Historic Preservation Plan for the VA Medical Center in Chillicothe, Ohio

Chillicothe VA Medical Center
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Chillicothe, OH 45601

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Executive Summary

The United States Department of Veterans Affairs (VA) commissioned R. Christopher Goodwin & Associates, Inc. to prepare this Historic Preservation Plan for the VA Medical Center in Chillicothe, Ohio (Chillicothe VAMC) in accordance with VA Handbook 7545 and stipulation I.b. of the 2015 Programmatic Agreement for implementation of the revised 2008 master plan; it is designed to assist the Chillicothe VAMC to comply with the National Historic Preservation Act of 1966, as amended, specifically Sections 110 and 106; the National Environmental Policy Act (NEPA); various federal laws for the protection of historic and cultural properties; and, relevant Executive Orders (see Chapter 2 and Appendix E). Appendix F includes a checklist for annual review of this Historic Preservation Plan.

The Keeper of the National Register of Historic Places (NRHP) added the Chillicothe VAMC to the NRHP under Criterion A: *Health/Medicine* and Criterion C: *Architecture* in January 2012. VA must follow federal law, internal guidance, and Executive Orders in managing all agency facilities. The Chillicothe VAMC is a historic district significant for its architecture and as an example of our nation's care of World War I Veterans and Veterans of earlier conflicts. The campus should be viewed as a whole, including landscape elements that contribute to the overall character and the historic integrity of the property. Additionally, two archeological sites have been recorded within the boundaries of the campus, with potential for others. All of these elements are subject to cultural resources legislation.

In accordance with federal law and in the interest of the historic integrity of the Chillicothe VAMC, VA will seek to uphold the following preservation principles[1] so long as they are consistent with the mission of the Chillicothe VAMC to honor and serve America's Veterans in southern Ohio and parts of Kentucky and West Virginia by providing exceptional healthcare that is patient-centered and preferred by Veterans.

1. Identify, recognize, and seek to preserve those aspects of the campus' architecture and design that symbolize its mission and history and that honor the service of Veterans;
2. Recognize that the pastoral landscape, campus setting, and spacing of the buildings are integral historic elements of the facility;
3. Preserve the visual and architectural character of the North Circle and Griffith Circle;
4. When VA determines it is practical to do so, ensure that new construction is consistent with the Secretary of Interior's *Standards for Rehabilitation,* is designed to harmonize with the existing architecture, and to preserve the visual character of the front of Building 31, the North Circle and Griffith Circle, while meeting the health care needs of Veterans and their families;
5. Strive to make the campus more friendly to pedestrians and the disabled, including enhancing parking facilities;
6. Strive to memorialize Veterans and their service to the nation;
7. Preserve the health of the existing tree cover;
8. Cooperate with other agencies and historically oriented non-profit organizations, including but not limited to the National Park Service and Camp Sherman, Inc., in preserving and interpreting the area's history; and
9. Shall seek to engage Native American tribes having ancestral ties to the area in preserving and interpreting their history and culture.

[1] *Preservation principles in the PROGRAMMATIC AGREEMENT AMONG THE DEPARTMENT OF VETERANS AFFAIRS, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, THE OHIO HISTORY CONNECTION, CAMP SHERMAN, INC., THE HOPEWELL CULTURE NATIONAL HISTORICAL PARK, VFW POST 108, AND THE ROSS COUNTY VETERANS COUNCIL FOR IMPLEMENTATION OF THE REVISED 2008 MASTER PLAN FOR THE VETERANS AFFAIRS MEDICAL CENTER, CHILLICOTHE, OHIO, 2015.*

List of Acronyms

ACHP	Advisory Council on Historic Preservation
AHPA	Archaeological and Historic Preservation Act of 1960, as amended; 16 U.S.C. 469-469c
AIRFA	American Indian Religious Freedom Act; 42 U.S.C. 1996
APE	Area of Potential Effect
ARPA	Archaeological Resources Protection Act of 1979, as amended; 16 U.S.C. 470aa-470mm
CAI	Capital Asset Inventory
CAM	Capital Asset Manager
CBOC	Community Based Outpatient Clinic
CE	Categorical Exclusion; also known as a CatEx or CATEX
CFR	Code of Federal Regulations
CRMO	Cultural Resource Management Officer
DFPO	Deputy Federal Preservation Officer; see also HPO
E.O.	Executive Order
EA	Environmental Assessment
EC	Environmental Compliance
EIS	Environmental Impact Statement
FONSI	Finding of No Significant Impact
FPO	Federal Preservation Officer; see also HPO
FRT	Federally Recognized Tribe(s)
HPO	Historic Preservation Officer; see also FPO, DFPO
LIDS	Lower-Impact Demolition Standards
MOA	Memorandum of Agreement
NAGPRA	Native American Graves Protection and Repatriation Act; 25 U.S.C. 3001 et seq.
NCA	National Cemetery Administration
NEPA	National Environmental Policy Act of 1969, as amended; 42 U.S.C. 4371 et seq.
NHDVS	National Home for Disabled Volunteer Soldiers
NHPA	National Historic Preservation Act of 1966, as amended; 54 U.S.C. 300101 et seq.
NPS	National Park Service
NRHP	National Register of Historic Places
OHC	Ohio History Connection, the OH SHPO
OCFM	Office of Construction & Facilities Management
OPIA-OTGR	Office of Public & Intergovernmental Affairs-Office of Tribal Government Relations
PA	Programmatic Agreement, typically the 2015 PA for the implementation of the revised 2008 master plan
POA	Plan of Action, under NAGPRA
RFRA	Religious Freedom Restoration Act of 1993; 42 U.S.C. 2000bb-2000bb-4
ROD	Record of Decision
SCIP	Strategic Capital Investment Planning
SHPO	State Historic Preservation Officer
SOI	Secretary of the Interior
THPO	Tribal Historic Preservation Officer
VA	U.S. Department of Veterans Affairs In historic use, Veterans Administration, a precursor to the current U.S. Department of Veterans Affairs
VAMC	Veterans Affairs Medical Center
VISN	Veterans Integrated Service Network

