, New York contained the second-largest population of enslaved Africans in the North American colonies. Only South Carolina had more. And there was a growing population of free Africans. A New York census of 1746 recorded 2,444 persons as black – or about 20 percent of the population.

The African Burial Ground, which it came to be known, reclaimed historic facts that were largely forgotten or unknown because there had been little physical evidence reminding current generations about past practices.

While work on the federal building prompted the discovery of the resting place of more than 400 men, women, and children, it was quickly clear that the cemetery once covered a far greater area that was largely built over by earlier development. Evidence suggests as many as 20,000 persons had been interred by 1794 in what was then known as the “Negros Burial Ground.”

Study of the bones yielded information on health and nutrition, diet, gender, and age at death. The study demonstrated that many of those interred in the African Burial Ground had lived harsh and often



African Burial Ground reinterment, New York City

short lives.

Nine percent of the burials were children under the age of two, while another 32 percent were below the age of puberty. This indicates the death rate among African children in Colonial New York was high. Developmental defects in teeth and bones indicated a high rate of malnutrition and recurrent illness.

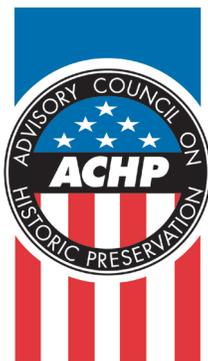
Some teeth were found to have been filed, which was a practice among adolescent children in many parts of West and Central Africa. Arm, leg, and shoulder bones of the adult men showed evidence of muscles that had been torn from the bones in life, indicating they had endured labor beyond the limits of physical endurance.

The caskets, coffins, and articles buried with these more than 400 people also told a lot of stories to today's researchers. Interestingly, one decorative item found was an Ashanti symbol called the "Sankofa," which carries

the meaning "Return to the Past to Build the Future," which is exactly why historic preservation and the study of history matter. This symbol links the person buried with it to the Ghana-Ivory Coast region of Africa.

Because of the importance of the site, on February 27, 2006, President George W. Bush signed a proclamation establishing the African Burial Ground National Monument in Lower Manhattan, at the corners of Duane and Elk streets. In May 2008, one of four Preserve America Presidential Awards went to the African Burial Ground project. This is the highest federal award for historic preservation that can be bestowed.

www.africanburialground.gov
www.schomburgcenter.org



Preserving America's Heritage

ADVISORY COUNCIL ON HISTORIC PRESERVATION
1100 Pennsylvania Avenue NW, Suite 803 · Washington, DC 20004
Phone: 202-606-8503 · Fax: 202-606-8647 · achp@achp.gov · www.achp.gov

With a World of Heritage So Rich

Lessons from Across the Globe for US Historic Preservation in its Second 50 Years



The Project

In 1966, the seminal report [With Heritage So Rich](#) issued a call to action to respond to the rising tide of destruction of the nation's patrimony. The result was enactment of the National Historic Preservation Act of 1966 (NHPA), the foundation of the current national historic preservation program. The drafting of *With Heritage So Rich* was preceded by a search for international precedents to guide the develop of a new national approach to historic preservation in the U.S. Indeed, the drafters of *With Heritage So Rich*, known as the Rains Committee, first toured eight European countries to examine other national approaches.

Fifty years later, the preservation movement in the United States has much to celebrate. Yet we also face new and urgent challenges and opportunities unheard of in 1966. What can and should U.S. preservation law and federal programs look like for the next 50 years? Just as the Rains Committee sought out the best international examples of historic preservation law, policy and practice when it crafted the NHPA, so too should we gather and consider case studies in preservation excellence across the globe. To this end, US/ICOMOS, in collaboration

with the [U.S. Advisory Council on Historic Preservation](#) (ACHP), conducted a Virtual Rains Committee International Tour to solicit short essays describing interesting and useful approaches to heritage law, policy, program strategy, and related preservation challenges from abroad that can help point the way to innovations in U.S. heritage practice over the next 50 years.



US/ICOMOS is pleased to publish the eight most promising ideas herein. These essays feature ideas developed and put into practice in Australia, Canada, China, and the United Kingdom, as well as ideas from the United States that have been implemented here and abroad.

These essays address the interrelated and globally pressing themes of climate change, disaster response, the challenges of preserving intangible heritage, and insufficient heritage funding worldwide. At the same time, they offer positive and promising ways to

- Foster community and indigenous involvement in heritage conservation;
- Better preserve intangible heritage;
- Crowd source information in response to disaster;
- Share open source software development; and
- Better fund and manage heritage at the local level.

We thank the essayists for their participation and are excited to see their ideas advanced and disseminated as U.S. preservation celebrates fifty years of success and looks ahead to the next fifty years.

With a World of Heritage So Rich

Lessons from Across the Globe for U.S. Historic Preservation in its Second 50 Years

The steps to prioritizing and undertaking action at sites threatened by climate change – incorporating a citizen science approach into heritage management in Scotland

By Tom Dawson

Background

The sea poses one of the greatest natural threats to cultural heritage sites. There is a fear that future sea level rise will result in monuments becoming drowned, but perhaps of more immediate concern is the catastrophic damage that may occur during severe storms. Wave action during a storm can remove many metres of the coast edge at a time. As the land crumbles, all upstanding and buried heritage sites will be permanently lost.

Coastal change is natural and shorelines have always shifted, but there are warnings from climate scientists that problems will become more acute in the future as sea levels rise.¹

Managing the problem

Many thousands of Scottish heritage sites have already been damaged by the sea. Perhaps the most famous is Skara Brae, a Neolithic settlement discovered after a storm in the nineteenth century and now a World Heritage Site.² The scale of the threat to Scotland's coastal heritage prompted Historic Scotland (now Historic Environment Scotland)³, to formulate plans and strategies to manage the problem.⁴ These developed after almost a century of survey and recording by two organisations that had been compiling inventories of the sites and monuments; the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) and British map makers, the Ordnance Survey.

Coastal Surveys

Historic Scotland recognised that the coastal zone deserved special attention due to the level of threat and that a specialised survey of the coast was required. In 1996, Historic Scotland published guidelines for undertaking rapid Coastal Zone Assessment Surveys (CZAS).⁵ These were designed to enhance existing records, gathering data on the condition and threats to all sites and monuments in the intertidal zone and within a 100 metre corridor from the coast edge, together with information on the geology, geomorphology and erosional state (as observed on the day) of the coast. Between 1996 and 2010, 28 surveys covering 5,000 km of Scotland's coastline were completed. The surveys recorded over 12,500 sites, many of which were previously unrecorded, and 3,700 sites included a recommendation for further action.⁶

Prioritisation

Between 2005 and 2010, a series of reports were prepared by the SCAPE Trust and the University of St Andrews on the coastal surveys.⁷ This included a study that analysed the previously collected data and prioritised action at vulnerable sites.⁸ Prioritisation was undertaken by combining the actual or potential *value* of each heritage site with the *level of threat* it faced using GIS (Geographical Information System) software. The analysis was followed by widespread

consultation with local and national heritage managers, an inclusive process that led to revisions of the prioritised list. The final product was a database of prioritised sites that included a staged list of suggested actions to be undertaken at each site.

The study, together with accompanying field trips, revealed that the condition of many heritage sites had worsened since the original coastal surveys (and in some cases, the sites had been totally destroyed). It was also noted that storms frequently revealed new discoveries or unseen elements of known sites, but only for a very short period before they were covered again with beach sediment. The first staged recommendation made for each prioritised site was therefore a visit to record its current condition.

Citizen science

The report highlighted almost 1,000 high priority sites that needed re-assessment, spread across the mainland and numerous offshore islands of Scotland. Building upon the long tradition of community archaeology and the strong interest in local heritage in the UK, the 'Scotland's Coastal Heritage at Risk Project' (SCHARP) was initiated. The project was made possible by a grant from HES⁹ and an innovative British funding stream, the Heritage Lottery Fund, which distributes profits from a national lottery to fund cultural projects.¹⁰

SCHARP is a two-stage project that adopts a citizen-science approach to heritage recording. The team, based in St Andrews, supports local groups to gather information, including immediately after storms, when new exposures are most likely to be visible. It also recognises that compiling lists of sites alone does not actually protect them from harm, and the second stage of the project encourages local action at vulnerable sites.

Updating information - ShoreUPDATE

The first stage of SCHARP involved working with volunteers to revisit sites on the prioritised list and update information about them. This necessitated making the heritage data accessible to the public. In many countries around the world, locational and other information is restricted due to fears about sites being harmed.¹¹ In the UK, heritage data is publicly available and so it was possible to design a mobile app so that the public could both access the CZAS data and update it. The freely-available app includes maps so that people can navigate to sites, and it enables a two way exchange of information between the public and the project team. In order to allow use in areas with no mobile signal (a common occurrence in remote places), the app allows site records and map tiles to be cached for later use in the field.

The app uses the device's GPS to allow volunteers to navigate to sites, where they take photographs and use a simple multiple choice recording form to update records. Information is stored on the device and is sent directly to the project team once contact with a network has been re-established. Alternatively, paper copies of the recording form are downloadable from the project website, which also contains an interactive portal where all records and photographs can be viewed.¹²

The SCHARP team travels widely to recruit volunteers and provide training and guidance, and there is regular contact and support for local groups. In addition, 'How To' guides and videos are available on the website. Records, once received, are checked and verified by the project team and all updated information and photographs are uploaded to the online database and shared with local and national archives, thus updating the national picture. The SCHARP team have found photographs particularly useful as they often reveal information which might not be obvious to

non-specialists. Images also provide a point in time record for comparison with previous photographs.



Figure 1: A ShoreUPDATE training event with SCHARP Project Manager, Joanna Hambly. Note the eroding structures in the coastal dune behind the group.

In the first three years of the project, 1,100 volunteers have submitted over 3,500 photographs, updated 1,000 site records and recorded 350 new sites. This latter point is important as it demonstrates how the public can help inform heritage managers about new discoveries, especially those exposed after storms.

Practical projects - ShoreDIG

The ShoreDIG element of the project asked the public to nominate prioritised sites which were locally-valued, and projects were developed that created genuine partnerships between communities and heritage professionals. Detailed discussions were held with groups which outlined the possible options for work at the nominated sites, and it was the community who made the final decision on the course of action to be undertaken. All work was done with the active participation of community members, working in collaboration with heritage professionals, and on-site training helped to ensure the transfer of skills.



Figure 2: SCHARP Project Officer, Ellie Graham, helping to record a prehistoric well during the community excavation of an Iron Age building uncovered during a storm in Shetland.

A total of fourteen projects have been initiated to date, and the scope of each project has been very different, both in scale and ambition¹³. Several groups have worked with archaeologists to undertake traditional archaeological excavations that have rescued artefacts and information. The digs have provided a wealth of information at sites that would otherwise have been destroyed, but at which there was no developer or other body to pay for recording. The community rescue excavations have been done to high scientific standards and are helping to provide an insight into how people adapted during previous periods of environmental change.

In addition to excavations, a range of other projects have been undertaken. For example, the community on the island of Sanday, Orkney recorded and relocated Bronze Age structures exposed after a storm. After detailed recording, they transported the stones away from the beach and rebuilt them next to the Sanday Heritage Centre. The rebuilt structures form a focus for heritage interpretation and although the original context has been lost, the action was deemed appropriate as the alternative would have been the total destruction of the site.



