

**REPORT TO THE
ADVISORY COUNCIL ON
HISTORIC PRESERVATION AND
THE SECRETARY OF THE INTERIOR**

*In Accordance with Section 3 of
EXECUTIVE ORDER 13287, PRESERVE AMERICA*



SEPTEMBER 2023

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Introduction

Executive Order (EO) 13287, *Preserve America*, includes several actions that are intended to encourage better accountability for the use of federally owned historic properties. Section 3, *Improving Federal Agency Planning and Accountability*, states “accurate information on the state of federally owned historic properties is essential to achieving the goals of this order and to promoting community economic development through local partnerships.” Under Section 3(c), each federal agency with real property management responsibilities is required to submit reports on its progress in identifying, protecting, and using historic properties under its jurisdiction and control beginning on September 30, 2005, and every third year thereafter. Section 3(c) further requires the Advisory Council on Historic Preservation (ACHP) to incorporate this data in a report on the state of the Federal Government’s historic properties and their contribution to local economic development. The ACHP also uses the information to continue its dialogue with federal agencies on how to assist them in meeting stewardship responsibilities for historic properties while maintaining agency missions.

In March 2023, the ACHP released its *Advisory Guidelines Implementing Executive Order 13287, ‘Preserve America’ Section 3: Reporting Progress on the Identification, Protection, and Use of Federal Historic Properties* (“Advisory Guidelines”).¹ The Advisory Guidelines provide a list of recommended questions for federal agencies with real property management responsibilities to answer for Section 3 progress reports. The ACHP plans to use agency feedback to measure the effectiveness of historic preservation programs across the Federal Government. The questions posed by the ACHP in the Advisory Guidelines cover three broad areas: identification, protection, and use. The questions are focused on themes related to current ACHP initiatives and administration priorities and prompt agencies to provide information on timely issues critical to the management of federal historic properties, including infrastructure, job creation, equity, and climate change. For clarity and ease of presentation, this report is divided into these three broad categories to mirror the Advisory Guidelines.

Department of Homeland Security

Formed in 2003 in response to the September 11, 2001, terrorist attacks, the Department of Homeland Security (Department or DHS) is led by the Secretary of Homeland Security. DHS is the third largest agency in the Federal Government and is comprised of 15 sub-agencies, or Components,² each with a vital mission to secure the nation from the many threats it faces. These Components include:

- Countering Weapons of Mass Destruction Office (CWMD)
- Cybersecurity and Infrastructure Security Agency (CISA)
- Federal Emergency Management Agency (FEMA)
- Federal Law Enforcement Training Centers (FLETC)
- Management Directorate
- Office of Homeland Security Situational Awareness

¹ <https://www.achp.gov/preserve-america>

² [Operational and Support Components | Homeland Security \(dhs.gov\)](#)

- Office of Intelligence and Analysis
- Ombudsman Offices
- Science and Technology Directorate (S&T)
- Transportation Security Administration (TSA)
- U.S. Citizenship and Immigration Services (USCIS)
- U.S. Customs and Border Protection (CBP)
- U.S. Coast Guard (USCG)
- U.S. Immigration and Customs Enforcement (ICE)
- U.S. Secret Service (USSS)

Executing the DHS mission requires the dedication of approximately 260,000 employees in jobs that range from law enforcement and emergency response to cybersecurity and infrastructure protection. The duties are wide-ranging with a clear goal--keeping America safe.

The nature of the DHS mission directly impacts the way DHS manages its historic properties. Security considerations require many DHS buildings, structures, and land be closed to public access, unless by special appointment. DHS's real property management responsibilities include historic properties utilized by FEMA, FLETC, ICE, USCG, CBP, USSS, and S&T. The majority of DHS Components have a limited real property portfolio as business is conducted from property leased from, or managed by, other federal entities, such as the General Services Administration (GSA).

DHS real property assets are very diverse, consisting of a variety of use types including administrative, warehouse, family housing, operations, detention, laboratory, shore facilities, training, and include structures such as navigational aids and communication towers. Real property is one of the Department's largest expenses, costing more than \$5 billion annually for rent, operations and maintenance, construction, and tenant and capital improvements for a portfolio of more than 100 million square feet of leased and owned space. As of the date of this report, DHS owns more than 8,000 buildings, 37,000 structures, and 68,000 acres of land.

This report was compiled by the DHS Management Directorate, Office of the Chief Readiness Support Officer (OCRSO), Sustainability and Environmental Programs (SEP), Environmental Planning and Historic Preservation Program (EHPH). SEP has been delegated Department-wide oversight of environmental planning and historic preservation compliance. This report updates the Fiscal Year (FY) 2004, 2005, 2008, 2011, 2014, 2017, and 2020 Section 3 reports to the ACHP and the Secretary of the Interior.