Glossary

"but for" clause	Action requiring historic preservation review as defined in Section 110(c). An action requires review, even if a federal agency is not expending money, if the action would not occur "but for" federal involvement.
Adverse Effect	An alteration to the characteristic of a historic property that negatively affects the qualities necessary for listing in the NRHP
Alternative	Reasonable solution to identified gap
Archaeology/archeology (spelled both ways in the United States)	Study of human activity in the past, primarily through the recovery and analysis of material culture
Area of Potential Effect (APE)	Geographic area(s) within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, is such properties exist *
Avoid	An alternative which does not affect historic properties
Character-Defining Feature	Element of a historic property intrinsic to its eligibility
Comment	Findings and recommendations of the ACHP formally provided in writing to an agency *
Consultation	*Process* of seeking, discussing, and considering the view of other participants, and, where feasible, seeking arrangement with them regarding matters arising in the Section 106 process *
Consulting Parties	Entities, organizations, and agencies with a legitimate and/or vested interest in the management and preservation of historic property affected by a federal undertaking
Contributing	Element of a historic property that promotes its character
Day(s)	Calendar not business
Effect	Alteration to the characteristics of a historic property qualifying it for the NRHP *
Eligible	A designation indicating that a property possesses those qualities necessary for inclusion in the NRHP *
First Generation Veterans Hospitals	A system of established branch facilities to care for American Veterans established after the American Civil War (NHDVS)
Foreclosure	Action taken by agency that effectively precludes the ACHP from providing comments the designated agency official can meaningfully consider prior to the approval of the Undertaking *
Historic Property	Any property included in, or eligible for, inclusion in the NRHP*
Impact	Direct result of an action which occurs at the same time and place or an indirect result of an action which occurs later or elsewhere and is reasonably foreseeable
Integrity	Authenticity of physical characteristics defining a property's historical significance
Minimize	An alternative which lessens the effect of a federal undertaking

** 36 CFR Part 800.16*

Mitigate	Compensation for effects to historic properties directly and/or indirectly caused by a federal undertaking
National Register of Historic Places (NRHP)	Dynamic list of recognized historic properties in the United States
Period of Significance	Span of time in the history of property when important activities or events occurred
Archeological Survey	Terrestrial investigations to determine the presence or absence of artifacts and the integrity of located sites (defined by Ohio SHPO as Phase I), to test whether or not the archeological site is eligible for listing in the NRHP (defined by Ohio SHPO as Phase II), and/or archeological data recovery, usually a mitigation measure (defined by Ohio SHPO as Phase III)
Preservation	Maintenance and repair of the building, structure, or landscape element "as is."
Reconstruction	Accurate duplication of a historic property through new construction of historical features in the property's historic location
Rehabilitation	Replacement with appropriate materials when features have been damaged or deteriorated beyond simple repairs
Restoration	Replacement of a historic property's missing elements to a distinct time in the property's Period of Significance
Second Generation Veterans Hospitals	Hospital construction campaign undertaken by the U.S. government following World War I to provide care to American Veterans. Design practices show a noticeable shift from previous generation of Veterans hospitals.
Section 106	Portion of the NHPA requiring federal agencies to consider the effect of its actions on historic properties and consult with external stakeholders (consulting parties). Implementing regulations codified in 36 CFR Part 800
Section 110	Portion of the NHPA outlining federal agency responsibilities toward historic properties it manages.
Third Generation Veterans Hospitals	Hospital construction campaign undertaken by VA following World War II to provide care to American Veterans. Selected sites and design practices show a noticeable shift from previous generations of Veterans hospitals.
Undertaking	Project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal Agency *
VA Directive and Handbook 7545	VA internal historic preservation policy and guidance

* *36 CFR Part 800.16*

Chapter 1: Description of the Campus

The Chillicothe VAMC is located in Ross County, Ohio, in Veterans Integrated Service Network (VISN) 10. The facility provides acute and chronic mental health services, primary and secondary medical services, nursing home care services, specialty medical service, and specialized women Veterans health clinics. The facility is an active ambulatory care setting and serves as a chronic mental health referral center. VA owns and operates the campus. VA has leases on-site with administrators of an on-site golf course, a baseball stadium, a credit union, and, at times, local education groups.