Figure 3: Volunteer members of the Sanday Archaeology Group recording the Bronze Age Burnt Mound at Meur as part of their relocation project.

The group at Wemyss, Fife combined laser scanning, 3D photogrammetry, video production, oral history recording and other techniques to record numerous ancient Pictish carvings contained within seven former sea caves, making the digital archive accessible to the world via the internet.¹⁴

Video making featured in most projects¹⁵, and interpreting discoveries for the public, either at the original site or in a nearby heritage centre, was also an important element.¹⁶ The projects also employed social media (including blogs) to ensure that information about the projects was made widely available.¹⁷

Conclusion

Following on from the coastal surveys and the prioritisation project, local communities have now become stewards of threatened sites.¹⁸ Working in partnership with heritage professionals, they have helped to manage the vulnerable resource by reporting and documenting damage to known sites and recording new discoveries. The follow-on ShoreDIG projects have preserved, recorded or interpreted locally-valued sites for future generations, providing information on past societies which would have been otherwise lost.



Tom Dawson is a researcher at the University of St Andrews and the Director of SCAPE (Scottish Coastal Archaeology and the Problem of Erosion). He was a Commissioner with the Royal Commission on the Ancient and Historical Monuments of Scotland until its amalgamation with Historic Scotland in 2015. His research focusses on the archaeological and historical heritage of the coast, especially sites threatened by natural processes and climate change. He runs community projects around Scotland, adopting a citizen science approach to heritage management. Recent community projects include archaeological excavations, digital 3D recording work and the relocation of eroding prehistoric structures.

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- ¹ http://ipcc-wg2.gov/AR5/images/uploads/WGIAR5-Chap5_FINAL.pdf - accessed 12th June 2016.
- ² <http://whc.unesco.org/en/list/514> - accessed 12th June 2016.
- ³ In October 2015, Historic Scotland and RCAHMS came together to form a new lead public body, Historic Environment Scotland, charged with caring for, protecting and promoting the historic environment. As much of the work referred to in this article was undertaken before the merger, the former organisations are referred to throughout.
- ⁴ For example, Ashmore, P J 1994 *Archaeology and the Coastal Zone: Towards a Historic Scotland Policy* and Barclay, G J & Fojut, N 1995 *The Management and Conservation of the Built and Maritime Heritage in the Coastal Zone* Historic Scotland, Edinburgh.
- ⁵ Historic Scotland 1996 *Coastal Zone Assessment Survey: Historic Scotland Archaeological Procedure Paper 4* Historic Scotland, Edinburgh.
- ⁶ Dawson, T 2014 'A View from Scotland's Coast' in *The Public Historian* Vol 36, No 3. University of California Press.
- ⁷ Dawson, T. 2006 *Archaeology and coastal erosion in Scotland: The current state of knowledge and future directions*. Internal report for Historic Scotland, Edinburgh, Scotland, UK.
- Dawson, T. 2007 *A review of the Coastal Zone Assessment Surveys of Scotland, 1996–2007: Methods and collected data*. Internal report for Historic Scotland, Edinburgh, Scotland, UK.
- ⁸ Dawson, T. 2010 *A system for prioritising action at archaeological sites recorded in the Coastal Zone Assessment Surveys*. Internal report for Historic Scotland, Edinburgh, Scotland, UK.
- ⁹ Additional funding came from The Crown Estate and the University of St Andrews.
- ¹⁰ <https://www.hlf.org.uk/> - accessed 12th June 2016.
- ¹¹ See National Register Bulletin 29, 'Guidelines for Restricting Information about Historic and Prehistoric Resources', prepared by the National Parks Service.
- ¹² See the Sites at Risk map on the SCHARP website, <http://scharp.co.uk/> - accessed 12th June 2016.
- ¹³ As of June 2016: For details of projects, see <http://scharp.co.uk/shoredig-projects/> - accessed 12th June 2016.
- ¹⁴ <http://www.4dwemysscaves.org/> - accessed 12th June 2016.
- ¹⁵ See the SCHARP website for a link to videos - <http://scharp.co.uk/>
- ¹⁶ For example, interpretation boards at Eyemouth Fort and an interactive display in Eyemouth Museum, Scottish Borders.
- ¹⁷ <https://scharpblog.wordpress.com/> - accessed 12th June 2016.
- ¹⁸ In line with Principle No. 4 of the Society for American Archaeology - Principles of Archaeological Ethics.

With a World of Heritage So Rich

Lessons from Across the Globe for U.S. Historic Preservation in its Second 50 Years

Rebuilding Shangri-La: Public Participation in the Reconstruction of a Historic Town By Dr. Ing. Huo Xiaowei

Saving historic towns requires professional commitment, but there is also a significant part for the public to play, thanks to the growing awareness of heritage conservation as well as extensive development of communication technologies. Indeed, both proved indispensable in the reconstruction of the historic town of Shangri-La after a disastrous fire.

Emergency Call

On Jan 11, 2014, Shangri-La, which has the largest group of Tibetan buildings in China, was struck by a fire that destroyed nearly one fifth of the core conservation area. 343 historic buildings around the central square, totaling nearly 60,000 square meters, were razed to the ground, as well as six historic streets. After the rescue, experts were immediately summoned by the local government for planning reconstruction.

In addition to the urgent need to rebuild many homes by March, a faithful reconstruction was also a necessary concern. The historic townscape, with unique local architectural and artistic features, not only constituted community identity but also sustained social and economic life in Shangri-La. Unfortunately, only a few photographs, drawings, and historic maps were available. For a successful reconstruction to occur, two questions had to be answered: 1. how do we collect historic documents as extensively and as quickly as possible?; and 2. how can the collated materials be used to inform reconstruction while preserving the true values of the place?



Figure 1: A traditional street in Shangri-La before the 2014 fire



Figure 2: The same street after the 2014 fire

Building the Platform

Limited time and resources made the first task seemingly impossible, but the team resorted to social networks for inspiration. Blog images brought about an idea: could there be an abundance of historic resources available from the public, which could be gathered to inform reconstruction? A quick survey showed a significant growth in tourist numbers to Shangri-La,

from 0.52 million in 1994 to 4.27 million in 2012, and thus an undiscovered repository seemed highly probable. The key, however, was how to collect and manage the potential contributions, presumably scattered all over China. An effective documentation platform was called for. But how could this platform be implemented? Again, new media came to light that readily lent itself to mass user content contribution.

Surveys in Shangri-La showed that a majority of the population accessed the internet through a smart phone. With this in mind, the Shangri-La Historic Photos platform was created to facilitate document collection through free mobile apps that already had millions of active users. People could send both photographs and heritage information to the platform from a smart phone, and the platform would collect the documents using pre-designed interfaces.

Dissemination and Collection

For the Shangri-La platform to reach its target groups in the shortest amount of time, potential users needed to be found at both local and national levels. Different strategies were undertaken to reach these different users.

At the local level, it was hoped that partners with similar interests in conservation would promote dissemination. Thanks to wide coverage of the Shangri-La initiative over the network, a local grassroots cultural organization dedicated to Tibetan cultural conservation helped disseminate this critical message, which in turn created the first group of Tibetan contributors. Simply by tapping their smart phones, users uploaded a large number of historic photographs, some even dating back to 20 years old. At the national level, document collection was organized through various media including microblogs, BBS and other SNS platforms – even visitors from Beijing and scholars on Shangri-La contributed.

Images and drawings collected from multiple sources provided the design team a comprehensive archive, consisting of more than 1,000 photographs and drawings. Reconstruction design was almost ready to begin.



Figure 3: Shangri-La historic resource map including crowd-sourced images

Considerations of Reconstruction

One final question had to be answered before reconstruction design could proceed: how should the crowd-sourced materials be effectively used? First, some photographs of the same building showed different time periods, with different features from past transformations. Which photograph and time period should be chosen for the reconstruction design? Second, the quantity and quality of photos varied from structure to

structure. For significant built heritage, there was a huge amount of material; there was less material for buildings in historic areas; and there was very little, if any, material for peripheral residences. It was a challenge to discern how the collected documents could effectively inform reconstruction design for all of the lost historic resources.

Closer examination of the question revealed that it was not simply a matter of interpretation, but of preserving the cultural values of Shangri-La. Indeed, reconstruction of lost structures is justified when it rightfully preserves the intangible aspects of a place, as the Principles for the Conservation of Heritage Sites in China states:

Reconstruction may be considered...when a structure has been destroyed in recent years and the public still has a strong memory and connection with it, and there exists reliable documentation. (13.3.1)

To maintain the memory and identity of the community, an emphasis was thus placed on the traditional local character, which was best demonstrated in the general townscape. The collected documents were critically synthesized to create a harmonious environment, rather than simply crediting the earliest evidence as authentic. Reconstruction design was therefore aimed at preserving the overall townscape instead of restoring specific architectural details that might be ungrounded or contradictory. For example, a historic change made to the façade of building without significantly altering the building’s fabric—such as the conversion of a residence into a shop--was considered compatible and could be reconstructed into the later form, as this would be closer to the local Tibetans’ living demand.

Luckily, the different quantity and quality of documents readily reflected the significance of the lost buildings. The more important a building was, the more documents there were. For structures with little evidence, it was reasonable that their reconstruction conformed to the general townscape.

Implementation and Instructions

Local Tibetans were given more freedom in rebuilding their homes, since reconstruction took a self-build approach based on general planning. It was decided that there would be no single blueprint for all but rather DIY designs tailored to individual needs. The team therefore prepared general instructions that could be flexibly applied.

The huge number of collected images was again useful in preparing the building instructions. Composed into an illustrated handbook, the images were used to identify traditional architectural features and provide knowledge about traditional construction techniques in Shangri-La. Included in the handbook were also suggested modernizations of traditional buildings, which technically improved living conditions, while preserving the architectural diversity in the townscape.

窗户 (推荐形式V)	窗户 (不推荐形式X)
<p>4、窗户的雕刻窗花装饰应该按照当地传统风俗重建。</p> 	<p>4、窗户出现与当地风俗不相符的形式。</p> 
<p>5、生活性巷道用传统形式，商业性巷道采用多种方式，但不能影响整体风貌。</p> 	<p>5、窗户出现不适宜的比例尺度。</p> 
<p>6、建议按照传统门窗布局，可增加组合形式，提升立面效果。</p> 	<p>6、立面使用大面积玻璃，且作为把店招设置于窗户位置。</p> 

Figure 4: Guidelines for reconstruction

In comparison to the peripheral areas, the historic town of Shangri-La was characterized by its Tibetan structures in a harmonious townscape: the traditional streets were its shining jewels. Considering the significance of such features in terms of Historic Urban Landscape, the reconstructed streets were to restore the traditional character from

careful analysis. Keeping these considerations in mind, the design team identified the traditional Tibetan architectural features from each building on the street by examining the collected images from different periods.

Guidelines were provided for street-wise reconstruction in terms of building height, relation to adjacent structures, ground level, bay width, facade features, windows and doors, etc. Based on these, inappropriate earlier transformation and additions to the traditional buildings as shown in the documents were removed in the reconstruction design according to historic images. Last but not least, satisfying modern commercial requirements was also critical for the successful reconstruction, which won recognition from both local residents and shop tenants.