I. Identifying Historic Properties

The ACHP posed five questions to agencies regarding the identification of historic properties and will be considered when providing the Department's response. These questions are:

1. *How many, and what percentage of your assets, are historic as reported in: (a) your bureau or agency's proprietary database and/or (b) your bureau's or agency's reports to the Federal Real Property Profile MS (FRPP MS)?*

2. *Have your identification methods changed during this reporting period? Approximately what total percentage or portion of inventory have now been surveyed and evaluated for the National Register, and does this represent an increase from your agency's 2020 progress report, if applicable?*
3. *Has your agency implemented any new policies or programs that promote awareness and identification of historic properties over the last three years?*
4. *Federal agencies are encouraged to share information regarding the number and percentage of historic property identification completed in the context of Section 106 for specific undertakings and programs versus that completed for unspecified planning needs (Section 110 survey). Has the implementation of Section 106 agreements contributed to the identification of historic properties?*
5. *How has your agency employed partnerships to assist in the identification and evaluation of historic properties over the last three years?*

Real Property

The Department utilizes a real property database with GIS capabilities to capture real property and sustainability data, including the Federal Real Property Council (FRPC) data element, Historic Status. This DHS HQ real property database, the Consolidated Asset Portfolio & Sustainability Information System (CAPSIS), tracks facility management and operations activities. Real property includes DHS owned and leased land, buildings, and structures, as specified by the FRPC provisions under the Federal Property Management Reform Act of 2016, P.L. 114-318 and outlined in the DHS Directive 119-02, *Real Property Management Program*.

DHS has a limited owned real property portfolio comparable to other large federal agencies. Departmental real property assets are very diverse, consisting of a land, a variety of use building types including administrative, warehouse, family housing, operation and detention centers, laboratories, shore facilities, training campuses, and structures such as navigational aids and communication towers. USCG is the largest real property-owning Component within DHS.

Component data from real property asset management systems is uploaded quarterly into the CAPSIS. Components provide information to the OCRSO for submission to the Federal Real Property Profile (FRPP). In addition, the Office of Management and Budget (OMB) or the GSA may request additional information which is also included in the government-wide listing of real property assets. DHS-owned real property by historic status from FY 2017, Quarter (Q) 4, FY 2020 Q4, and FY 2023 Q3 is displayed in Table 1.

<u>Historic Status (Code)</u>	FY17Q4	FY20Q4	FY23Q3
Evaluated, Not Historic	5,372	5,112	8,873
National Historic Landmark	10	13	9
National Register, Eligible	55	59	72
National Register, Listed	365	381	365
Non-Contributing	144	150	206
Not Evaluated	40,989	41,160	36,818
TOTAL	46,935	46,875	46,343

Table 1: DHS Federal Real Property – Historic Status

Historic property identification efforts have improved Department-wide as indicated in Table 1. Component subject matter experts have reviewed the current historic status of real property and ensured accurate categorization for previously evaluated historic properties as seen in the decrease in National Historic Landmarks (NHL) from FY 2020. Upon further investigation, four previously counted NHL properties were identified as either being under the jurisdiction and control of the GSA, or a non-contributing building within the boundaries of an NHL. Additionally, Departmental efforts from the last reporting period have resulted in the evaluation of 4,342 real property assets, with 20% of DHS's owned portfolio evaluated (this in comparison to only 12% in FY 2020). This improvement is due to the continued integration of EPHP practices with other lines of business, such as contracting, facilities, and acquisition offices.

DHS has continued to build upon its existing processes and procedures for the identification and evaluation of historic properties during the reporting period. Identification of historic properties is either performed by a DHS Secretary of the Interior qualified individual, or a qualified DHS contractor. During this reporting period, USCG changed its identification methods from an emphasis on evaluating only lighthouse and light station properties and nominating them to the National Register of Historic Places (NRHP or National Register) to qualify them for entry into the National Historic Lighthouse Preservation Act (NHLPA) Program, leading to divestiture. The NHLPA remains a priority; however, there is now a co-priority on Section 110 of the NHPA compliance to evaluate the historic status of a minimum annual percentage of the overall real property asset inventory.

Policy

DHS continues to comply with the National Environmental Policy Act (NEPA) through DHS Directive 023-01, rev. 01 *Implementation of the National Environmental Policy Act*, and DHS Instruction 023-01-001-01, rev. 01, *Instruction Manual on Implementation of the National Environmental Policy Act*.³ When appropriate, DHS integrates the NEPA process with other planning efforts, including Sections 106 and 110 of the NHPA, at the earliest possible stage so environmental and cultural factors are considered with sufficient time to have a practical influence on the decision-making process before decisions are made.

In FY 2021, the Department finalized an update to its cultural resource and historic preservation policies in DHS Directive 017-01, *Cultural Resource Management Program*, and DHS Instruction 017-001-01, *Implementation of a Cultural Resource Management Program*. These policies require Components to locate and inventory all assets under DHS management and evaluate them against eligibility criteria for possible nomination to the NRHP and periodically reassess this inventory, in accordance with their general asset management activities. All Components are required to follow the DHS Directive and Instruction but may develop their own guidance or policy consistent with the Directive to meet their specific needs and missions. For example, CBP maintains operations under an existing historic preservation supplemental policy, FEMA has integrated historic preservation compliance into their NEPA policy, and USCG is in the final stages of finishing their own cultural resource and historic preservation procedures. Additionally, multiple Components have created or sponsored trainings and guidance on Section

³ DHS Directives can be reviewed online at: <https://www.dhs.gov/department-homeland-security-management-directives>.

106 and 110 of the NHPA to ensure appropriate compliance and awareness of existing Departmental and Component policies.

DHS actively consults with Tribes on a variety of mission and operational needs and follows DHS Directive 071-04, *Consultation and Coordination with Tribal Nations*, in December 2022, followed in February 2023 by implementing instructions in Instruction 071-04-001, *Implementing Consultation and Coordination with Tribal Nations*. Both documents follow from the *Memorandum on Uniform Standards for Tribal Consultation* issued by the White House on November 30, 2022, and detail the Department's implementation of EO 13175, *Consultation and Coordination with Indian Tribal Governments*.⁴ DHS follows these policies and utilizes a variety of guidance and best practices for consultation with Tribes and Native Hawaiian organizations, including the ACHP's guidance *Traditional Knowledge and the Section 106 Process: Information for Federal Agencies and Other Participants*. Further, the Department created the Tribal Homeland Security Council in 2023, which provides advice and recommendations to the Secretary, through engagement with DHS components, agencies, and offices, and by producing recommendations, studies, reports, and more. Among its many charges, the Council focuses on EO 13175 efforts, environmental justice, implementation of DHS policy with a Tribal nexus, and the government's trust responsibility.