Brief History of the Chillicothe VAMC

After World War I and the liberalization of admittance requirements, VA developed a nationwide campaign to construct a series of new medical facilities to replace the "deplorable, absolutely deplorable" conditions in "many cantonments" (existing Veterans homes).[2] Referred to as the Second Generation of Veterans hospitals, the program used standardized designs and typically constructed hospitals in rural areas. These medical facilities, constructed between 1919 and 1950, focused on primary care and rehabilitation through "modern facilities, therapies, medicines, and surgical techniques."[3] Chillicothe, Ohio, was selected to be the location for the first Veterans' Bureau-operated hospital. In less than four years following the arrival of the first draftees to Camp Sherman, the local World War I training facility, the War Department purchased the leased cantonment acreage to establish a 436-bed neuropsychiatric hospital. Shortly after the U.S. Congress established the Veterans' Bureau, Presidential Executive Order No. 3558 transferred over 4,700 acres and several buildings of the Camp Sherman Military Reservation from the War Department to the Bureau on October 11, 1921[4] (Figure 1).

Construction began on November 21, 1922, on the site of an unfinished Camp Extension located on the northwestern end of Camp Sherman. By June 1, 1924, construction of the $1.5 million hospital was completed, and the first patient was admitted on June 16, 1924. Chillicothe was the first Veterans' Bureau operated hospital.[5] In addition to the buildings constructed specifically for the campus, several holdover buildings from Camp Sherman were transferred to the Veterans Bureau. These included two storage buildings, a baling shed, and the Mace House. The two-story Mace House, built during the early settlement years of the region, was converted by the Veterans' Bureau into a hospital recreation center.[6]

Being located in a rural area presented many challenges. There were no phones on the hospital grounds which made communication very difficult. The Red Cross transported hospital staff from town to the hospital. Patients worked in orchards and agricultural fields to provide food for the hospital, and the facility owned its own soap-making equipment.[7]

In 1930, the U.S. government consolidated the Veterans Bureau and other Veterans' services into a single agency known as the Veterans Administration. Over the next decade, the Chillicothe campus expanded to approximately 246 buildings and structures.[8] In 1938, a new main building was added to the campus. By 1941, the Chillicothe VA had over 1,500 beds and was recognized as "the fifth largest of the 29 neuro-psychiatric hospitals that had been established since World War I."[9] The hospital continued to expand in the

[2] *Chillicothe VAMC, The Price of Freedom, VA Pamphlet 538-89, US Government Printing Office: Washington, D.C., 2011, 5.*
[3] *Trent W. Spurlock, Craig A. Potts and Karen Hudson, United States Second Generation Veterans Hospitals National Register of Historic Places Multiple Property Documentation, September 2010, 1.*
[4] *Michael B. Hornum et al., Draft Report Phase I, 44-45.*
[5] *U.S. Department of VA, Chillicothe VAMC: Our History.*
[6] *Michael B. Hornum et al., Draft Report Phase I, 44-45.*
[7] *U.S. Department of VA, Chillicothe VAMC: Our History.*
[8] *NRHP, Chillicothe, 45.*
[9] *Michael B. Hornum et al., Draft Report Phase I, 44-45.*