Reflections and Experiences

Loss of heritage due to a sudden strike of disaster may be inevitable. A mere sight of what has survived over hundreds or thousands of years reminds us of the fortune that we possess today. It is nonetheless such vicissitudes that makes our heritage invaluable. Although disputed, post-disaster reconstruction is nothing less than a final remedy to prevent total loss. But, without sufficient documentation, such a rescue is doomed. Public documentation has shown a gleaming beam of hope. Discrete documents from various sources can be efficiently collected and managed, which, after careful analysis and interpretation, can inform reconstruction in an unprecedented manner. In this respect, the reconstruction of Shangri-La has yielded valuable experience and learnings.

I. Public documentation of cultural heritage is more than feasible by using social networks. Such a communicative measure can readily surface an extensive reserve of materials that transcend geographical boundaries. The efficiency in dissemination and data retrieval as well as user interaction is unfathomable.

II. Public documentation by means of new media can initiate extensive simultaneous social participation, which makes heritage reconstruction a literal social event. Supported by amassed documents that inform reconstruction design, the restored heritage is imbued with new cultural and social significance.

III. Public documentation plays an important role in heritage inventory. For Shangri-La, we were fortunate to acquire documents from public contributions as a first-aid measure. This has shown tremendous potential in public documentation that will complement the official inventory in the future. Faith in this promising approach sheds a light beyond the reaches of a single project.

Success of the project depends on technically-enabled user contribution. Immediate mobilization is critical to encourage public participation. The reconstruction of Shangri-La is a promising pilot initiative in public documentation to inform heritage reconstruction, and certainly it is with and for the people that the future of heritage conservation will be built.



As a Registered Urban Planner, Dr. Huo is Director of the Research Center for Heritage Conservation and Urban-Rural Development, THUPDI, and Deputy Secretary General of the Historic and Cultural City Committee of Urban Planning Society of China. In addition to historic city, town and village conservation planning projects, Dr. Huo is also a major contributor to historic development and innovation projects commissioned by the Ministry of Housing and Urban-Rural Development, National Natural Science Foundation, and State Administration of Cultural Heritage. Dr. Huo gained PhD at the University of Stuttgart in 2008 and became an MIT SPURS alumnus in 2015.

With a World of Heritage So Rich

Lessons from Across the Globe for U.S. Historic Preservation in its Second 50 Years

Intangible Industrial Heritage

By Paul Hardin Kapp

The Industrial Revolution shaped most of our cities in North America and its heritage continues to influence how American cities will evolve in the 21st century. Central business districts, streetcar suburbs, and entire infrastructures were built around industrial districts. But cities in the “American Rustbelt,” such as Detroit, Buffalo, and Cleveland, now contain derelict quarters of abandoned historic factories, warehouses, rail lines, and water ports. Far from being “ruins,” this patrimony can and should be repurposed. These buildings can be rehabilitated in ways that retain their original use: industrial production. The issue is *how to redevelop* historic industrial architecture.

In order to understand the remnants of our shuttered industrial past, conserve it, and utilize it, we must understand the role of the “intangible” in historic preservation. Without understanding it, or at the very least, acknowledging it, we run the risk of losing the inherent meaning in the physical place and, with it, the artifact itself. UNESCO defines intangible heritage as “the practices, representations, expressions, and skills transmitted from generation to generation, which provides people with a sense of identity and continuity.” *Intangible Industrial Heritage* is the traditional craftsmanship, knowledge, practices, and skills relevant to the understanding of industrial processes and the material legacies of industrial production.¹

As a Fulbright Scholar conducting research at the University of Birmingham’s Ironbridge International Institute for Cultural Heritage in 2014, I experienced how the British have re-generated their post-industrial patrimony utilizing their most valuable intangible heritage asset: British ingenuity.² In the past four years, the British developed a two-step strategy to preserve their industrial heritage: (1) They surveyed citizens in order to understand the importance of industrial patrimony in their country. And (2) they implemented an approach within their overarching strategic framework for funding preservation through various funding sources to safeguard places that have intangible industrial heritage.³ In this paper, I feature three case studies that demonstrate how the British are utilizing intangible industrial heritage to not only preserve their historic industrial past, but more importantly, make it economically relevant. I argue that intangible industrial heritage is an important tool for preservation and economic renewal in post-industrial cities in Europe and North America.

Perhaps no other industrial product produced in the 19th century epitomized the art of British industry more so than architectural tile making or faience, as it is referred to in Britain. Architectural tile work remains a prominent feature in local pubs, butcher shops, churches, front stoops, and even, London’s Underground. During the post-war era, the British tile industry closed. However, in the tiny parish of Jackfield in the Ironbridge Gorge World Heritage Site, the British tile-making tradition endures through the use of intangible industrial heritage to fabricate new tiles and display historic ones in the old Craven Dunnill Encaustic Works Factory. In the 19th century, Craven Dunnill employed over three hundred skilled artisans to produce encaustic and

painted tiles and exported all over the world. But in 1951, Craven Dunnill abandoned the factory and it fell into decay. Fortunately, in 1983, the Ironbridge Gorge Museum Trust (IGMT) renovated the factory into the new Jackfield Tile Museum, through funding from the Heritage Lottery Fund. Demonstrating their mission as an “entrepreneurial museum,” the IGMT brought economic vitality back to the old works when they persuaded Craven Dunnill Jackfield, Ltd. to occupy the factory and produce tiles.

Today, visitors admire the historic tile collection on the upper levels of the factory and then experience how tiles for important British landmarks, such as Westminster Palace, are made on the lower levels. This historic building is now both a museum and a working factory. Tourists and tile making workers intermingle as they understand and appreciate both the tangible heritage (the exquisite tile collection in the landmark building) and the intangible heritage of 21st century tile making. Craven Dunnill Jackfield Ltd. could have fabricated tiles anywhere but they chose to return to their original building, which gives their product inherent worth as well as the enhanced value of provenance.

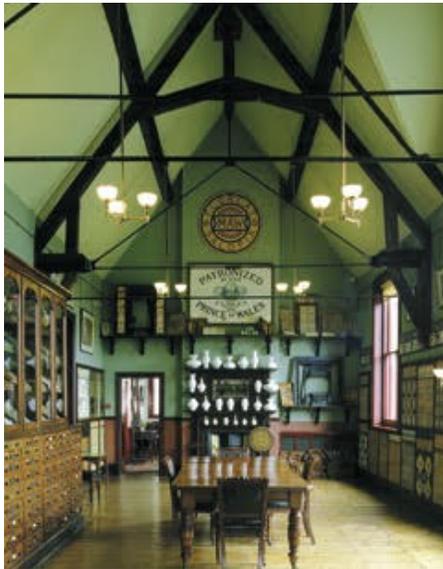


Figure 1: Jackfield Tile Museum, Ironbridge Gorge World Heritage Site, UK. (Photograph courtesy of the Ironbridge Gorge Museum Trust, UK)

Living industrial traditions⁴ continue to utilize their historic factories in the UK. Historic factories are best used when their original use—the intangible heritage—remains.

Manufacturing and creating has, and always will be, a dirty messy enterprise. Advances in life safety have greatly improved workplace conditions since the 19th century but less-than-pristine places are still needed in 21st century manufacturing. After decades of neglect, British craftsmanship is now appreciated. Nowhere is this more evident than in the “Little Mesters’ Yards” in Sheffield. Beginning in the Middle Ages, “mesters” (Old English term for “Masters”) have been producing cutlery and tools throughout this historic city. Typically operating on a small scale, the

mester, and no more than two apprentices, made wood and stone chisels, precision tools, and sterling silver cutlery in small labyrinth-like purpose-built factories. These buildings, known as “Little Mesters’ Yards,” occupy entire city blocks in Sheffield and consist of shallow depth floors, and large expanses of wall fenestration. They were planned around courtyards that provided daylight to the upper floors and processing areas for raw materials and finished goods at the ground level. Portland Works, built in 1871 and a Scheduled II* landmark⁵, continues as a functioning little mesters’ yard but as recently as five years ago, it was slated for demolition. It was saved when the tenants, all of whom were mesters, worked together and purchased it through a loan from the British Architectural Heritage Fund.⁶ Portland Works remains dirty, but in sound condition, allowing cutlery making to continue as it has for over one hundred and forty-five years. Little mesters’ yards, such as Portland Works, can be both historic landmarks and working factories that allow the unique intangible industrial heritage to stay relevant in historic cities. Understanding the important intangible heritage by both policymakers and building occupants was the key to its preservation.



Figure 2: Portland Works, Sheffield, UK.
(Photograph courtesy of Portland Works, Ltd., UK)

Urban industrial districts contain an industrial intangible heritage that allows entrepreneurship to flourish. Pubs and churches, streets and alleyways, and government agencies provided British artisans places to socialize and facilitate business dealings to accommodate large business orders, often from the far corners of the world. British geographer Rodney Tolley attributed the social interactions in

these districts as the basis for industrial conurbation. He called this urban spatial structure and business clustering “local industrial linkage”— the development of support networks that encourage idea exchange, sub-contracting and specialized processing all residing in spatial concentrations of small or medium-sized firms where the same industry exist.⁷ In Birmingham’s Jewellery Quarter, local industrial linkage is being re-experienced by a new generation of artisans. Recognizing the heritage of innovation in this Birmingham district, the Royal Society of Artisans initiated “Artisan 21,”⁸ a volunteer-based project aimed at introducing young emerging entrepreneurs to the district that was historically built for small enterprise. Today, customized products are being produced in the same converted 18th century terrace villas that were first used by pioneering industrialists such as James Watt, Matthew Boulton, and William Murdoch.

What makes the Jewellery Quarter a vibrant, but historic, district is its intangible heritage. Artisans continue to interact with each other in its narrow streets and pubs. They appreciate the light filled small-scale jewellery factories. But most importantly, the Birmingham Assay Office continues to play an important role in the everyday lives of the district’s inhabitants as it did when it was established in 1773.⁹ Here, jewelers have their products assayed and the iconic anchor hallmarked on their products. All the while, they interact with their neighboring competitors. Often, they continue their happenstance meeting at the pub across the street. This centuries-old business and social tradition, created by 18th century artisans, is once again relevant in the new innovation economy, where ideas are valued over product quantity and open communication appreciated.



Figure 3: Jewellery Quarter, Birmingham, UK
(Photograph by Author)

Industrial intangible heritage is the basis of industry in Britain. Artisans brought about the Industrial Revolution and modernity. As Fordist-based manufacturing becomes globalized and automated, the historic Pre-Fordist shops and yards can continue to the innovation economy. Be it the Ironbridge Gorge World Heritage Site (known as “the Birthplace of Industry”), Sheffield’s Little Mesters’ Yards, or the Jewellery Quarter, place matters in high-

value industrial production. The industrial intangible heritage plays a significant role in this value. Both consumers and manufacturers appreciate the place where a product has been made for over many centuries. In the UK, industrial intangible heritage is a living heritage and it has been embraced at the grassroots and policymaking level. The intangible of industrial heritage preserves an industrial site’s meaning and embeds products with inherent value. Understanding

and then utilizing intangible industrial heritage can provide a model for preserving American industrial patrimony.



Paul Hardin Kapp is Associate Professor at the Illinois School of Architecture UIUC. Professor Kapp is an expert on historic preservation, post-industrial revitalization and historic university campuses. He is chair of the National Council for Preservation Education (NCPE) and is a member of the Illinois Historic Sites Advisory Council (IHAC). He was a Fulbright Scholar at the University of Birmingham's Ironbridge Institute in the UK in 2014, an M.S. in Historic Preservation from the University of Pennsylvania, and a B. Arch. from Cornell University.