Metrics

Currently, DHS does not have an effective way to track data on the number and percentage of historic property identifications completed under Section 106.

Since 2015, DHS Components have been required to capture efforts in the identification and tracking of historic properties for Section 106 and Section 110 compliance for the internal OCRSO Scorecard. In 2021, DHS mandated Components evaluate at least an additional five percent of the total owned real property inventory each fiscal year, which is tracked in CAPSIS and reported quarterly to the DHS Chief Readiness Support Officer and Component Chief Administrative Officers. As a result of this effort, the Department has gone from just 6% of approximately 51,000 owned real property assets in 2015, to 20% of approximately 46,000 assets evaluated for historic status in FY 2023.

The EPHP Decision Support System (DSS), operated by OCRSO, is an automated system designed to standardize and improve the efficiency and effectiveness of DHS reviews for compliance with applicable environmental and cultural resource laws and regulations. The EPHP DSS is a planning tool, enables knowledge sharing across DHS regarding EPHP activities and requirements, serves as a repository for DHS NEPA documents and compliance with the Council on Environmental Quality (CEQ) NEPA regulations, and is used to gather information necessary for meeting internal and external EPHP reporting requirements. DHS HQ and Component use of the EPHP DSS is mandated by Departmental NEPA and cultural resource policies. For cultural resource considerations, users are required to answer questions that primarily focus on compliance with Section 106 of NHPA, the Archaeological Resource Protection Act (ARPA) the Native American Graves and Repatriation Act (NAGPRA), and EO 13007, *Indian Sacred Sites*. Users are prompted to make an effect determination for proposed

⁴<https://www.dhs.gov/tribal-government-affairs>

undertakings and upload required consultation and concurrence letters from State Historic Preservation Officers (SHPO), Tribal Historic Preservation Officers (THPO), Tribes, Native Hawaiian organizations, and the ACHP, as appropriate.

In addition to the OCRSO Scorecard and EPHP DSS, SEP also holds annual Program Management Reviews (PMRs) with Operational and Support Components. During these reviews, Component senior leadership and subject matter experts report on successes and challenges in meeting Section 106 and 110 responsibilities.

Equity

Advancing equity and environmental justice is a priority for the Secretary of Homeland Security. The Department revised its Environmental Justice Strategy in 2021⁵, introduced an Equity Action Plan in 2022,⁶ and finalized DHS Directive 071-04, *Consultation and Coordination with Tribal Nations*, and its implementing instructions at 071-04-001 in 2022. These policies incorporate the myriad of executive actions issued by the President since 2021 to assist the Department in considering equity, access, and involvement of underserved communities in its federal stewardship activities and the promotion of equity and diversity in the identification process.

In FY 2022, DHS received \$500M in the Inflation Reduction Act for sustainability and environmental projects that remain available until FY 2028. In FY 2023, of the total planned allocations, ~\$8M was allocated for projects that have an added benefit toward communities with environmental justice concerns as identified in CEQ's Climate and Economic Justice Screening Tool as a disadvantaged community; ~\$12M allocated for environmental compliance, testing, and remediation projects; and the remaining ~\$109M allocated for climate resilience, sustainability, regional consolidation, and energy efficiency projects. In FY 2024, DHS has a plan to allocate the remaining ~\$371.3M across all seven program categories. Through this funding effort, projects are anticipated to retain a facilities nexus, which may include historic properties, and must support the Component mission. While NEPA and Section 106 of the NHPA compliance would be required, thus necessitating environmental justice considerations, DHS has prioritized projects that advance and support the DHS mission while supporting communities dealing with environmental justice concerns through projects designed to engage, educate, and empower these communities to better understand environmental and public health issues, identify ways to address these issues at the local level, and to increase climate resiliency. DHS anticipates funding hundreds of Inflation Reduction Act (IRA) projects throughout the nation and U.S. territories for many different Components through FY 2028. As the Department moves forward in project selection and funding, historic preservation will be a consideration.

Partnerships

The nature of the DHS mission directly impacts how the Department identifies, manages, and uses historic properties. Security and access constraints continue to limit the extent and ability of

⁵ <https://www.dhs.gov/dhs-environmental-justice-strategy>

⁶ <https://www.dhs.gov/equity>

DHS HQ and Component facilities to establish public partnership opportunities beyond Section 106 consultation with the SHPO/THPO and other consulting parties for specific undertakings with the potential to affect historic properties. However, DHS has strengthened multiagency partnerships over the last three years.

Many DHS Component operations are conducted in property leased from, or managed by, other federal entities such as the GSA. This can pose challenges for the leasing agency when determining lead agency status for Section 106 of the NHPA and acquiring appropriate historic information on a property. Additional challenges arise when the leased space contains locations of critical or sensitive assets that require security access protocols and precautions. To improve coordination between federal tenant and federal facility or land-owning agencies, CBP and GSA signed a MOU in 2020 regarding protocols for NHPA compliance at CBP operated facilities. Both agencies annually reconcile their property databases, coordinate field surveys and evaluations, and otherwise coordinate the exchange of information on the historic status of GSA-owned properties.