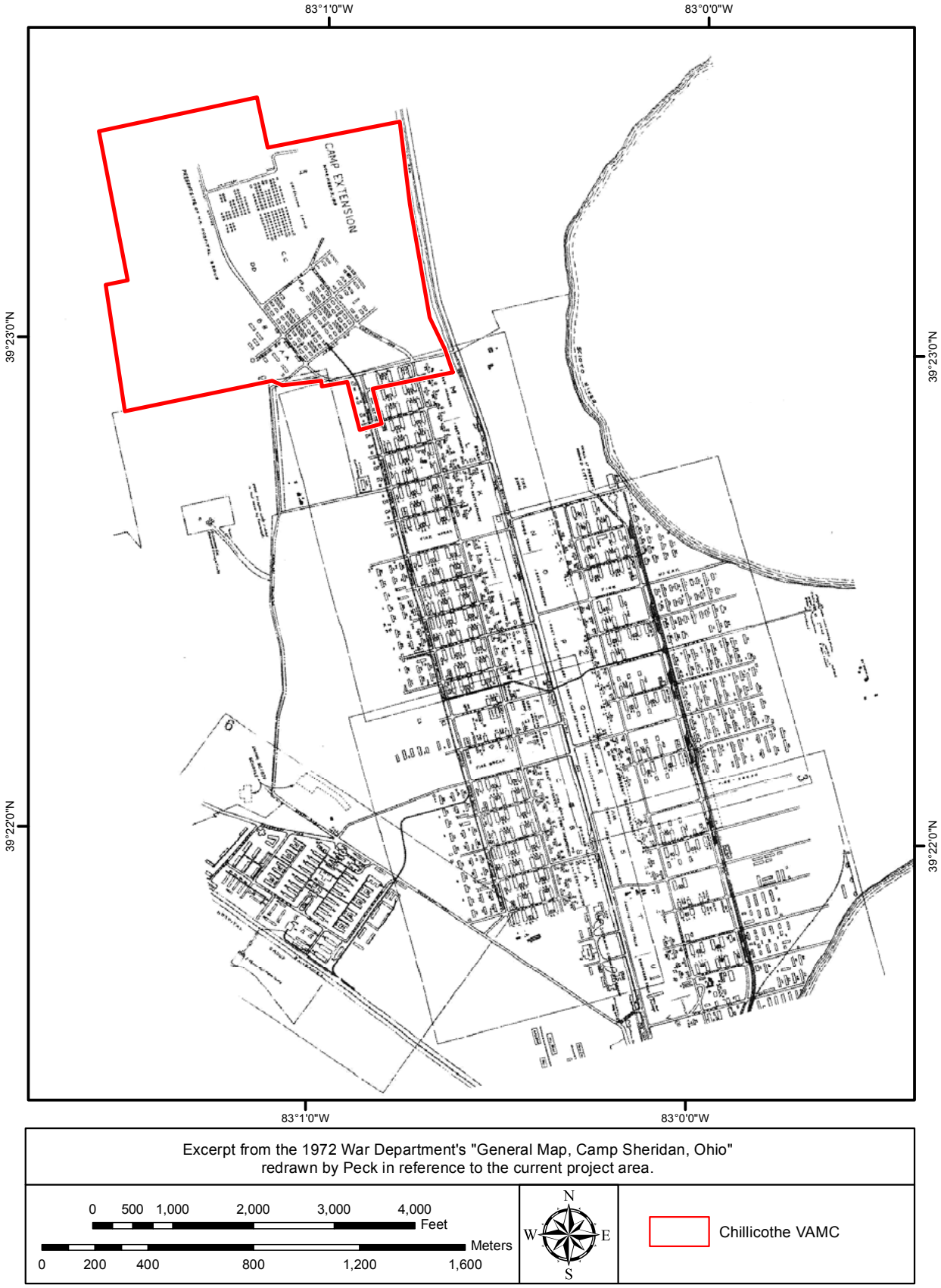


Figure 1. **[ca. 1972] Excerpt from War Department's "General Map, Camp Sherman, Ohio," redrawn by Peck, in reference to the current project area. Map depicts the northern portion of Camp Sherman and the camp extension added in late 1918.**

1940s with three additional H-shaped buildings for patient care constructed in 1945. Ten years later, the baseball stadium was dedicated as the Blue Star Mothers Memorial Stadium.[10] A few years later, a therapeutic exercise clinic and a 9-hole, par 36 golf course were added to the campus. Funding for the golf course was discontinued in 1996, but the South Central Ohio Homeless Veterans Committee (SCOHVC) leases and manages the golf course while employing patients from the Veterans' Industries Compensated Work Therapy Program (CWT) to maintain the grounds.[11] An All Faiths Chapel was dedicated in 1963 and later was renamed the Joseph E. Quinlan Memorial All Faiths Chapel.[12]

By 1965, the 2,080-bed VA hospital was rated the third largest VA neuropsychiatric hospital.[13] In 1970, a new water treatment plant and boiler plant were added to the campus. Changes in 1975 transformed the Chillicothe hospital from "an exclusively psychiatric institution to primarily a medical facility."[14] VA has made several improvements in recent years to better provide medical care to service-area Veterans, including adding a Combined Heat and Power Plan with operational biomass boiler in 2012.

Statement of Significance

***Period of Significance* is the time in which a property achieved importance or attained the characteristics that make it eligible for NRHP listing.**

The Keeper of the National Register of Historic Places (NRHP) listed the Chillicothe VAMC in the NRHP under Criterion A: *Health/Medicine* and Criterion C: *Architecture* in January 2012. NRHP listing is a formal acknowledgement of the historical significance of the campus as an example of our nation's response to the medical needs of returning World War I servicemen. Those facilities constructed during the expansion of Veterans healthcare after World War I are known as the Second Generation Veterans Hospitals. Chillicothe was one of the earliest Second Generation facilities and also one of the biggest.[15] Its buildings embody the Colonial Revival and Classical Revival styles. The NRHP nomination defines the district's Period of Significance as beginning in 1922 and ending in 1950.