¹ Mike Robinson, Director, Ironbridge International Institute for Cultural Heritage, University of Birmingham, Interview by author, Birmingham, UK, February 15, 2014.

² Shane Gould, "The Rolt Memorial Lecture 2012: Industrial Heritage at Risk," *The Journal of Industrial Archaeology* 2015: 74, accessed 30 May 2016, doi: 10.1179/0309072815. In 2011, English Heritage (now known as Historic England) conducted a public survey addressing industrial heritage in the UK. 64% people surveyed agreed that the Industrial Revolution is the most important period in British history.

³ Heritage Lottery Fund UK, <https://www.hlf.org.uk/about-us/our-strategy> accessed 30 May 2016. The Heritage Lottery Fund receives its funding from the British Lottery. Since 1994 it has awarded £7.1 billion to over 40,000 heritage projects (historic architecture, engineering, archaeology, and objects). Architectural Heritage Fund, UK, <http://www.ahfund.org.uk> accessed 1 June 2016. The Architectural Heritage Fund provides loans and guidance to local organizations throughout the UK.

⁴ Edward Shills, *Tradition* (Chicago: University of Chicago Press, 1981), 12-137.

⁵ Historic England, "Portland Works List Entry Number: 1271036, Grade II,*" accessed 30 May 2016, doi: <https://historicengland.org.uk/listing/the-list/results?q=Portland%20Works%20&searchtype=nhlesearch>. Historic monuments in England are designated as "scheduled" landmarks. This policy dates back to the 1882 Ancient Monuments Act.

⁶ Portland Works.Co.uk. <http://portlandworks.co.uk> and <http://www.ahfund.org.uk> accessed 30 May 2016.

⁷ Rodney S. Tolley. "Telford New Town: Construction and Reality in the West Midlands Overspill," *The Town Planning Review*, 43, No. 4 (July 1972): 343-360, accessed 24 May 2016, doi: <http://www.jstor.org/stable/40102899>.

⁸ Royal Society of Artisans (RSA), "Artisan 21," <https://www.thersa.org/action-and-research/fellowship-projects/fellowship/artisan21> accessed 1 June 2016. In 2014, the RSA funded a study by the University of Warrick to research how young artisans can use the intangible heritage of the Jewellery Quarter for innovation-based industries.

⁹ BBC News, "Birmingham's Assay Office moves to new premises in the Jewellery Quarter," 23 June 2015, <http://www.bbc.com/news/uk-england-birmingham-33243624> , accessed 1 June 2016. Recognizing its important role in the Jewellery Quarter, the Birmingham Jewellery Quarter built a new modern facility in the district in order to continue to centuries-old jewellery industry in Birmingham.

With a World of Heritage So Rich

Lessons from Across the Globe for U.S. Historic Preservation in its Second 50 Years

Finding Efficiencies and Pooling Resources to Improve Federal, State, Tribal, and Local Heritage Inventory Systems

By David Myers, Getty Conservation Institute

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Necessity of Inventories

For any government agency responsible for protecting cultural resources, up-to-date heritage inventories employed through modern information technologies have the potential to be their most essential tool for making proactive, timely, and informed decisions; applying preservation-related laws and policies; and for emergency preparedness and response. Conversely, without effective inventories, heritage is put at risk if government agencies lack essential information when critical decisions must be made.

Challenges

The Preserve America Summit was held a decade ago on the 40th anniversary of the passage of the National Historic Preservation Act (NHPA). In looking toward the 50th anniversary of the NHPA, one outcome of the summit was that the Advisory Council on Historic Preservation recommended as a first priority action the creation of a national “comprehensive inventory of historic properties through a multi-year plan that expands current inventories and makes them more compatible and accessible.”¹ This ambition has yet to be realized. However, this recommendation resulted in the National Historic Property Initiative (NHPI), which in 2009 published results of a nationwide survey that identified a number of challenges facing State Historic Preservation Offices (SHPOs), Tribal Historic Preservation Offices (THPOs), and Federal Preservation Offices (FPOs).² Similar challenges are commonly faced by U.S. local heritage agencies.

The development and maintenance of software systems for digital inventories is costly. However, the NHPI survey found that “SHPOs, THPOs, and FPOs typically have limited funding, if any, available to develop, implement, and maintain a DBMS [database management system].” While heritage agencies tend to be chronically underfunded, organizations in the U.S. and internationally individually make duplicative expenditures on inventory systems that often address needs that are very similar to those of other institutions.

Heritage agencies are challenged to keep up with the rapid advancement of information technologies. While organizations need to be well-informed when deciding which software applications to invest in for their inventories, the NHPI survey found that the “DBMS of SHPOs, THPOs, and FPOs are largely managed by personnel with advanced degrees in Arts and Sciences (anthropology/archeology or in architecture/history)” and that “DBMS development and management is frequently undertaken by these staff members as a collateral duty and with no formal training.” The result is that heritage agency staff too often must provide advice about

costly and long-term IT investments when they may have significant gaps in IT training and may not have the required time or background to follow IT trends.

Heritage agencies often need to share data with other government institutions. The NHPI survey found that “relatively few SHPOs, THPOs, and FPOs are capable of easily sharing historic property data in compatible formats.” Obstacles to data sharing noted in the survey included “[l]ack of adequate DBMS development, implementation, training, and funding” and “[s]oftware/technology incompatibilities/inconsistencies.” A common stumbling block impeding exchange of heritage data between agencies is the use of nonstandard and proprietary data formats.

Finding Efficiencies and Pooling Resources to Overcome Inventory Resource Constraints

International heritage organizations have had success in tackling similar challenges by taking an approach that maximizes efficiencies and enables pooling resources. Adopting an open source software³ model offers a number of advantages over proprietary software, such as being more economical, avoiding vendor lock-in, and allowing for the use of open data formats rather than proprietary formats, which in the future may no longer be supported and become obsolete. The Flanders Heritage Agency (FHA) in Belgium was an early adopter of an open source software approach for its digital heritage inventory based on these benefits. Additionally, the FHA has not needed to wait for a proprietary software company to release needed new features. Customizations and enhancements have been immediately possible.

Arches Heritage Inventory and Management System

Following this approach, an increasing number of heritage organizations around the world are implementing the Arches Heritage Inventory and Management System, an open source, geospatial software platform purpose-built to inventory all types of heritage places, including buildings, structures, archaeological sites, cultural landscapes, and districts.⁴ The Getty Conservation Institute and World Monuments Fund have jointly invested in developing Arches to address the inventory requirements of heritage organizations around the world. Arches is an enterprise-level software platform designed to be independently deployed at an organizational or project level.

Arches has been designed to address the challenges described previously while taking into account the needs of heritage organizations internationally. To this end, the design of Arches has followed key guidelines:

- *Economical*: Arches is economical to adopt, being available at no cost. It allows for pooling resources for software maintenance and enhancements.
- *Customizable*: Arches is freely available to be downloaded by heritage organizations and to be configured and customized without restrictions to meet their particular needs.
- *Standards based*:⁵ Arches incorporates internationally adopted standards for heritage inventory, semantic data modeling, controlled vocabularies and information technology. The incorporation of standards structures data for widespread interoperability and integration and to retain data viability as technology advances.
- *User friendly*: Arches is designed to be as intuitive as possible so that most users require minimal technical training.
- *Broad, controlled accessibility*: Arches is web-based to provide for broad access once installed. Access, however, can be controlled to the level of specific data-fields based on individual or group privileges. An implementer can specify which particular users may edit

which specific data fields, or what visitors (if public access is allowed) may see what types of data.

Arches has been designed to support essential heritage management activities, such as:

- resource identification
- research and analysis
- planning preservation activities
- impact assessment and monitoring (see Figure 1)
- emergency preparedness and response

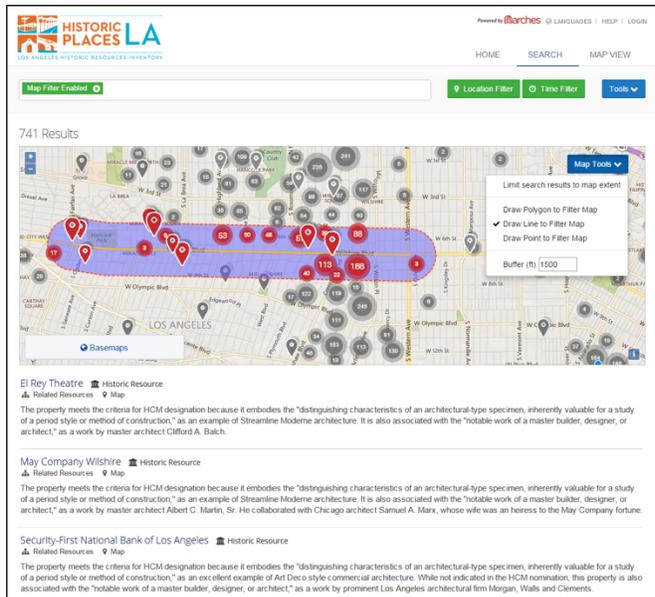


Figure 1: Using the location filter in Arches, resources that would be impacted by a proposed development project can be quickly identified (Microsoft Bing API data reprinted with permission).

Arches has also been designed to provide searchable information to the public, government authorities, and decision makers to promote their awareness and appreciation of heritage. The following are some of the organizations and projects that have implemented Arches to date outside the U.S.:

- The Bhutan Division for the Conservation of Heritage Sites (DCHS) has implemented Arches to create a new national digital heritage inventory. The DCHS is now entering data into the system before it is publicly launched online.
- Arches has been implemented as the *Philippine Heritage Map* by a Manila-based nonprofit to publish online information collected through an ongoing national heritage survey of the Philippines (see Figure 2).⁶ National agencies are now examining the potential adoption of this system as the nation's official heritage inventory.
- The Endangered Archaeology in the Middle East and North Africa project at Oxford University is using Arches to record archaeological sites and landscapes under threat in 20 countries across the Middle East and North Africa (see Figure 3).



Figure 2: Screenshot of the Philippine Heritage Map (Microsoft Bing API data reprinted with permission).

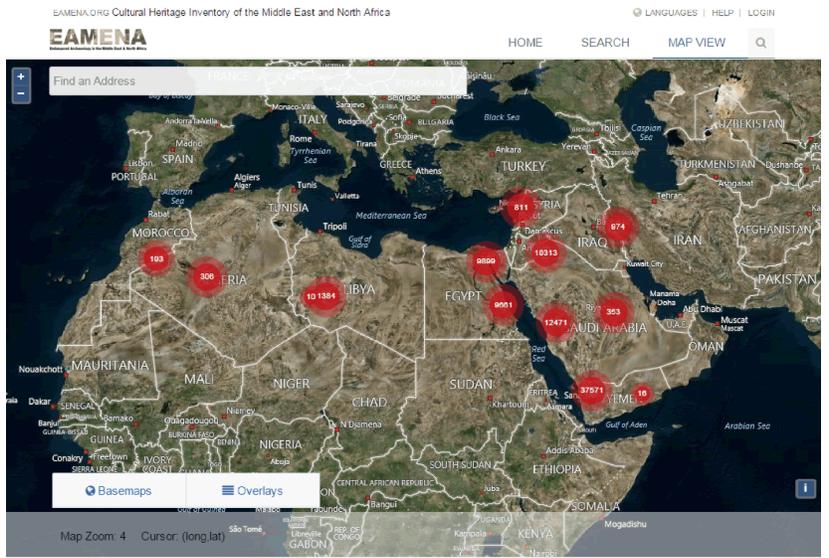


Figure 3: Screenshot of the Endangered Archaeology implementation of Arches (Microsoft Bing API data reprinted with permission).