Additionally, USCG maintained ongoing partnerships with the GSA, NPS, and the U.S. Army Corps of Engineers (USACE) for administration of the NHLPA Program to transfer historic lighthouse properties from Coast Guard ownership to appropriate qualified recipients who must maintain the property's historic character. During this reporting period, USCG identified 10 lighthouse properties as excess.

II. Protecting Historic Properties

The following two questions were posed by the ACHP to understand how federal agencies are protecting historic properties under their jurisdiction or control.

1. *Have the policies and programs your agency has in place to protect historic properties changed over the reporting period in ways that benefit historic properties?*
2. *How has your agency used program alternatives such as programmatic agreements, program comments, and other tools to identify, manage, and protect your agency's historic properties over the last three years, if at all?*

Programs and Procedures

The methods utilized to identify and protect historic properties in the DHS inventory varies based on mission needs. DHS compliance with Sections 106, 110, and 111 of NHPA continues to evolve and improve. In general, DHS relies on the law and implementing regulations for Section 106, the Cultural Resource Management Directive and Instruction, the EPHP DSS, the OCRSO Scorecard, and CAPSIS to aid in the identification, use, and protection of historic properties. DHS also utilizes the knowledge of subject matter experts in the EPHP Community of Practice, which is comprised of cultural and natural resource personnel from each DHS Component. DHS continues to utilize digital information maintained by its Headquarters and Components on owned assets, SHPO, THPO, NPS, GSA, and other publicly available historic and cultural resource geospatial data sets.

As evidenced in the previous section of this report, DHS has increased NRHP evaluations of owned real property. This information assists facility and land managers with Section 110 compliance by increasing awareness and improving environmental planning. The USCG Section 110 level of activity has increased over the last three years. There is now sustained and concerted attention directed to evaluating historic status for the entire variety of real property inventory assets, historic motor lifeboats, and the Coast Guard's inland fleet.

Section 111 is not often used Department-wide as many Components do not have the legal authority to lease excess properties to other parties. For example, when CBP properties are no longer needed, the means of property disposition depends on property ownership. If the property is leased, CBP terminates the lease and returns the property to its owner in accordance with the terms of the lease agreement. If the property is in federal ownership, the property is transferred to GSA for reuse by another federal agency or disposal by GSA.

DHS HQ, CBP, FEMA, FLETC, USCG, and ICE continue to adaptively reuse historic properties for operational needs, when applicable.

During the reporting period, DHS HQ and Components continued to offer relevant trainings to ensure appropriate knowledge of Departmental historic preservation policies and programs, as well as understanding of relevant laws, regulations, and EOs. In June 2023, SEP hosted a Department-wide training day and hosted a presentation from the ACHP on Section 106 Program Alternatives. From 2021 to 2023, the Coast Guard's NEPA Warrant Program conducted a wide range of in-person and online training resulting Warrants being obtained by 163 individuals. As of the writing of this report, there are 204 warranted personnel in the USCG.

One of the requirements to receive a USCG NEPA Warrant is NHPA Section 106 core and maintenance training. Level I and II Warrants require 8 hours of NHPA Section 106 core training, and Level III Warrants require another 8 hours of advanced NHPA core training. Level I and Level II Warrant holders must also complete a minimum of two maintenance trainings totaling 24 hours every three years to keep their Warrants; one of the two additional trainings must be on NHPA, NEPA, ARPA, NAGPRA or tribal consultation. Since the 2020, the Warrant Program provided 11 in-person Level I eight-hour trainings on basic Section 106 compliance at each of the nine USCG Districts, at USCG Headquarters, and at the USCG training center in Yorktown, VA. Additionally, the USCG developed a Coast Guard-specific basic Section 106 online training for use by Level I Warrant holders or others that wish to take Section 106 training. USCG recently finalized a Level III advanced NHPA 106 online training that will cover use and preparation of Section 106 agreement documents and discuss how to utilize Section 106 program alternatives. The online NHPA training provides a means for USCG staff to train even if they do not have travel or tuition funds to attend Component, Departmental, or private sector in-person Section 106 training. The Department is currently developing its own Warrant Program which will initially have three levels of Section 106 training: high level briefing, fundamental, and advanced. These efforts greatly assist environmental and collateral duty staff, as well as senior leaders, in understanding and complying with NHPA.

DHS has established a framework and tools to support strategic DHS prioritization and execution of sustainability and resilience actions to mitigate the impacts of climate change on DHS

facilities and assets. This framework aligns with the Department's 2021 Climate Action Plan, 2022 Sustainability Plan, Fiscal Year (FY) 2021-2025 Environmental Justice Strategy, 2018 DHS Resilience Framework, and Climate Change and Energy and Water Management Directives. These initiatives also complement the DHS 2020-2024 Strategic Plan and 2014 Quadrennial Homeland Security Review, both which develop an enduring framework of missions and associated goals that provide details on what it means to ensure a safe, secure, and resilient Nation, as well as how to go about the business of conducting homeland security. An example of considering climate resiliency for an historic property, can be seen at the NRHP-eligible ICE HSI Antilles facility in San Juan, Puerto Rico. The facility is located adjacent to the San Antonio Canal, which is susceptible to flooding during storm surges. ICE recently incorporated the FEMA Federal Flood Risk Management Standards (FFRMS; EO 13690 and EO 11988) into proposed construction of a vehicle storage facility next to the Antilles facility to ensure minimal adverse effect to the 100-year floodplain where the proposed building would be sited, while working with the Puerto Rico SHPO to ensure no adverse effect.

