

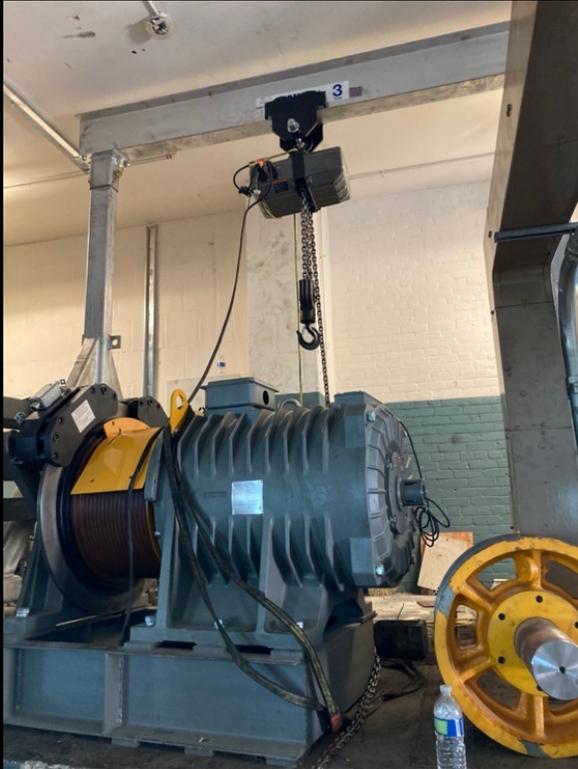


CENTER FOR HISTORIC BUILDINGS  
OFFICE OF THE CHIEF ARCHITECT  
PUBLIC BUILDINGS SERVICE

# SECTION 106 EXEMPTION GSA ROUTINE MAINTENANCE AND PRESERVATION ACTIVITIES

7 November 2022: ACHP Tribal Consultation

# INTRODUCTION



# REGULATORY AUTHORITY AND INTENT

- GSA is pursuing an *'Exempted Category'* from the Section 106 review process (as outlined in Subpart B of 36 CFR).
- As specified in 36 CFR § 800.14(c) an 'Exempted Category' or exemption is one of five Federal Agency Program Alternatives:
  - a) Alternate Procedures
  - b) Programmatic Agreements
  - c) Exempted Categories
  - d) Standard Treatments
  - e) Program Comment
- The 'Exempted Category' alternative exempts a **program** or **category of undertakings** from Section 106 review.
- The foundation of GSA's proposed exemption is its national preservation program comprised of recognized policies, expert personnel and established practices.



# U.S. GENERAL SERVICES ADMINISTRATION (GSA)

- Executive Branch Independent Agency
  - Established In 1949
- Two Major Components:
  - Public Buildings Service (PBS)
    - Real Estate
  - Federal Acquisition Service (FAS)
    - Products & Services
- Headquartered in Washington, D.C. with 11 Regional Offices Nationwide



# PUBLIC BUILDINGS SERVICE

- Manages more than 9000 buildings
- 1600+ owned buildings representing the federal presence in 2100 communities across the country
- 514 historic buildings (30%) listed or determined eligible for listing in the National Register of Historic Places
- More than 40% of owned rentable square footage