Historic England is moving forward with implementing Arches to serve as the official inventory of the Greater London region, and the City of Lincoln, England, is deploying Arches as its municipal inventory system. Arches implementations are also under preparation for national inventories in Asia and the Caribbean, and for an inventory of ancient sites across Egypt.

The following are additional noteworthy Arches implementations to date within the U.S.:

- The City of Los Angeles, has deployed Arches as *HistoricPlacesLA*, the official Los Angeles Historic Resources Inventory, to serve both as a tool to fulfill its obligations under federal, state, and local historic preservation laws and to make information publicly accessible.⁷
- Queen Anne’s County, Maryland, has implemented Arches to present and help preserve more than 300 years of its history of significant individuals, properties, and events. This deployment is expected to go public in spring 2017.
- The Cane River National Heritage Area, Louisiana, has implemented Arches as the *Cane River Heritage Inventory and Map* to both manage information on heritage resources and to promote public knowledge, appreciation, and interest in those resources.⁸
- The American Schools of Oriental Research (ASOR) is using Arches in its collaboration with the U.S. Department of State to document damage, share information, and plan

emergency and post-war responses to the war-torn heritage of Syria and areas of Islamic State activity within Iraq.

An Arches implementation is also being finalized for the historic campus of the Armed Forces Retirement Home in Washington, DC.

Through Arches, the GCI and WMF ultimately aim to help break the cycle of heritage organizations expending scarce resources on duplicative expenditures to independently create digital inventory systems. The Arches open source license obligates those who enhance the software to share those improvements with the entire community. The open source approach ultimately enables pooling resources to provide both a greater combined investment to create a more robust inventory system as well as all around cost savings. The net result is a state-of-the-art inventory platform available to all organizations, which can make marginal investments to tailor it to meet their particular requirements. This saves precious resources for the higher aim of heritage protection.

Recommendations

Given the long-term trend of diminishing resources for heritage agencies across the U.S., the time is ripe for exploring new approaches to overcoming the challenges they face in creating and maintaining effective heritage inventory systems. International institutions have successfully adopted an open source software approach to gain new efficiencies and enable pooling resources. It is recommended that U.S. heritage organizations thoroughly investigate the advantages offered through an open source approach to digital heritage inventories, including through implementations of the Arches platform. Benefit may be found in implementing the Arches platform by a range of types of government agencies in the U.S. (e.g., federal, SHPO, THPO) to demonstrate to peer agencies how this approach offers significant advantages. This should be readily achievable given that deployments of Arches within the U.S. have already enhanced the software code to account for U.S. federal standards and guidelines.



David Myers is Senior Project Specialist at the Getty Conservation Institute (GCI), managing the GCI's recording and documentation projects. He holds an MS in historic preservation and an advanced certificate in architectural conservation and site management from the University of Pennsylvania. He is a member of ICOMOS, CIPA, and the APT Documentation Technical Committee

¹ Advisory Council on Historic Preservation. 2007. *The Preserve America Summit: Charting a Future Course for the National Historic Preservation Program: Findings and Recommendations of the Advisory Council On Historic Preservation*, available at: http://www.preserveamerica.gov/docs/Summit_Report_full_LR.pdf (accessed 13 June 2016).

² SWCA Environmental Consultants. 2009. *National Historic Property Inventory Initiative: Building Capacity to Preserve and Protect Our Cultural Heritage*, available at: https://www.nps.gov/nr/publications/guidance/NHPPII_Final_NPS.pdf (accessed 13 June 2016).

³ *Open source* refers to a computer program made available free of charge to the general public and its source programming code open and accessible, which means that its original design may be modified. Customizations, upgrades, or improvements made to the software by anyone must remain freely available. *Open source* software has an entirely different meaning than *open data*. *Open data* refers to the notion that certain data should be freely available to anyone to use and republish as they desire without restrictions by copyright, patents or other means of control. Implementers of open source software systems may choose to have data be openly available, closed (i.e., available to only a certain group of authorized system users), or a combination of the two.

⁴ For more information on Arches, visit the project website (<http://archesproject.org/>), where along with participating in the community forum visitors can interact with an online demonstration version, download the software code, access documentation, view the project roadmap, and receive project updates.

⁵ The design of Arches helps to ensure that data created through the system is in compliance with the U.S. federal Open Data Policy, including that data is software platform independent (i.e., non-proprietary), machine readable, and self-described (i.e., Arches automatically creates metadata describing system data following ISO 21127:2014). For additional information on the range of standards incorporated in Arches, see: <http://archesproject.org/standards/> (accessed 13 June 2016).

⁶ The Philippine Heritage Map is accessible at: <http://www.philippineheritagemap.org/> (accessed 13 June 2016).

⁷ *HistoricPlacesLA*, the Los Angeles Historic Resources Inventory, is accessible at: <http://historicplacesla.org/> (accessed 13 June 2016).

⁸ The *Cane River Heritage Inventory and Map* is accessible at: <http://crhim.canerivernha.org/> (accessed 13 June 2016).

With a World of Heritage So Rich

Lessons from Across the Globe for U.S. Historic Preservation in its Second 50 Years

Managing Aboriginal Cultural Landscapes in Canada: Saoyú-?ehdacho National Historic Site of Canada

By Lisa Prosper

Introduction

Saoyú-?ehdacho National Historic Site of Canada (NHSC) is one of the first designated Aboriginal cultural landscapes in Canada. Almost twenty years after its designation, work on the first Management Plan is underway. This presents a timely opportunity to reflect on the incremental management processes employed to date at the site and the changing context in which the new Management Plan is being developed. More significantly, it is an opportunity to highlight the cooperative management policy that is in place between the Sahtú Dene and Parks Canada to co-manage the cultural landscape as an “integrated whole over all time”¹, and the policy to follow the Aboriginal tradition of consensus decision making to guide the work of the Management Board and the Parties. Together, these processes and policies suggest a best practice for sustainable approaches to managing Aboriginal cultural landscapes.

Description

Saoyú and ?ehdacho are two large peninsulas that reach out into Great Bear Lake in Canada’s Northwest Territories. Located in Canada’s sub-arctic, they rise gradually from the surface of Great Bear Lake to flat and wide summits. Covered with open boreal forest, their perimeters are ringed by a series of raised beaches formed by the rebounding of the land following the retreat of glaciers. It is on these raised beaches that a majority of the archaeological evidence of pre-contact occupation can be found. In 1997, the two peninsulas were designated as one national historic site in recognition of the inextricable relationship between nature and culture they represent for the Sahtúgot’ine (Bear Lake People). For the Sahtúgot’ine, Saoyú and ?ehdacho are places alive with the history, stories, and teachings of their people and inseparable from their cultural and spiritual well-being.²



Figure 1: Coast line and shore, Saoyú-ᑭehdacho NHSC. Image: Parks Canada / F. Mueller

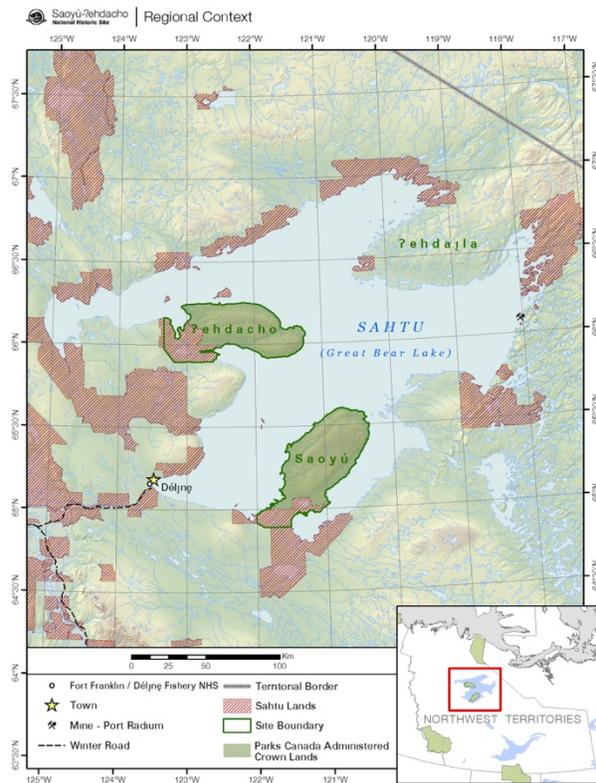


Figure 2: Saoyú-ᑭehdacho NHSC Regional Context Map, Image: Parks Canada.

Towards a Management Plan

Building Relationships

The new Management Plan under development for Saoyú-ᑭehdacho NHSC builds on a long and incremental process of relationship building between the Sahtú Dene and Parks Canada over the past twenty years. The process of working jointly on a number of formative and guiding

instruments (see table below) by the two main stakeholders, in cooperation with other interested partners such as the Northwest Territorial government, has strengthened the relationship among the various parties and contributed to the development of a shared understanding of the site over time. The preparation of each new instrument has provided the opportunity for additional meanings or values of the site to be articulated by the Sahtú Dene, the time and space for the organic (and unsolicited) expression of traditional knowledge to unfold, and the impetus to begin to formulate a management framework according to this deeper understanding of the site.

Date	Instrument Title
1993	The Sahtú Dene and Métis Comprehensive Land Claim Agreement
1998	Designation of Saoyú-ᑭehdacho as a National Historic Site
2000	Commemorative Integrity Statement
2005	'Water Heart': The Great Bear Lake Watershed Management Plan
2005	'One Trail' Report
2007	Protection under the Northwest Territories Protected Areas Strategy
2008	The Saoyú-ᑭehdacho NHSC Protected Area and Cooperative Management Agreement
2009	Appointment of the Management Board
2013	The Sahtú Land Use Plan
2014	State of Site Assessment
2015	<i>Draft Management Plan</i>

As a cultural landscape, Saoyú-ᑭehdacho is capable of supporting a complexity of values and interests and this incremental process of instrument creation has allowed these values to be more fully articulated over time. For example, an understanding of Saoyú-ᑭehdacho as a place of learning and healing as well as a sacred and living landscape is mutually confirmed in these instruments. Harvesting rights and rights to establish camps for harvesting are held alongside the recognition of the site's ecological value as a protected area. The instruments also reaffirm a common vision between the Parties and confirm that Saoyú-ᑭehdacho be managed as one whole entity. Accordingly, a cooperative Management Board has been agreed upon to preserve and protect the commemorative and ecological integrity of the site, and a policy of consensus decision making has been adopted.