In general, real estate, real property management, and construction material costs have increased nationwide. While DHS has received resources to assist GSA in adaptive reuse, rehabilitation, and new construction at the NHL-listed St. Elizabeths campus in Washington, D.C. for the Department's new Headquarters, additional funding is needed to allow for timely and proper stabilization, remediation, and rehabilitation of historic resources.

The Department has faced full-time federal hiring challenges for all EPHP areas, varying on a lack of qualified candidates or lack of positions/billets. Not all Components have a designated FPO or federal subject matter expert at every HQ, region, field office, campus, or sector. If subject matter experts are not available, historic preservation compliance activities may be performed through contract support or prepared by the project proponent or applicant. For example, FEMA HQ has an active FPO and maintains a cadre of historic preservation specialists throughout the nation. CBP primarily relies on contract support and the robust training of field law enforcement. Other Components have very few projects or mission needs that require complex NHPA considerations. For example, USCIS has a purely administrative function and is wholly located in GSA-leased space. Components may also engage the DHS FPO or Deputy FPO for assistance. Regardless of staff and funding resources, DHS EPHP programs must comply with historic preservation statutory, regulatory, and Departmental requirements.

Program Alternatives and Section 106 Agreements

DHS uses program alternatives to reduce its overall historic preservation consultation costs and efforts. This allows DHS to focus efforts on projects and programs that can manage and protect historic properties rather than on projects with little to no potential to affect historic properties. The EPHP DSS requires users to answer questions regarding the use of Programmatic Agreements (PA) and Memoranda of Agreement (MOA)/Understanding (MOU) under Section 106 of the NHPA, a new function as of 2022. Since then, 85 cultural resource agreement documents have been reported for proposed Departmental undertakings.

DHS SEP began coordination with multiple FPOs while seeking a Section 106 Program Alternative for the installation of electric vehicle supply equipment (EVSE) on federal facilities.

Through these efforts, the ACHP decided to issue a Program Alternative considering a whole-of-government approach, resulting in the first ACHP-issued Exemption for certain EVSE activities. Since then, the Department has created fact sheets and one-pagers to assist Component EPHP staff and facility managers with understanding the EVSE Exemption and its stipulations.

The primary program alternatives CBP uses are two agency PAs that cover the Southwest Border and the Northern Border of the United States. The Southwest Border PA, which was executed in 2015, applies to the entirety of the states of Arizona, California, New Mexico, and Texas. The Northern Border PA, which was executed in 2016 and expired in September 2021 (revision pending) applies to the area extending 100 miles from the international border with Canada into the states of Idaho, Michigan, Minnesota, Montana, New Hampshire, New York, North Dakota, Pennsylvania, Wisconsin, Vermont, and Washington. (The SHPOs from Ohio and Maine declined to participate.) Each agreement includes the appropriate SHPOs, U.S. Department of Agriculture, Department of Interior, and GSA office, in addition to the ACHP and multiple tribal governments. Additionally, the Southwest Border Programmatic Agreement includes the United States Section of the International Boundary and Water Commission (IBWC) and the New Mexico General Land Office. CBP is currently updating and revising the expired Northern Border PA for submittal as an amendment to last for 10 years instead of the usual 5 years.

CBP estimates that use of these PAs saves the agency a combined 1,000 staff hours per year based on the number of projects that use the PAs instead of requiring consultation and the estimated amount of time CBP was spending per consultation prior to their execution. The majority of these saved staff hours are used by CBP to focus on projects with potential impacts or that are more complex as well as the development and maintenance of historic preservation programs and guidance documents.

The 2022 Section 106 MOA for the Hurricane Reconstitution Project Execution Plan at USCG Base San Juan, Puerto Rico, contributed to the identification of historic properties. The Base San Juan MOA determined the Base San Juan historic district was eligible for the NRHP and determined which buildings were contributing buildings to the historic district. The MOA also stipulated that the USCG must perform archaeological identification and evaluation of the archaeological area of potential effect at Base San Juan.



Figure 1: U.S. Coast Guard Base San Juan, Puerto Rico. Courtesy of USCG Atlantic Area.

Additionally, the USCG is currently working with the ACHP and National Conference of State Historic Preservation Officers (NCSHPO) to prepare a PA on vessel undertakings to allow for Section 106 compliance including maintenance and disposal of the vessels. This PA will outline the specific criteria that will determine if a vessel is eligible for the NRHP and will result in the evaluation and identification of more historic Coast Guard vessels in the future.

DHS SEP lead Section 106 efforts in 2021-2022, for S&T's closure activities at the Plum Island Animal Disease Center (PIADC), which houses the NRHP listed Plum Island Lighthouse and the Fort Terry historic district, in addition to the NRHP eligible PIADC historic district. A PA and Historic Properties Management Plan were created to manage Section 106 and 110 compliance and signed by the New York SHPO, GSA, a historic preservation nonprofit, and an indigenous Tribe.

In 2021, ICE implemented a MOA and Historic Building Preservation and Maintenance Plan for the Homeland Security Investigations (HSI) Honolulu facility. The MOA documents mitigation actions for adverse effects of installing a security perimeter fence and defines consultations necessary for future construction and maintenance activities at the facility. While these agreements did not contribute to the identification of this historic property which was evaluated and listed in the NRHP in 1973, they renewed ICE's acknowledgement of the facility's historic status. Any new maintenance activities need to be cross checked with the Preservation and Maintenance Plan to determine if additional consultation with the Hawaii SHPO is required.