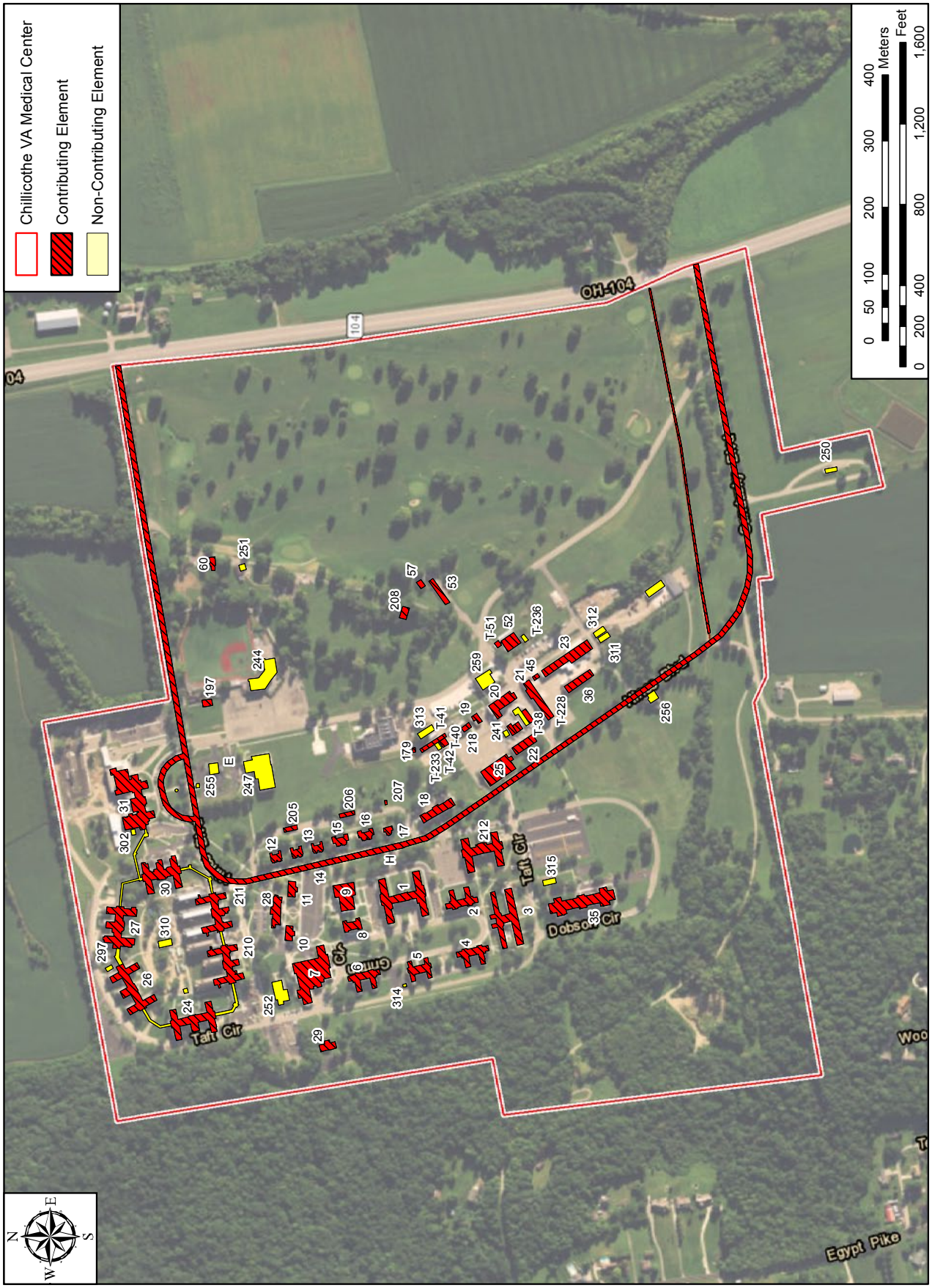
Buildings

The buildings of the Chillicothe VAMC fulfill three primary functions: medical, residential, and support (maintenance, utility, and engineering). The majority of the patient ward and treatment buildings feature an overall H-shape and are arranged around two large open circular areas. The quarters buildings are centrally located within the campus and partially located within the central core group, which is uncommon compared to Veterans hospitals of the same period. The maintenance and utility buildings are situated at a lower elevation than the central core and residential group. Colonial and Classical Revival styles dominate the red brick exteriors of the buildings. These nationally popular styles were thought to project a feeling of patriotism and significance.[16]

[10] *NRHP, Chillicothe VA Hospital, 45.*
[11] *The Price of Freedom*
[12] *U.S. Department of VA, Chillicothe VAMC: Our History.*
[13] *Ibid.*
[14] *Celebrating 75 Years Providing Healthcare for Heroes, 9, located in the archives, Chillicothe Veterans Affairs Medical Center, Chillicothe, Ohio.*
[15] *Spurlock et al., Second Generation Veterans Hospitals, 19-20, 48.*
[16] *Spurlock, Potts and Hudson, U.S. Second Generation Veterans Hospitals, 1.*