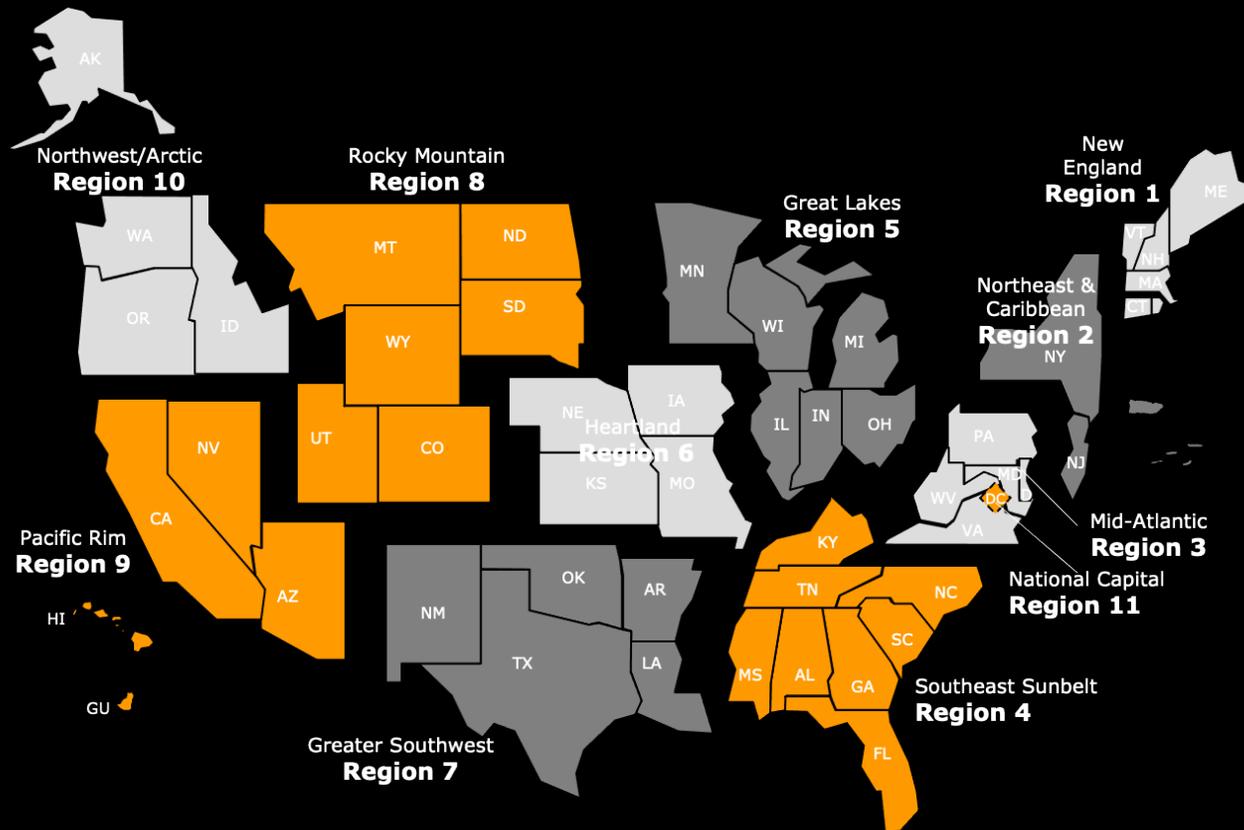


# PUBLIC BUILDINGS SERVICE

- Courthouses
- Custom Houses
- Federal Buildings
- Border Stations / Land Ports of Entry
- Workplaces for more than a million people.



# GSA REGIONAL MAP



## 800.14(c) | EXEMPTED CATEGORIES (EXEMPTIONS)

### ( c ) Exempted Categories

(1) *Criteria for establishing.* The Council or an agency official may propose a program or category of undertakings that may be exempted from review under the provisions of subpart B of this part, if the program or category meets the following criteria:

- (i) The actions within the program or category would otherwise qualify as "undertakings" as defined in § 800.16;
- (ii) The potential effects of the undertakings within the program or category upon historic properties are foreseeable and likely to be **minimal or not adverse**; and
- (iii) Exemption of the program or category is consistent with the purposes of the National Historic Preservation Act (NHPA).



# REGULATORY AUTHORITY AND INTENT

## 36 CFR 800.14(c) | Exempted Categories

- The proposed exemption is for:
  - Activities defined as routine maintenance and preservation (Appendix A)
- The exemption applies to:
  - Federal properties under custody and control of GSA
- The exemption does not apply to:
  - Tribal lands



# MAINTENANCE DEFINED

Maintenance activities are defined as:

- Activities directed toward keeping fixed assets in an acceptable condition.
- Activities include:
  - Preventative maintenance
  - Replacement of parts, systems or components
  - Other activities needed to preserve or maintain the asset.
- Maintenance and repairs, as distinguished from capital improvements, exclude activities directed toward expanding the capacity of an asset or otherwise upgrading it.