Cooperative Management Board and Consensus Decision Making

The Sahtú Dene and Métis Comprehensive Land Claim Agreement (1993)³ sets out the Déline Land Corporation (the holder of the Aboriginal title in the Sahtú territory), the Déline Renewable Resources Council and Parks Canada as the three parties responsible for the management of Saoyú-ᑭehdacho NHSC. The Saoyú-ᑭehdacho NHSC Protected Area and Cooperative Management Agreement (2008)⁴, based on the common vision agreed upon in the 'One Trail'

Report (2005)⁵, outlines the nature of the cooperative relationship between the three managing Parties and includes a set of management principles as follows:

- that the Parties agree to cooperatively manage Saoyú-ʔehdacho as a whole;
- to preserve, present and protect the heritage of Saoyú-ʔehdacho including Sahtúgot'ine traditional knowledge;
- to contribute to the cultural well-being of the community of Déline and provide for and support the exercise of ecologically-sustainable cultural practices on the part of the Sahtúgot'ine including the exercise of participants' harvesting rights, the Sahtúgot'ine elders passing of heritage on to the younger generations of Sahtúgot'ine and the establishment and operation of teaching and healing camps at Saoyú-ʔehdacho;
- and to include Sahtúgot'ine traditional knowledge in Saoyú-ʔehdacho management decisions.

The Agreement also sets out the composition of the Management Board (formed in 2009) as having three members from the Sahtú Dene (two from the Déline Land Corporation and one from the Déline Renewable Resources Council) and three members from Parks Canada. The Agreement further states that the Management Board shall make its decisions by consensus which is based on “listening, mutual respect and reconciliation of different perspectives into one coherent whole”.⁶

Articulating Values

The Commemorative Integrity Statement (2000)⁷ following the designation of Saoyú-ʔehdacho as a National Historic Site identifies the heritage values of the site as the cultural values of the Sahtú Dene expressed through the wholeness and environmental quality of the landscape that supports traditional lifestyle and land use activities, as well as the interrelationship between landscape, oral history, and the blending of the natural and spiritual worlds that defines the Sahtú Dene as a people. Oral traditions are identified as playing a significant role in keeping the history of the Sahtú Dene alive and in maintaining the importance of these lands to their people. The careful articulation of these values has assisted in the shared understanding of the site, and has meant a clearer path forward for the identification of management priorities.

Implementing Programs and Investing in Infrastructure

Since 2009, and despite not having a Management Plan in place, the Management Board has implemented programs and invested in infrastructure based on the expression of values in the Commemorative Integrity Statement (2004), the articulation of a common vision in the ‘One Trail’ Report (2005) and the identification of management principles in the Saoyú-ʔehdacho NHSC Protected Area and Cooperative Management Agreement (2008). To date, it has approved funding for annual cultural knowledge camps at Saoyú-ʔehdacho that affirm and support the transmission of traditional knowledge and traditional lifestyle activities from Elders to young people; it has invested in the building of a traditional log cabin to support the cultural knowledge camp; it has hired a Parks Canada site manager and a local management trainee; and it has supported other community led projects that focus on active transference of knowledge and perpetuation of traditional lifestyle activities. These activities have begun the preservation and cooperative management work of Saoyú-ʔehdacho on the ground resulting in a positive and legible expression of the co-management framework while creating some momentum toward the completion of a formal Management Plan.

Setting Management Priorities and Strategies

The most recent instrument to contribute to the development of a Management Plan for Saoyú-ʔehdacho is the State of Site Assessment (2014)⁸ that identifies the priorities and strategies for the management of the site as a reflection of the values already articulated in the earlier instruments. This first set of management priorities include Sahtúgot'ine well-being, the health and protection of the land, understanding, and awareness. These have been translated into five key strategies in the Draft Management Plan (2015)⁹ as follows:

- support Déline's Elders, and other, in their efforts to pass Sahtúgot'ine Heritage on to younger people;
- protect the land and its natural and cultural resources;
- research, monitor and document Traditional and scientific Knowledge of Saoyú-ʔehdacho;
- share the significance of Saoyú-ʔehdacho locally and nationally;
- develop the capacity of Sahtúgot'ine individuals, organizations and businesses.

In part, because of the long term investment in relationship building and deep understanding and articulation of the site achieved through the incremental processes and cooperative management policies developed over a twenty-year period, the Draft Management Plan has been reduced in size from the traditional 50-100 pages to 15-20 pages rendering it a more effective and useful document.

Conclusion

The protection and co-management of Saoyú-ʔehdacho has been identified as integral to the cultural well-being of the Sahtúgot'ine. A responsibility given to them by their ancestors, they retain their identity and preserve their culture through the fulfillment of these responsibilities. In accordance with these beliefs, the Sahtú Dene must play a central role in the management of Saoyú-ʔehdacho. Saoyú-ʔehdacho NHSC, therefore, is significant not only because it recognizes the interrelationship of the Sahtúgot'ine and the land, but also because of its incremental management processes, cooperative Management Board and policy of consensus decision making. Joining these different perspectives together in the management and care of Saoyú-ʔehdacho reflects both the shared commitment by the Sahtú Dene and Parks Canada to care for Saoyú-ʔehdacho on behalf of the Sahtúgot'ine and all other Canadians. Together, these processes and policies suggest a best practice for sustainable approaches to managing Aboriginal cultural landscapes and contribute to the ongoing process of reconciliation underway in Canada between its indigenous and non-indigenous peoples.



Lisa Prosper is an independent cultural heritage professional. She works with governments and First Nations communities in Canada and presents and publishes nationally and internationally in the area of cultural heritage conservation and cultural landscapes. She is a member of the Board of ICOMOS Canada and a member of the ICOMOS International Scientific Committee on Cultural Landscapes and was recently made a Fellow of the Royal Canadian Geographic Society. She is the former Director of the Willowbank Centre and holds degrees in Art History and Heritage Conservation. Lisa is a member of Canada's Mi'kmaq First Nation.

¹ Saoyú-ᑭehdacho Draft Management Plan (2015), <http://www.pc.gc.ca/eng/lhn-nhs/nt/Saoyu-ehdacho/site/plan.aspx>, accessed June 2016, pg. 1.

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⁶ Saoyú-ᑭehdacho Draft Management Plan (2015), op cit., pg. 9.

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⁹ Saoyú-ᑭehdacho Draft Management Plan (2015), op cit.

With a World of Heritage So Rich

Lessons from Across the Globe for U.S. Historic Preservation in its Second 50 Years

Recognizing the Contemporary Cultural Significance of Historic Places: A Proposal to Amend National Register Criteria to Include Social Value

By Holly Taylor

Introduction

The United States should adopt a policy identifying social value as a criterion of significance following the example of Australia. Like the U.S., Australia equates significance with historical, architectural, and scientific (archaeological) values. In addition, Australia recognizes social value, finding some historic places worthy of preservation because they are associated with present-day cultural significance. The National Historic Preservation Act (NHPA) identifies culture as an “area” of significance, yet none of our National Register (NR) criteria address cultural significance (or social value - these terms are interchangeable). Our approach to Traditional Cultural Places (TCPs) offers a useful conceptual framework, but falls short in implementation. Describing challenges facing the preservation field, the ACHP cites a “lack of widespread public...appreciation for the importance of historic preservation”; sadly, preservationists also lack appreciation for many places that matter to the public. Amending NR eligibility criteria to include social value democratizes preservation by requiring experts to cede some authority regarding heritage resources to communities that value them.

Social Value in Australia

In 1975, the Australian Heritage Commission Act defined the National Estate (their NR) as comprising “those places that have aesthetic, historic, scientific or social significance or other special value.”¹ The 1979 Burra Charter, which guides the Act’s implementation, identifies intergenerational equity as a core principle of Australian conservation, emphasizing the connections felt by a diverse population toward a range of special places. This approach balances the views of heritage experts and community members. Although U.S. preservationists acknowledge the need to consider perspectives of both experts and stakeholders, they rarely take community values into account when assessing significance.

Burra Charter guidelines describe social value as “the associations that a place has for a particular community or cultural group and the social or cultural meanings that it holds for them.”² Such places are part of community identity, important as local markers or symbols. Places having social value derive their primary significance from contemporary cultural use: “Social value is about collective attachment to places...These places are usually community owned or publicly accessible or in other ways ‘appropriated’ into people’s daily lives.”³

Research methodologies integrate ethnography, since addressing social value, in addition to documenting physical characteristics and historical information, requires assessing to whom a place is important and why. Three key points must be recognized. First, while adaptive reuse is often desirable for preserving places significant under other criteria, continuity of use is the best option for retaining social value. Second, assessing social value provides a mechanism for

communities to identify places they value, even if such places have been dismissed by heritage professionals.⁴ Third, while connections between people and places may change due to community displacement or access limitations, social value may also grow over time, and places having social value may gain historical value.⁵

Cultural Conservation and Traditional Cultural Places

U.S. preservation has a peculiar relationship to cultural value. In 1965, the National Trust urged protection for landmarks of “historic, architectural, and unique community value.”⁶ The following year, *With Heritage So Rich* advocated protection for resources “having historic, architectural, social or cultural significance.”⁷ The 1966 NHPA embraced resources “significant in American history, architecture, archaeology and culture;” however, NR regulations (36 CFR 60) include eligibility criteria related only to history, architecture and archaeology. Culture is omitted. In other words, NPS and ACHP have a statutory mission to preserve culture, but lack the regulatory authority to do so.

NHPA amendments in 1980 embraced “cultural conservation” through a study of place-based intangible heritage. It found that while historic places could be protected, the cultural contexts from which they derive significance were not considered a concern of preservation.⁸ Although it led to recognition of TCPs, this effort was otherwise a missed opportunity. Publication of Bulletin 38 on TCPs outlined the conceptual framework relevant to social value in 1990, including a definition of culture as “the traditions, beliefs, practices, lifeways, arts, crafts, and social institutions of any community.”⁹ TCPs are understood as places important to living communities, in which the community determines significance. Integrity is assessed according to the community’s relationship to the place, which is documented ethnographically. In contrast to typical practice, a TCP’s period of significance extends to the present. These aspects of TCPs would also be important under a new criterion of cultural significance.

Unfortunately, TCPs remain poorly understood; evaluation is perceived as problematic; and Bulletin 38 remains underutilized.¹⁰ This may be because TCPs are not a property type, and traditional cultural significance is not a recognized criterion of significance, leaving practitioners, administrators and community members to struggle with a complex and nuanced process. Adopting social value as an eligibility criterion would not alter NHPA recognition that places of “traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization” may be NR eligible.¹¹ A social value criterion would broaden evaluation of significance without compromising progress made by tribes and other traditional communities in securing recognition of TCPs. All TCPs would be considered to have social value, but not all places having social value would be regarded as TCPs.

Even without a criterion, some U.S. preservationists consider social value beyond TCP guidelines. Nonprofits City Lore and Place Matters celebrate “living landmarks” important to New Yorkers through their grassroots Census of Places that Matter. Kingston Heath called this “the humanist branch of historic preservation,” in which relationships between people and places underlie significance.¹² Through its former Applied Ethnography Program, NPS recognized interests of “living people linked to the parks by religion, legend, deep historical attachment, subsistence use, or other aspects of their culture.”¹³ That program’s Rapid Ethnographic Assessment Procedure offers models for community-based “demonstration projects” integrating social value into NR nominations.

NEPA's consideration of the human environment, including historic properties, Native American cultural items, religious practices, and "valued beliefs and ways of life of communities and neighborhoods," would dovetail more effectively with the NHPA if social value were an eligibility criterion. Consideration of social value in a preservation context neither replaces nor duplicates environmental and social justice mandates regarding low-income and minority groups. Nor does embracing social value dilute the preservation mission of ACHP or NPS; rather, it integrates a much-needed dimension of culture into our fifty-year-old definition of significance.