Building Number	Building Name	Contributing/ Non-Contributing	Date of Construction
1	Administration Building	Contributing	1923
2	Building (vacant)	Contributing	1923
3	Day Treatment/Vocational Rehabilitation (vacant)	Contributing	1923
4	Building (vacant)	Contributing	1923
5	Building (vacant)	Contributing	1923
6	Building (vacant)	Contributing	1923
7	Mess Patient Kitchen	Contributing	1923
8	Southern OH Council Building	Contributing	1923
9	Recreation Hall	Contributing	1923
10	Building (vacant)	Contributing	1923
11	Building (vacant)	Contributing	1923
12	Quarters	Contributing	1923
13	Quarters	Contributing	1923
14	Quarters	Contributing	1923
15	Quarters	Contributing	1923
16	Quarters	Contributing	1923
17	Quarters	Contributing	1923
18	Police Station	Contributing	1923
19	Electric Substation	Non-Contributing	1923
20	Boiler House	Contributing	1923
21	Garage & Shops	Contributing	1923
22	Vocational Building	Contributing	1923
23	Warehouse	Contributing	1923
24	Patient Ward Building	Contributing	1929
25	Laundry	Contributing	1929
26	Patient Ward	Contributing	1932
27	Patient Ward	Contributing	1932
28	Veterans Canteen Service	Contributing	1932
29	Hoptel	Contributing	1932
30	Patient Ward	Contributing	1938
31	Main Hospital	Contributing	1938
35	Patient Ward	Contributing	1939
36	Tool Room	Contributing	1942
T-38	Sheet Metal Shop	Contributing	1948
T-40	Plumbing Shop	Contributing	1948
T-41	Engineering Storage	Contributing	1918
T-42	Rehabilitation Medicine Storage	Non-Contributing	Ca. 1920s
45	Storage	Contributing	1929
T-51	Greenhouse Potting Shed	Contributing	1929
52	Greenhouse	Contributing	1929
53	Tool & Equipment Storage	Contributing	1945

Building Number	Building Name	Contributing/ Non-Contributing	Date of Construction
57	Golf Course Storage	Contributing	Ca. 1930s
60	Mace House	Contributing	1826
179	Shed	Contributing	1875
197	Stadium Toilet	Contributing	1932
205	Garage	Contributing	1923
206	Garage	Contributing	1923
207	Garage	Contributing	1923
208	Engineering Storage	Contributing	1920
210	Patient Ward Building	Contributing	1945
211	Patient Ward Building	Contributing	1945
212	Patient Ward Building	Contributing	1945
218	Water Softening Plant	Contributing	1949
T-228	Electric & Paint Shops	Non-Contributing	1946
T-233	Engineering Storage	Contributing	1947
T-236	Greenhouse Storage	Non-Contributing	1956
241	Steel & Lumber Storage	Contributing	1946
244	Baseball Stadium	Non-Contributing	1955
247	Therapeutic Exercise Clinic	Non-Contributing	1959
250	Storage	Non-Contributing	1959
251	Golf Course Club House	Non-Contributing	1960
252	Chapel	Non-Contributing	1962
255	Bus Stop Shelter	Non-Contributing	1966
256	Water Treatment Plant	Non-Contributing	1970
259	Boiler Plant	Non-Contributing	1970
297	Emergency Generator (building)	Non-Contributing	1979
302	Emergency Generator (building)	Non-Contributing	1979
310	Picnic Shelter	Non-Contributing	1979
311	Storage Building	Non-Contributing	1980
312	Storage Building	Non-Contributing	1980
313	Engineering Storage Building	Non-Contributing	1980
314	Emergency Generator (building)	Non-Contributing	1980
315	Picnic Shelter	Non-Contributing	1986
A	Storage Building	Non-Contributing	Ca. 1980s
B	Concrete-Lined Ditch	Contributing	Ca. 1920s/1930s
C	Storage Building	Non-Contributing	Ca. 1970s/1980s
D	Connecting Corridors	Non-Contributing	Ca. 1960s/1970s
E	Credit Union	Non-Contributing	Ca. 2000s
F	Flag Pole	Non-Contributing	Ca. 1960s/1970s
G	Golf Course	Non-Contributing	1960
H	Formal Entrance Drives	Contributing	Ca. 1920s/1930s
I	Griffith Circle	Contributing	1923
J	Hines Circle	Contributing	Ca. 1930s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Landscape

The Chillicothe VAMC is located on a gradual slope overlooking the flat floodplain of the Scioto River. The open grassy lawns with mature trees, courtyards created from H-shape patient care buildings, and wooded rear hillside help to define the character of the Chillicothe VAMC. These elements compose the landscape of the historic district. The Chillicothe VAMC also includes the baseball stadium and 9-hole, Par 36 golf course; but, these recreational spaces are not contributing elements to the historic district as they were built outside the Period of Significance.

The formal curvilinear entrance drives are the only contributing features identified in the campus NRHP nomination.[17] Further evaluation during the Section 106 process related to implementation of the Master Plan did not determine additional contributing elements. The initial campus construction included straight drives; however, curvilinear drives and sidewalks were incorporated into the campus after additions were constructed in the late 1920s through 1950. The linear and curvilinear drives and sidewalks are typical of a Second Generation Veterans neuropsychiatric campus.