Figure 2: U.S. Immigration Office, Honolulu, Hawaii. Courtesy of Joel Bradshaw.

FEMA's Section 106 Programmatic Agreement with the Maryland SHPO and other consulting parties for review of undertakings at its National Emergency Training Center (NETC) has served as a model compliance framework since 2013 by significantly reducing the need for consultations with the SHPO for undertakings having no or limited effect on the historic campus while ensuring early coordination between the agencies to consider how potential adverse effects can be avoided. In accordance with the PA, the National Park Service (NPS) approved in 2021 FEMA update of the 1976 National Register nomination for St. Joseph's College and Mother Seton Shrine, whose historic district boundaries encompass much of the NETC campus. The updated nomination slightly modifies the boundaries of the historic district and provides a comprehensive accounting and documentation of all buildings and sites within the district, including the newly evaluated log cabin and boathouse, and several mid-20th century resources.



Figure 3: St. Joseph's College, Maryland, circa 1870. Courtesy of the Library of Congress.

III. Using Historic Properties

Finally, the ACHP asked the following two questions regarding federal use of historic properties.

1. *How does your agency coordinate historic preservation and sustainability/climate resiliency goals in project planning?*
2. *How do your agency's historic federal properties contribute to local communities and their economies, and how have their contributions changed over the reporting period?*

Sustainability, Climate Change, and Historic Preservation

There has been numerous energy efficiency, sustainability, resilience, climate adaptation, and utility conservation laws, regulations, and EOs issued over the last 40 years. Many of the most impactful and progressive laws and policies to be issued have occurred over the last two years.

For example, EO 14008, *Tackling the Climate Crisis at Home and Abroad*, resulted in DHS outlining essential steps to enhance operational readiness and respond to the impending threats of climate change. The importance of these steps has been further evidenced through funding and direction provided in the 2021 Infrastructure Investment and Jobs Act (IIJA) and the 2022 IRA. As a result of these laws and in alignment with the DHS Secretary's priorities, DHS and its Components intend to execute strategic actions aimed at reducing energy usage, water consumption, and greenhouse gas (GHG) emissions by implementing sustainable building improvements and increasing facility and infrastructure resilience, among other actions.

DHS responsibilities toward sustainability are twofold: enhance resilience and adaptation to climate related disruptions; and increase environmental stewardship to mitigate and reduce the impact on climate change. DHS Components were surveyed in early 2022 on proposed sustainable building projects in addition to annual reporting for capital improvement. An estimated 250 sustainable building projects were being proposed from FY 2022-2025 at a cost of \$2B. These projects would result in an estimated annual: 1) energy savings of 142.5 million British Thermal Units (Btu) or a savings of 17.1B pounds of carbon dioxide; and 2) water savings of 8.3M gallons. Additionally, and as previously reported, DHS received \$500M in the 2022 IRA for sustainability and environmental programs. In response to the global climate crisis and Administration priorities, DHS will continue to use the best available climate science to enable data driven decisions in the areas of facility and infrastructure resilience, sustainable buildings, climate adaptation, and mitigation of climate risk.

The Department has established ambitious goals to decrease GHG emissions, electrifying its fleet, expanding its inventory of sustainable buildings, increasing energy efficiency, and conserving water. In the next five years, DHS and Components will fund hundreds of projects across the country and U.S. territories to increase sustainable buildings, reduce square footage, enhance resilience, utilize renewable energy, conduct environmental compliance, and benefit environmental justice communities. These actions are necessary to ensure the continued execution of the DHS mission under changing climatic conditions and risks. In addition to aligning with the Biden Administration policies and Departmental priorities, these actions are associated with the federal purchasing power of American-made clean energy technologies and create a clear and stable source of demand that will help drive economic and climate benefits for all Americans.

DHS anticipates a continued increase in resilience and sustainability projects over the next decade and beyond. As DHS works to implement these projects effectively and in a timely manner, a streamlined approach is necessary for environmental and cultural resource compliance. Resilience, sustainability, and preservation can be accomplished through proper planning and efficiencies. DHS HQ is currently drafting a Nationwide Programmatic Agreement for certain climate resilience and sustainability Section 106 undertakings to streamline the process to implement sustainable building best practices, reduce energy and water use, and increase the utilization of renewable energy sources while preserving historic resources. DHS is driven by the requirements and priorities previously mentioned with the additional desire to reduce utility costs and space, enhance energy security, and equitably share in the benefits of resilience.

Since 2020, FEMA NETC, in consultation with the Maryland SHPO, has renovated and upgraded several of its historic buildings to increase their energy efficiency without adversely affecting any character defining features. No reduction in sustainability performance resulted from this work.

CBP owns six historic buildings in the Caribbean, including five in Puerto Rico and one in the US Virgin Islands. In Puerto Rico, the Ponce Customs House and Mayaguez Customs Warehouse were built by the Spanish during the nineteenth century, and the San Juan, Fajardo, and Mayaguez Customs Houses were built by the US between 1924 and 1930. The buildings' coastal locations, open courtyard plans, and large windows have proved challenging in terms of building preservation, climate control, storm water management, and protection from threats such as hurricanes, flooding, and terrorism.