Implementation

Adding a social value criterion would not require NHPA amendments (criteria are not specified in law). It would require revisions to NR regulations, bulletins, policy documents, and outreach materials. Building on Bulletin 38's conceptual framework, the addition of an actual criterion under which to consider cultural properties would simplify rather than complicate evaluation.

Philosophically, the major hurdle to implementation is Criteria Consideration G: Properties Achieving Significance Within the Past Fifty Years. The basis for considering social value of historic properties (50+ years old) is recognizing accrual of significance up to the present. Properties having social value may be eligible under other criteria, but these may be unrelated to the place's significance for community members.

Two examples highlight historic places significant for social value. A cultural center located in a former Seattle elementary school, El Centro de la Raza has been the Latino community's hub since 1972. While the 1904 Colonial Revival building might be considered significant for architectural style or association with the architect, this assessment ignores the Latino community's four decades of holiday celebrations, classes, political organizing, mural painting, and other traditions [Figure 1]. The Port of Seattle established Fishermen's Terminal in 1914 as the North Pacific Fishing Fleet's homeport, and it still serves that purpose for historic vessels, shipyards and support industries, accommodating commercial fishing families who maintain traditional practices. Preservationists rarely recognize such continuity of use as culturally significant. If the fleet was displaced by yachts, tourists, and condos, documenting the place's history would be a hollow exercise [Figure 2].

Evaluating integrity in these examples prioritizes location, feeling, association, and use, consistent with approaches to authenticity in ICOMOS's Nara Document. Because NR eligibility is the gateway to considerations including 106 review, grants, and disaster assistance, the preservation field needs to respond positively when the public says a historic place is important.¹⁴ Recognizing social value would foster preservation's engagement with immigrant communities in historic urban neighborhoods, and with places linked to traditional economies where continuity of activity eclipses history or aesthetics. The field of place studies, integrating environmental psychology and phenomenology, offers analytical tools that could reinvigorate preservation,¹⁵ if we have the ability to consider cultural significance of historic places.

Conclusion

This proposal to recognize social value is part of a paradigm shift from fabric-centered to values-centered preservation.¹⁶ In *Place, Race and Story*, Ned Kaufman asks preservationists to embrace a broader understanding of what makes places important to people, saying that established approaches fail to capture the full range of heritage values.¹⁷ What unites preservationists is our common set of NR criteria, but what is missing is consideration of cultural value. Rather than incremental tinkering with NR bulletins, the dramatic impact of a new criterion provides a course correction in the federal preservation program that might be adopted by state and local

programs. Case studies documenting culturally significant places, integrating Australian methodologies and TCP guidelines, would demonstrate how and why embracing social value would bring preservation's methods and policies into closer alignment with its goals.¹⁸ Broadening NHPA criteria to include social value will move preservation forward as an inclusive and vibrant field in the next fifty years.



Figure 1: Members of the traditional dance group Folklore Mexicano Tonantzin perform at El Centro de la Raza in Seattle during Día de los Muertos (Day of the Dead) celebrations, one of many community gatherings and cultural events held each year at this historic property. *Seattle Times* image by Marcus Yam, used by permission.



Figure 2: Fishermen's Terminal, in foreground, was established in 1914 as the home port of the North Pacific fishing fleet. This 75-acre port facility on the Lake Washington Ship Canal north of downtown Seattle provides freshwater moorage for sea-going fishing vessels. Port of Seattle image by Don Wilson, used by permission.



Holly Taylor is a doctoral candidate at the University of Washington in the College of Built Environments Interdisciplinary PhD program, where her dissertation examines preservation policy and practice related to the cultural significance of historic places. She holds degrees in cultural anthropology and architecture history and theory. She has worked in the preservation field for more than two decades, initially as a staff member for the King County Landmarks Commission in Seattle. In 2003, she established Past Forward, a consulting company specializing in cultural resource conservation projects. She also serves as an affiliate instructor for UW's Department of Urban Design and Planning.

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With a World of Heritage So Rich

Lessons from Across the Globe for U.S. Historic Preservation in its Second 50 Years

The Archaeological Institute of America Site Preservation Program

By Ben Thomas and Meredith Anderson Langlitz

Beyond Bricks and Mortar: The Case for Holistic Approaches to Archaeological Site Preservation

The dramatic destruction of cultural heritage inevitably generates headlines but the quiet and irretrievable loss of archaeological sites through neglect and a general lack of proactive preservation actions goes largely unnoticed. While traditional archaeological site preservation has focused largely on conserving material remains like standing architecture and monuments, the present and future of preservation lies in holistic approaches that, in addition to preserving material remains, raise awareness of the significance and fragility of archaeological sites and involve all stakeholders, especially local communities, in their preservation and stewardship.

The AIA and Site Preservation

Established in 1879, the Archaeological Institute of America (AIA) is the oldest and largest archaeological organization in North America. Since its founding, the Institute has promoted public understanding of the archaeological record; supported archaeologists and their research; and advocated for the preservation of the world's archaeological heritage.

In 2007, the AIA initiated a site preservation program with the goal of providing grants for material conservation to archaeological sites around the world. In 2009, based on experience gained over two years, the AIA adopted a new paradigm for the program predicated on the idea that material conservation was not enough to ensure long-term site preservation. Successful preservation requires all stakeholders, including local community members, archaeologists, preservation specialists, and local and national authorities to be informed and involved in the process and invested in the future of the site.

Under the new approach, the AIA stopped funding expensive, brick and mortar focused conservation projects and instead began to award smaller grants (up to \$25,000) to more holistic initiatives that proposed to use a portion of the funds for direct conservation and the rest to implement community-focused, site-specific preservation initiatives, including outreach, education, specialized training, and economic development. By 2016, under the guidelines of the revised program, the AIA had funded twenty-nine projects on five continents.

Site Preservation and Local Communities

A visit to an archaeological site is an opportunity to learn about, reflect upon, and celebrate the diversity, achievements, and shared experiences of humanity throughout the ages. Maintaining and supporting these sites takes considerable effort but the results of these actions enrich our lives. The people most directly affected by activities at an archaeological site are the members of the

local community in which the site is located. As the energies needed to conserve these sites for tomorrow increase, it is crucial to recognize that the most effective and efficient caretakers are local communities and that they must be empowered to act as the site's stewards and ambassadors.

While community engagement is a critical component of AIA-supported projects, the manner in which this is conducted varies tremendously. Working with different groups around the world has made it clear that one cannot take a "one-size-fits-all" approach to community engagement. Archaeologists, heritage experts, and community leaders must work together to craft appropriate solutions for the local area and populace. Most AIA-supported projects employ multipronged approaches that include outreach, education, and training. The examples provided below highlight the variety of approaches being employed by projects around the world.

Outreach and Awareness Building: At the archaeological site at Nama, Chile, ancient stone and adobe structures are falling apart due to exposure, neglect, invasive farming, and the growth of the modern town (Fig. 1). An AIA grant is being used to combat this deterioration through a multi-faceted preservation program created in consultation with the local Aymara community that will protect the archaeological remains and reconnect local residents to their cultural heritage. Components of the program include workshops to inform local residents about the threats to the site and the strategies for addressing them; dissemination of information about the site and its significance to schools, community members, and visitors; the creation of a local heritage office managed by the Aymara Community of Nama; and an archive for site-related materials.



Figure 1: Archaeological remains of an ancient village at Nama, Chile are the focus of a community-based preservation program (Photo: Mauricio Uribe).

Education: Several AIA-supported projects including those at Gault, Texas; Lod, Israel; and Little Bay, Montserrat include young people, particularly school children in excavation, research, interpretation, and conservation (Fig. 2). By engaging the next generation in the exploration, care, and protection of archaeological sites, project directors are developing life-long stewards and champions for these sites. At Umm el-Jimal, Jordan preservation efforts included the creation of a virtual museum and education center as well as a curriculum that was integrated into the national school system. In New Jersey, thousands of local students have benefitted from the Mount Vernon Historical Society's education programs about the Black Creek Site, a Lenape Indian site listed on the National Register of Historic Places.



Figure 2: A student guides a family through the Little Bay Plantation on Montserrat (photo by Jessica MacLean).

Training: In some cases, involving community members in the preservation process means providing specialized training. In Cambodia, an AIA grant was used by Heritage Watch to organize a series of outreach workshops and to provide training, including language instruction, for local residents to prepare them to be tour guides and site stewards at the 12th-century temple complex of Banteay Chhmar. Tourism at the site is expected to increase dramatically

following the completion of a nearby highway. Training local residents as guides and stewards will allow the community to benefit from the increased tourism but also put in place a group of people who understand the necessity for responsible tourism and long term preservation. Recognizing the value of the program, the Cambodian Ministry of Culture and Fine Arts will use Banteay Chhmar as a model for sites throughout Cambodia.

Training can take different forms. The Easter Island Statue Project created a local monitoring and conservation team that will ultimately be responsible for the long-term protection of the iconic *moai*. The California Archaeological Site Stewardship Program trains local volunteers to regularly visit assigned sites on public lands and report conditions to the local supervising archaeologist. By regularly monitoring sites, the volunteers ensure that potential problems are detected early and corrected quickly, thus limiting damage at each site. Since the program's inception in 1999, nearly 1,400 people have participated in the training workshops.

Community initiatives: Preservation projects are opportunities for archaeologists and professionals to work with non-specialists in local communities. The Eastville Community Historical Society, a neighborhood-based organization in Sag Harbor, New York is using its AIA grant to support the preservation and community stewardship of the St. David African Methodist Episcopal Zion Cemetery, an important heritage site that represents the growth of a working class and diasporic community of African American, Native American, and Irish immigrant residents in the 19th and early 20th centuries. Efforts include restoration workshops, an adopt-a-grave program, and public lectures aimed at both school groups and community members (Fig. 3).



Figure 3: Attendees learn about gravestone care and maintenance at a workshop organized by the Eastville Community Historical Society in Sag Harbor, New York (Photo: AIA/ECHS).

Ensuring Sustainability and Success

Several project directors have addressed the issue of sustainability by advocating for the inclusion of archaeological sites into broader development plans for a region—an often arduous process requiring patience, perseverance, and the involvement of stakeholders on many levels. The result of these actions is that sites like Thimlich Ohinga in Kenya and Tel Mozan in Syria are being incorporated into larger plans for the creation of eco-archaeological reserves and will benefit from the overall attention and protection being extended to the larger reserves. At Stafford Civil War Sites in Virginia, designating the area around the sites as a park protects them from encroachment by a landfill and other modern developments.

Ultimately, the success of archaeological site preservation depends on the actions of all stakeholders including archaeologists, local community members, and local and national authorities. Long-term preservation is possible when stakeholders are committed to the preservation of the site and cooperate with each other to identify and implement appropriate site-specific preservation actions. Empowering local populations to engage with the preservation process is critical to the long-term protection of sites.

Projects should be regularly audited and evaluated. Successful practices should be continued and ineffective ones discarded or revised. The results (both positive and negative) should be made available to the wider archaeological and preservation communities.

Conclusions

The examples of AIA projects presented above demonstrate that cooperation and creativity combined with modest funding can have a significant impact in slowing the destruction and deterioration of archaeological sites. The AIA currently supports almost 30 projects around the world. While they vary in scope and scale, each project draws upon best practices outlined by the AIA site preservation program to provide customized solutions for local needs that emphasize preservation, sustainability, education, and community involvement. These projects that are focused on outreach and engagement cost considerably less to implement than traditional large-scale conservation projects and have far-reaching impacts. They also reaffirm the idea that an informed and engaged public, particularly the local communities surrounding heritage sites, are critical for the future of preservation. As the conservation crisis deepens, a community-based approach is the only effective way to address the scale of this global problem. In the 21st century and beyond, local communities will be the stewards, caretakers, and ambassadors for the sites around which they live and the preservation community should dedicate their resources to supporting them.