[17] *NRHP, Chillicothe VA Hospital, 35.*

Summary of Archeological Resources

Archeology is the study of past human activity through the recovery and analysis of artifacts. These artifacts may relate to large events such as Revolutionary War battles or the lifeways and practices of everyday people. The practice goes beyond locating "stuff" in the dirt: archeology provides insight into the individuals, ecology, and technology of our past. The federal government recognized the significance of archeology in 1906 with the passage of The Antiquities Act. Since that time, Congress has passed numerous pieces of legislation to protect the archeological resources of our country.

Archeological sites on the grounds of the Chillicothe VAMC may relate to Native American occupation of the Scioto Valley, settlement of the area by people of European ancestry, nineteenth century farming practices, Camp Sherman, or early VA use of the campus. Archeologists have identified two archeological sites on the Chillicothe VAMC campus and the potential for others. In addition to the two archeological sites identified on the grounds of the Chillicothe VAMC, archeologists have recorded thirteen archeological sites within one mile of the campus boundaries. Five of these sites consisted of prehistoric Native American artifacts, seven sites contained historic artifacts related to historic use of the Scioto Valley, and one included both prehistoric and historic components.[18]

Note: 16 U.S.C. 470hh requires the U.S. government to protect the location and nature of archeological sites.

[18] *Michael B. Hornum et al., Draft Report Phase I, 12-14.*

VA is legally required to protect archeological sites from looting or vandalism to the extent feasible. Not publicizing the exact location of known sites to the general public is an easy action in stewardship.

For the protection of identified archeological sites, pages 13 - 17 including Figures 2 through 5 have been redacted from this publication of the Historic Preservation Plan for the Chillicothe VA Medical Center.

Chapter 2: Regulatory Obligations

All VAMCs are subject to federal historic preservation laws and VA's internal policy and guidance as specified in VA Directive and Handbook 7545: *Cultural Resource Management Procedures*. The handbook is the foundation of this campus-specific Historic Preservation Plan and includes the major laws, internal policies, and Executive Orders governing VA historic preservation compliance. It outlines the historic preservation responsibilities of different positions within VA including Medical Center Directors and Project Managers.

The following positions operate at the medical center-level or have a direct impact on the cultural resources of specific medical centers. For information about other cultural resources responsibilities, see VA Handbook 7545.

- ***Federal Preservation Office***
  The VA Federal Preservation Office (VA FPO) is responsible for strategic management of VA's cultural resources as a whole and provides consultation and historic preservation training support to medical centers nationwide.

VA Federal Preservation Officer:
Kathleen Schamel, Kathleen.Schamel2@va.gov

VA Deputy Federal Preservation Officer:
Douglas Pulak, Douglas.Pulak@va.gov

- ***VISN Director***
  The VISN Director is responsible for designation a VISN-wide Cultural Resource Management Officer to oversee cultural resource compliance at the VISN- and medical center-levels.

- ***VISN-wide Cultural Resource Management Officer (CRMO)***
  The VISN CRMO is responsible for strategic management of VISN and VAMC cultural resources. The VISN CRMO supports the medical center in historic preservation compliance and directs any VISN-wide cultural resource efforts, if applicable.

- ***Capital Asset Manager (CAM)***
  CAMs are responsible for historic preservation compliance and subsequent implementation of cultural resource agreement documents. CAMs must update the Capital Asset Inventory (CAI) at least annually for historic preservation designations and alterations. At times, the day-to-day implementation and management of these responsibilities may be designated to VAMC Chief Engineers or CRMOs.

- ***Medical Center Directors***
  VAMC Directors are responsible for ensuring that appropriate VAMC staff receive cultural resource compliance training. VA Handbook 7545 recommends that VAMC Directors appoint a medical center-level CRMO to assist the campus in historic preservation compliance.

- ***Project Managers***
  VISN and VAMC Project Managers are the frontline of information regarding the potential effects of undertakings on cultural resources.

All VISN and VAMC Directors are responsible for ensuring that staff tasked with project planning and facilities management receive appropriate training; that contracts issued by VA for projects with the potential to affect cultural resources are crafted to allow qualified professionals to assist VA in cultural resource compliance; and, that VA follows the legal requirements of Sections 106 and 110 of the NHPA, including timely and transparent consultation with members of the public, American Indians, and others with a vested interest in the cultural resources of VA.

VHA also has a historian to maintain background research on all VAMC campuses, as well as important persons and events in VHA history. This office coordinates or assists in the creation of outreach programs and materials related to VA's history. Though the historian provides support to VAMCs and the Federal Preservation Officer, the Historian is not responsible for cultural resources compliance. Matters of historic preservation should be addressed through the VISN CRMO and VA FPO.