The primary issue the Puerto Rico historic customs house has had to face is repetitive flooding of the first floor. Interior flooding has occurred from rain events overwhelming the city's drainage system as well as coastal flooding and hurricanes. To reduce the amount of damage, flood barriers have been installed on the first floor. When a flood event is anticipated, panels are inserted into the channels installed on either side of the interior door openings. Water can enter the courtyard area but cannot go any further. This has allowed CBP to reoccupy the first floor of the building and has allowed the historic property to better withstand the potential negative consequences of being in a flood-prone coastal area. CBP's efforts show a strong commitment to historic preservation while adapting these buildings to serve CBP's mission and to make them resilient for the future. It is important that CBP facilities are resilient to climate change, particularly the increase of damaging hurricanes, so that officers can focus on their mission and the community. Toward that end, CBP has worked to:

- reduce the preparation needed to protect buildings in advance of storm threats,
- improve drainage,
- better seal building envelopes, and
- lower the demand for electricity to conserve generator fuel.

Another law besides the NHPA that relates to the USCG's strategy for sustainability/climate resiliency goals in project planning is the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). An important factor influencing USCG decision making on the continued use or re-use of historic properties over the last three years has been funding for environmental cleanup pursuant to CERCLA. Limited funding available each fiscal year in relation to the number of properties subject to CERCLA compliance work requires project prioritization. The need to address pressing threats to human health and safety can result in non-historic properties taking precedence for cleanup funding over other properties identified as historic. This can result in reduced opportunities for the continued use or re-use of contaminated historic properties.

DHS Use of Historic Properties

Lighthouses owned by the USCG can bring economic advantages to surrounding communities through heritage and ecological tourism activities. The USCG routinely uses NHPA Section 111 authority to out-grant historic properties. This is exercised through the 1996 *Programmatic Memorandum of Agreement among the U.S. Coast Guard, Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers regarding out-granting of historic lighthouse properties*. The USCG uses this PA when a local non-profit or state/local government entity expresses interest in maintaining a historic USCG lighthouse and making it available for public visitation. The USCG uses the proceeds from Section 111 leases for maintaining other lighthouse properties. There have been no new lighthouse out-grants in the past three years and available proceeds have not increased. The presence of an appropriate steward maintaining a historic lighthouse may allow the USCG to slate the property for NHLPA divestiture, which can provide the out-grant party an opportunity to apply for ownership through a competitive process. The USCG has not used the NHPA Section 111 authority to engage in the exchange of historic properties.

The U.S. Coast Guard Cutter (USCGC) EAGLE is the Coast Guard Academy (CGA) sail-training ship. It was built in 1936 and has been determined eligible for inclusion in the NRHP. In addition to providing at-sea training for CGA cadets, it participates in tall ship maritime heritage events and arranges for scheduled free public visitation. The USCGC EAGLE has a Facebook page with a good following that publishes dates and locations for when it is available for visitation. People who visit aboard the ship when docked at a community may contribute to the local economy by purchasing goods and services nearby, such as patronizing restaurants and shops.



Figure 4: U.S. Coast Guard Cutter EAGLE, circa 1946. Courtesy of the U.S. Coast Guard.

IV. Successes, Opportunities, and Challenges

DHS offers the following Component and Departmental successes and challenges and recommendations for the ACHP.

CBP Success: Hurricane Maria and Historic Properties

When the Category 4 Hurricane Maria struck in September 2017, it damaged four of CBP's historic customs facilities in Puerto Rico (San Juan, Ponce, Fajardo, and Mayaguez). Because of the hurricane damage and other pre-existing building deficiencies, CBP initiated repairs and renovations to these buildings – some of which have continued into the 2020-2023 reporting period.

CBP Field Operations Facilities and Office of Field Operations repaired hurricane damage to the Fajardo and Ponce Customs Houses and renovated them to improve the building's resilience. With bullet-resistant energy efficient windows that match the original lite configuration, the buildings need no further preparation before a storm. Historic roof tiles are glued and clipped to minimize storm damage. Insulation was added to the attic space. Historic details such as copper gutters were replicated. The historic grille work was repaired or replicated as needed. Historic light fixtures were renovated and re-lamped for light-emitting diode (LED) use. All appliances are Energy Star-rated. The drop ceilings were removed, and all ductwork, pipes, and wiring are now exposed – which means that if there are problems, there's no need to remove and then replace a drop ceiling – there's easy access to all the building's wiring, plumbing, and ductwork. As for the Crown Mountain facility on the Virgin Islands, Hurricane Maria didn't damage the Crown Mountain building – it revealed it. The building was constructed as a US Army Signal Corps building in 1942 – just below the highest point in the Virgin Islands. Encroaching heavy vegetation had rendered the building nearly invisible. CBP renovated the facility, preserving this historic World War II-era structure. Notably, the renovation of this building will pay for itself in less than a decade because CBP was able to relocate from a high-rent GSA-owned facility. What was once completely covered in vegetation now serves as the center of CBP operations in the US Virgin Islands.

Much of the renovation was like Fajardo – the energy-efficient bullet-resistant windows matching the original lite configurations, LED lights (copies of the original on the galleries), and exposed ductwork, plumbing, and wiring. This facility goes beyond Fajardo with its own water collection system. Plus, the San Juan Field Office is moving forward with plans for solar power, using an Energy Savings Performance Contract.



Figure 5: Fajardo Custom House before Hurricane Maria. Courtesy of CBP.



Figure 6: Damage to a door from Hurricane Maria at Fajardo Custom House. Courtesy of CBP.



Figure 7: Fajardo Custom House renovation complete. Courtesy of CBP.