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More information for all the programs presented above can be found at www.archeological.org/sitepreservation/projects.



Ben Thomas is the Director of Programs for the Archaeological Institute of America (AIA) and an Assistant Professor in Liberal Arts at Berklee College of Music. He received his B.A. in anthropology from Brandeis University and his M.A. and Ph.D. degrees in archaeology from Boston University. One of Ben's responsibilities at the AIA is managing the site preservation program. Through this program the AIA protects archaeological sites around the world, supports holistic preservation efforts that involve local communities, identifies and disseminates best practices, and informs and educates the public about the importance of protecting and preserving cultural heritage.



Meredith Anderson Langlitz is the Senior Programs Coordinator at the Archaeological Institute of America. She earned an MA in Archaeological Heritage Management and a BA in Archaeology and History from Boston University. She has worked in the Programs Department at the Archaeological Institute of America since 2009 and her research interests include the preservation of archaeological sites, site interpretation, advocacy, and public engagement in archaeology. She currently serves as the chair of the Society for American Archaeology's Public Archaeology Interest Group and as an advisor to the SAA Public Education Committee.

With a World of Heritage So Rich

Lessons from Across the Globe for U.S. Historic Preservation in its Second 50 Years

Collaborative Heritage Advisory Services - a cost effective mechanism for managing heritage at the community level – the Australian Experience

By Elizabeth Vines

Managing change to heritage places and resolving conflict is key to ensuring heritage values are retained. Heritage Advisory networks were first established in Australia (in Victoria) in 1977 and since that time (for 40 years in 2017) have developed across the country. They have proved to be the most cost effective mechanism for managing heritage at the community level.

Background

The first heritage advisory service in Australia was established in the small gold mining town of Maldon in Victoria in 1977, in response to the need to cut “red tape” associated with any development proposal in a newly declared “historic town.” The aim was also to promote the relatively new concept of “heritage conservation” on a more community-based level, following the completion of a Conservation Study for the town that outlined detailed recommendations for its future. This first service was initially modeled on the Heritage Officer position associated with Conservation Areas in the United Kingdom. However, subsequently these services were introduced into New South Wales (NSW) and then expanded throughout the country as a truly Australian initiative.

What are these services and why are they effective?

These services form part of a broader heritage program within the local government area (or council). Generally, councils prepare an over-arching heritage strategy and the advisor has a key role in implementing that strategy. A heritage advisory service provides a consultant heritage specialist (generally a heritage architect) to provide free architectural and general heritage advice to property owners to ensure that conservation of existing heritage buildings and insertion of new buildings in a heritage context are undertaken to an appropriate standard to retain cultural values of the site. Advisors also ensure that the town planning staff administering the relevant planning scheme is kept informed on heritage issues and practice. In some cases, the advisor can also assist with administering a local council heritage grants program and alerting owners to other external sources of grants funding as they become available. Advisors assist local government planners in the assessment of development proposals providing specialist advice.

Advisors can assist heritage property owners in planning alterations, additions and renovations that are sympathetic to the heritage significance of the place. They help avoid potential costly mistakes that compromise the heritage significance of a place and its market value. They understand technical advice from contractors and tradespeople, particularly in cases of conflicting advice.

Heritage education and advocacy are also key parts of their broader brief. Conservation guidelines and a local heritage committee can form part of the program, ensuring local input and

understanding of the character of the buildings in the area. These services reduce the complexity of the approvals process by providing free expert advice, making heritage best practice more accessible to the general public.

Advisors also help facilitate the implementation of recommendations from heritage studies and encourage their preparation where missing. They also assist with the establishment of an orderly collection of heritage resource material, including photographs, to assist local heritage conservation and promotion in association with relevant council departments, libraries and local historical societies.

Sources of funding and new challenges

For the first 20 years, the service expanded nationally and by 1997 most Australian states used these to assist with localised heritage management. At the end of this 20 year period, an evaluation report was commissioned, with Australia-wide workshops held to discuss the effectiveness or otherwise of these services around Australia.ⁱ By that time, services operated in 110 Local Council Areas, with approximately \$1.36 million of annual Government Funding (from Federal, State and Local funding). Since their commencement 20 years earlier, over \$6.1 million in funding had been allocated. The report confirmed *“Throughout Australia there has been unanimous support expressed, by State and Local Governments and the community at large, for Heritage Advisory Services. It was considered that these Services were the most cost effective management tool for Australia’s heritage assets since their progressive introduction across the country. A big endorsement indeed!!*

These services can facilitate applications for other funding sources such as regional arts funding, community development, festivals, tourism funds, and sometimes for projects like restoring a disused railway station for collaborative community projects. Larger funding for regional arts venues, interpretation centres and museums, regional and rural schools, and sports grounds can also be obtained due to the assistance of a heritage expert at the council level to help with grant applications.

Why are these effective?

A (generally) free localised service of professional advice to heritage property owners means that there are efficiencies with the development approval process – and property owners experience greater certainty about what is permitted for their heritage property. Owners are also alerted to external funding opportunities and grant funding facilitates building conservation projects that incrementally improve the built environment.

For the advisors themselves, associated training opportunities can be facilitated by the relevant state heritage agency, improving the skills base of these consultants. There are also facilitated networking activities (such as email chat groups and annual face-to-face meetings) that allow remote service providers (often sole practitioners) to work in a collegiate environment of sharing and knowledge transfer. The cost of these services is based on cost sharing between State and Local Government and a model of fund distribution where a proportion of funding is guaranteed for the first three years only for metropolitan councils, but is ongoing for more needy country councils, has proved an effective model. Metropolitan councils now have generally picked up sole responsibility for the running of these services once established. Budgets can also be scaled, e.g. 1 dollar State government, 3 dollar Local Government or matched where required in hardship cases.

These heritage advisory services have stimulated local economic bases and have positively impacted the economies of country towns with heritage character. Case studies indicate that the provision of free heritage advice has facilitated revitalisation of once depressed towns with historic character, giving the area new focus and direction. The provision of associated financial incentives such as Local Heritage Funds for conservation works has also benefited local communities and in some cases has been quantified as multiplying initial government allocation to these funds by between 11 to 15 times in money spent in the local community. The economic “spin-off” from this State and Federal Government financial investment has been attested to in many country towns. Many locations within Australia have been assisted with this initiative, the local economy boosted and the amenity and liveability of the town considerably improved.

The current and future situation

Since their introduction, the nature of these advisory services has evolved and changed. Given their success, and the reality of reduced external funding (in all states except New South Wales) local authorities have pursued this model with funding from within local government. There is always a concern that there are never sufficient financial resources, but these services do continue to effectively provide assistance at the local level particularly at the early stages of a proposed development, and assist with conflict resolution and promoting the benefits of heritage conservation for the general community.

Scarcer resources have meant that use of technology is relied on more, (such as Google Earth images) and planning permits are emailed and assessments undertaken by advisors remotely on line from anywhere. Completion of assessment reports is now quicker and cheaper than before. The advisor’s role has also broadened to include both tangible and intangible heritage just as heritage management has shifted to include broader aspects of cultural heritage. Essential to the success of these programs is the camaraderie built up through advisory networks where these exist, and the sharing of experience and knowledge has been very effective. The “heritage chat” e-group is considered invaluable and advisors coming together for seminars and training, when provided, are also a motivator for private practitioners to gather and exchange with their professional colleagues. Such initiatives for skills training are not expensive to implement.

Many local councils with heritage assets now employ an advisor to assist with heritage management at the local level. Unfortunately, due to budget cuts (at both the federal and state levels), these services are generally now fully funded at the local government level, except for New South Wales, which is the only state now that actively jointly funds and facilitates these services. However, Heritage Advisory Services have continued to play an important role, and proactively continue to stimulate conservation at the local level.

Can this model apply elsewhere or is it a purely Australian initiative?

This model is considered very applicable to other countries and the United States. There is a lot of resource material on the internet providing examples of how these services are run, and the reporting requirements. This process of localising heritage advice is used extensively in Britain (conservation officer positions) and other European and Asian countries that have heritage offices associated with their significant heritage sites. The Australian system (as still coordinated in NSW but operating at local government levels elsewhere) continues to encourage and facilitate appropriate heritage management outcomes at the local level.



Figures 1 and 2: Before and After. Broken Hill, (New South Wales), has an ongoing advisory service established in 1987. This is a typical example of a corner former hotel building that had the verandah reconstructed to early photo details at the direction of the local heritage advisor. The council has established a successful Verandah Reconstruction Program where an incentive package allows an 80% loan and 20% grant contribution to facilitate new verandah construction in the commercial main streets.



Figure 3: Ballarat (Victoria) has benefited from a Heritage Advisory Service. No longer funded by the state government, free advice can still be obtained from the council who now fully funds this service. Heritage guidelines and a local heritage committee are used to ensure a high standard of conservation projects and compatible new development in the city.

References

The 1997 assessment and evaluation of the services (McDougall & Vines, Heritage Advisory Services: Towards Best Practice – see <http://www.environment.gov.au/heritage/ahc/publications/commission/books/advisory-services/>) concluded that Heritage Advisory Services were: “The most cost effective funding programs for heritage management in Australia.”

http://www.dtpli.vic.gov.au/_data/assets/pdf_file/0008/219185/Heritage_Advisory_Services_Handbook.pdf

New South Wales Environment and Heritage (Government) website

<http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/funding/guidelines-local-gov-heritage-advisor.pdf>

Heritage Advisory Services Handbook

<http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/HCOANZHHandbook.pdf>

How to establish a Heritage Advisory Service

<http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/infoHeritageAdvisorService.pdf>

http://www.dtpli.vic.gov.au/_data/assets/pdf_file/0010/244864/HERITAGE_ADVISORY_SERVICE_BRIEF_2014_August.pdf

<http://www.dtpli.vic.gov.au/heritage/local-government/heritage-advisors>

General heritage guidelines for advisor services – including framework of annual report preparation.

<http://www.environment.nsw.gov.au/Heritage/publications/>

Funding levels in New South Wales (*existing service – figures provided by the New South Wales Heritage Branch*)

- \$543,450 in Local Government Heritage Advisor grant funding - approved to 90 Councils for use during 2015/16
- \$511,000 in Local Heritage Places grant funding - approved to 79 Councils to run small grants programs during 2015/16



Elizabeth Vines is an award winning conservation architect, author and passionate advocate for heritage conservation. She is the immediate past President of Australia ICOMOS and Adjunct Professor at Deakin University, Melbourne and Hong Kong University. She is a partner in the firm McDougall & Vines, a heritage practice focused on heritage town rejuvenation and building conservation throughout Australia and Asia. Elizabeth is a 2016 Getty Scholar, where she is currently writing a new book on design in creative heritage cities, a sequel to her previous books *Streetwise*, and *Streetwise Asia*. She has worked as a heritage advisor in many places in Australia, particularly for the outback mining city of Broken Hill.

ⁱ <http://www.environment.gov.au/heritage/ahc/publications/commission/books/advisory-services/>)