# MAINTENANCE AS PRESERVATION

The Secretary of the Interior's Standards for the Treatment of Historic Properties states:

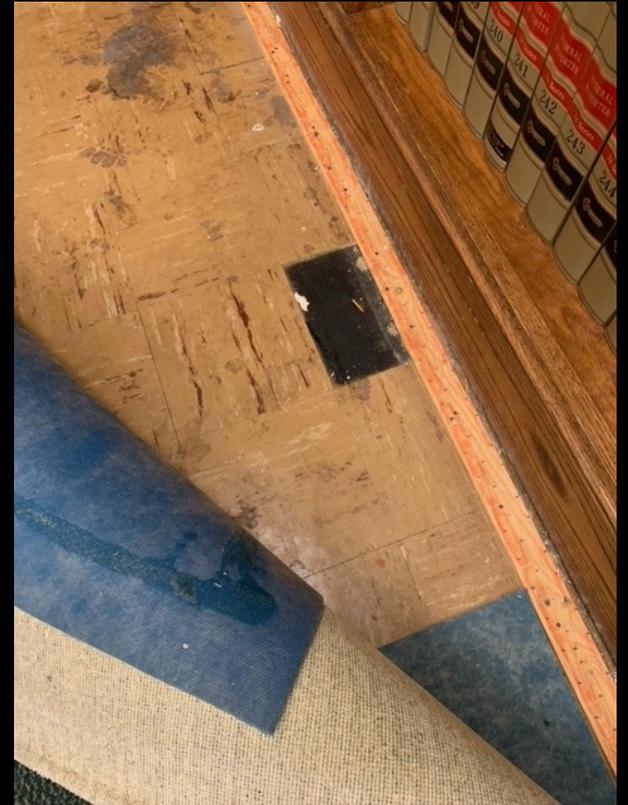
*Preservation is defined as the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, **generally focuses upon the ongoing maintenance and repair of historic materials and features** rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.*



## CONSIDERATION OF ADVERSE EFFECTS | 36 CFR § 800.5

### 36 CFR § 800.5: ASSESSMENT OF ADVERSE EFFECTS

- (a)(2)(ii) Alteration of a property, including restoration, rehabilitation, **repair, maintenance**, stabilization, hazardous material remediation and provision of handicapped access, that is not consistent with the Secretary's Standards for the Treatment of Historic Properties (36 CFR part 68) and applicable guidelines.
- All the work proposed would be consistent with the Standards.



# GSA PRESERVATION INFRASTRUCTURE

- The infrastructure of GSA's National Preservation Program provides a system of checks and balances that make this exemption possible and consistent with the purposes of the NHPA.
- The exemption includes language explaining that the Council can rescind the exemption if the infrastructure of the program **substantially changes** and cannot meet the obligations therein *or* if the exemption is proven unsuccessful at obtaining preservation outcomes consistent with the NHPA and in compliance with the Secretary of the Interior's Standards.



# GSA'S PRESERVATION INFRASTRUCTURE

## PROFESSIONAL QUALIFICATIONS

Each RHPO meets and far exceeds 36 CFR *Secretary of the Interior's Professional Qualification Standards*

RHPO job descriptions can be found in Appendix A of ADM 1020.3.

RHPO positions are classified as Historic Preservation Specialist or Historical Architect

Per the position description, the RHPO is to have expert level knowledge of laws, regulations, and mastery of the field of historic preservation.

### Zone A

Region 11 | National Capital (DC, MD, VA)  
1 RHPO, 1 Preservation Branch Chief and 4 HP Specialists

Region 1 | New England (CT, ME, MS, NH, RI, VT) 1 RHPO

Region 2 | Northeast and Caribbean (NJ, NY, VI, PR) 1 RHPO

Region 3 | Mid-Atlantic (DE, MD, PA, VA, WV) 1 RHPO

### Zone B

Region 4 | Sunbelt (AL, FL, GA, KY, MS, NC, SC, TN) 1 RHPO; 1 HP Specialist; 1 affiliated Historical Architect

Region 5 | Great Lakes (IL, IN, OH, MI, MN, WI) 1 RHPO; 1 HP Specialist; 1 affiliated Historical Architect