These repair and renovation projects, completed during the 2020-2023 reporting period, demonstrate that it is possible to integrate resilience, sustainability, and historic preservation, while maintaining a facility that meets the agency's mission requirements. CBP worked closely with the SHPO to preserve and refurbish original features, such as the historic windows, to *Secretary of Interior Standards for the Treatment of Historic Properties* while adding bullet resistant glass and new hurricane shutters. CBP, in consultation with the SHPO, sought to develop and install systems that would protect the building from rising water, high winds, and other climate threats; reduce energy consumption; and conserve historic features.

USCG Major Successes and Opportunities

Major Successes and Opportunities: In July of 2021, the USCG formally sought delegation of authority from the DHS Secretary to administer its sunken military craft, many of which are historic. Over the years the USCG has received multiple requests from various parties to dive on, and or do research on, certain USCG sunken military craft, all of which were denied because the USCG had no program to protect its shipwrecks or to permit any education or scientific research on them.

In June of 2022, the USCG received a formal DHS delegation of authority to carry out the functions and responsibilities and exercise the authorities of the "Secretary concerned" in the Sunken Military Craft Act of 2004 (Title XIV, sections 1401-1408, of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005) (SMCA) to issue regulations and permits under Section 1403 with regard to Coast Guard vessels.

Once the delegation was final, the USCG researched two different alternatives for managing its sunken military craft. The first alternative was to establish and administer a new USCG permitting program for its shipwrecks, the second alternative was to partner with the Navy which already had a well-established program under the detailed Navy regulation at 32 CFR Part 767, *Guidelines for Permitting Archaeological Investigations and Other Activities Directed at Sunken Military Craft and Terrestrial Military Craft Under the Jurisdiction of the Department of the Navy*.

Over the last three years, the USCG's Bridge Program has had several projects with significant NHPA involvement, especially related to Title 41 of the Fixing America's Surface Transportation Act (FAST-41). This has included PAs, MOAs, and Government-to-Government consultation with tribal entities. One example is the BNSF Railway Bridge Project which involved constructing a railroad bridge to replace or accompany the existing historic BNSF Railway Bridge across the Missouri River between Bismarck and Mandan, North Dakota. The USCG developed a MOA to stipulate detailed mitigation measures needed to resolve adverse effects from the removal of the historic Bismarck Bridge and the addition of a new bridge. Mitigation included Historic American Engineering Record (HAER) documentation (drawings, photographs, and written narratives) and a grant program funded by BNSF and administered by the State Historical Society of North Dakota. The grants were limited to projects directly associated with the loss of the historic Bismarck Bridge, with the addition of the new bridge, with history associated with the existing bridge or its location, or with the impacts the bridge had on tribal culture or on the Bismarck/Mandan area. Projects can include salvaging and utilizing

bridge pieces. The USCG's reasonable and good-faith efforts addressed appropriate historic preservation issues and a bridge permit for the proposed project was issued.

Another major success has been engagement with the NPS to prepare HAER documentation for potentially historic Coast Guard vessels. This has produced finished HAER work products (drawings, photographs, and narrative reports) for the 378-Foot HAMILTON Class (12 cutters), 210-Foot RELIANCE Class (16 cutters), and the USCGC SMILAX (Queen of the USCG Fleet, commissioned in 1944). This type of documentation is a useful mitigation approach in the event a proposed undertaking will lead to adverse effects to historic vessels. Copies of HAER documentation are provided to the USCG historian, and when applicable, to SHPOs and other interested parties.

Challenges: There are limitations on the USCG's ability to carry out NHPA obligations efficiently and effectively. These include lack of enough professionally qualified staff and adequate funding to handle the current NHPA-related workload, inadequate funding to clean contaminated historic property sites, and delays in receiving responses from certain State Historic Preservation Offices due to changes in procedures and staff operations that serve to lengthen time frames for responsive action. Another challenge arises from the large number of USCG facilities and vessels potentially eligible for inclusion in the NRHP due to being 50 years or more in age. The number of these increases with each year's passing. The USCG will replace more than a hundred Inland Fleet and Offshore Fleet vessel assets in coming years, and these include a substantial number of properties potentially eligible for National Register inclusion. There will be an increase in the number of vessel-related undertakings that will require compliance with NHPA Section 106 and mitigation of adverse effects.

DHS Recommendations for Program Alternatives

Overall, programmatic documents and Program Alternatives have been very useful for DHS and the Components to ensure mission success, efficiency, and historic preservation. Three main challenges to their development and utilization include the length of time it takes to finalize the document, changing administrative requirements from the ACHP for Program Alternatives, and Program Alternatives issued for one or select federal agencies that could be beneficial government wide. DHS recommends the ACHP take the following steps to address these challenges: 1) review current Program Alternatives to see if they could be amended to include more, or all, federal agencies; 2) poll Federal agencies on Program Alternative needs and work to issue additional government-wide documents similar to the EVSE Exemption; and 3) request assistance from NCSHPO and the National Association of Tribal Historic Preservation Officers (NATHPO) to prepare a report from members on the types of programmatic agreements being issued at the tribal and state-level, the types of activities covered in the agreements, and recommendations on how to further streamline Section 106 for certain activities.

Conclusion

DHS continues to evaluate the efficiency and strength of historic preservation programs across its many Component agencies, and the methods used to identify, protect, and use historic properties. Created from 22 federal agencies in 2002, DHS Component historic preservation

programs are at varying levels of maturity, all with a need for more resources. Climate adaptation, sustainable practices, and operational resilience will continue to be a priority for DHS regarding its owned real property over the next three years. The Department looks forward to working with the ACHP, Tribal partners, and other stakeholders on ways we can sustainably preserve our historic properties in the future while continuing to keep America safe.