Region 6 | Heartland (IA, KS, MO, NE) 1 RHPO

Region 7 | Greater Southwest (AR, LA, NM, OK, TX) 1 RHPO and 2 HP Specialists

### Zone C

Region 8 | Rocky Mountain (CO, MT, ND, SD, UT, WY) 1 RHPO and 1 HP Specialist

Region 9 | Pacific Rim (AZ, CA, HI, NV, GU) 1 RHPO, 2 HP Specialists

Region 10 | Northwest Arctic (AK, ID, OR, WA) 1 RHPO

# GSA NATIONAL PRESERVATION PROGRAM RECORD

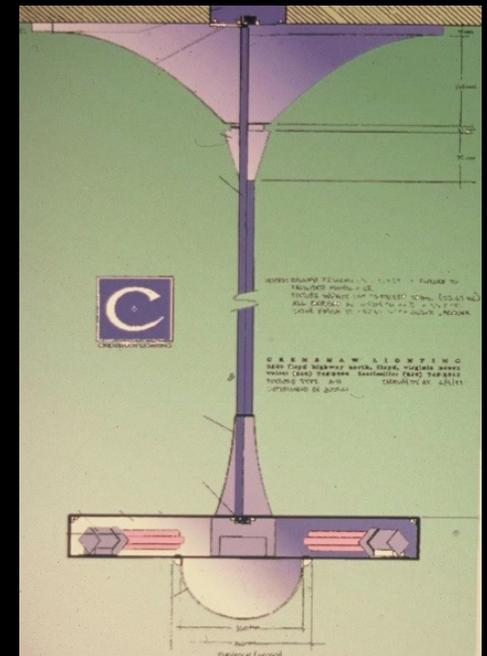
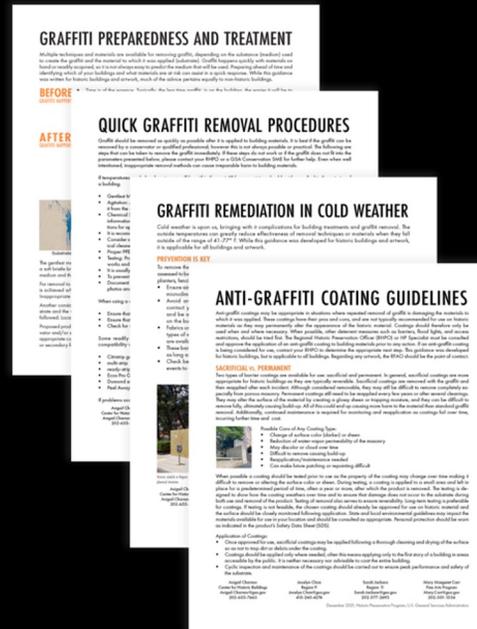
- Recognized as setting the 'Gold Standard' for federal agency Section 106 compliance
- Rooted in policy, personnel and practice
- GSA ADM 1020.3 : Procedures for Historic Properties
- Consistent and Frequent Training
  - Historic Masonry Working Group
  - Permanent PM Training Module for Section 106
  - Partnership with APTI for Technical Training
  - Conferences | Symposia | Facilities Management Training



[https://www.gsa.gov/cdnstatic/insite/ADM\\_10203\\_Procedures\\_for\\_Historic\\_Properties\\_Posted\\_Version\\_-\\_9-6-2016\\_%23CC033666.pdf](https://www.gsa.gov/cdnstatic/insite/ADM_10203_Procedures_for_Historic_Properties_Posted_Version_-_9-6-2016_%23CC033666.pdf)

# GSA PRESERVATION TECHNICAL GUIDANCE

- Informed by National Park Service Technical Briefs
- GSA Historic Preservation Technical Guidance
- More than 240 specifications
- Directs implementation



# EXEMPTION SUMMATION

- Opportunity for GSA and all stakeholders
- Strengthen consistency, communication and efficiency
- Activities defined collectively in consultation
- Codifies ongoing compliance efforts and informs Section 3 reporting
- Council oversight



## NEXT STEPS

- GSA has conducted consultation efforts and presented public comments obtained during consultation efforts. GSA has submitted a formal exemption proposal to the Council.
- As required by the exemption, ACHP is conducting Tribal consultation.
- COMMENTS DUE: Friday, December 9, 2022. Please send comments to Laura Lavernia ACHP Program Analyst and GSA Liaison at [llavernia@achp.gov](mailto:llavernia@achp.gov)
- GSA will address comments and concerns from tribal consultation.
- Council members will be briefed on the exemption and given an opportunity to comment before voting.
- If needed, a revised version of exemption text will be circulated.
- Exemption text will be voted on by the Council.