The staff of the Chillicothe VAMC and VISN 10 struggle daily with the monumental responsibility of maintaining and improving a campus to a standard commensurate with the respect due our Nation's Veterans. In 2011, VA introduced the Strategic Capital Investment Planning (SCIP) process to manage capital assets across the Agency. VA analyzes identified gaps in facility utilization and management through the SCIP process and proposes projects to address these concerns through a 10-year plan. The commitment of federal funding to correct gaps constitutes a federal undertaking and triggers VA's legal historic preservation requirements under VA Directive and Handbook 7545; the National Historic Preservation Act of 1966, as amended; and, others. Below is a short summary of the primary laws and Executive Orders that constitute VA's legal obligations regarding cultural and historic resources.

VA has leases on-site with administrators of an on-site golf course, a baseball stadium, a credit union, and, at times, local education groups. An Enhanced Use Lease EUL) for the development of housing for homeless Veterans is presently constructing Freedom's Path, a 60-unit apartment building on the southern end of the facility. There may at some future date be a second phase of housing added at a different location on the property. VA may not defer its historic preservation responsibilities to these groups. All leases should address procedures for proposing new construction, renovation, or rehabilitation that has the potential to affect historic buildings, structures, features, and/or landscapes.

National Historic Preservation Act of 1966, as amended (54 U.S.C. 300101)

The National Historic Preservation Act of 1966, as amended (NHPA), is our nation's most comprehensive regulation regarding the protection of historic properties. In this 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."[20] Historic properties include buildings, archeological sites, structures, and objects that (1) fifty years of age or older, with limited exceptions, (2) are significant to the understanding of our nation's history, and (3) retain sufficient integrity, i.e. physical features, to convey the importance of the property. A farmhouse that once housed one of our nation's Founding Fathers can be important, but the building may not be considered historic if it now is clad in vinyl siding, has been modified to include a large glass addition as an entrance, and sits in the middle of a suburban shopping mall.

In January 2015, the NHPA moved in the official compilation of federal statutes to 54 U.S.C., beginning at Section 300101. The ACHP has continued to refer to sections of the law by their original titles. This document includes the new location in title 54 and the colloquial references.

Very few properties attain a level of significance sufficient for National Register listing prior to meeting the 50- year threshold.

Properties must be important to the history of the American people, meaning that properties of local and regional significance also may be considered historic resources.

[20] *National Historic Preservation Act, Public Law 89-665; 54 U.S.C. 300101 et seq. (1996, amended through 2006).*

Section 101 of the NHPA (54 U.S.C. 3021)

The National Park Service maintains the National Register of Historic Places (NRHP). The NRHP serves as our country's official list of historic properties. This register is not static, growing as more properties are evaluated as they age and/or are associated with new patterns of American identity that become important. For example, a VAMC built in 1955 likely would not be considered historic if evaluated for listing in the NRHP in 1985. This same hospital should be re-evaluated today. It should also be noted that a property does not need to be listed, merely determined eligible for listing in the NRHP, to be considered historic and therefore afforded full consideration under the NHPA; in fact, for the purpose of NRHP compliance, there is no distinction between a building or campus being eligible or being listed.

Historic properties are grouped according to the type of significance they convey. The four primary criteria for evaluation are:

(A) Association with an event or events that have contributed to the broad patterns of American society;

(B) Association with persons significant to our past;

(C) The embodiment of a distinctive architectural type or style, or is the work of a master; or,

(D) Contain significant research potential (usually applied to archeological sites).

Under these criteria, properties may be listed individually or as districts. Districts are composed of multiple buildings, structures, sites or objects that contribute to the historical significance of the campus. Elements constructed after the Period of Significance or that have been substantially altered are known as non-contributing elements. Districts should be viewed as a whole, yet effects to individual contributing elements have the potential to affect the entire district.

Districts do not have to be geographically related. At present, no archeological sites known to be present on the Chillicothe VAMC campus haven been identified as contributing elements to a larger archeological district. Future archeological investigations may determine that campus sites are linked to others in the state or region.

The Chillicothe VAMC is a historic property for at least the following reasons:

- As an example of "2nd generation" VA medical center architecture (Criteria A and C);
- As part of the site of Camp Sherman during World War I (Criteria A and D);
- As the site of earlier farming and residential activity (Criterion D)
- As the site of ancestral Native American occupation and possible earthwork construction (Criterion D).

Section 106 of the NHPA (54 U.S.C. 306108)

Section 106 of the NHPA and its implementing guidance contained in 36 CFR Part 800 outline the responsibilities of federal agencies when considering an undertaking [project involving federal funds, action, or permitting]. Section 106 requires federal agencies to "take into account" the effect of its proposed action on historic properties and allow the Advisory Council on Historic Preservation (ACHP) and other external stakeholders the opportunity to comment. Section 106 does not require VA to protect historic properties at all costs; more accurately, the law directs VA decision-makers to be good stewards of the nation's heritage.

VA maintains a liaison at the ACHP to help facilitate consultation.

Section 110 of the NHPA (54 U.S.C. 306101-306120)

Section 110 of the NHPA outlines the responsibilities of all federal agencies to their historic properties. It governs the larger principles of historic property management.

- Section 110(a)(1): Requires federal agencies to use, to the maximum extent possible, historic buildings under the agency's authority in fulfillment of the agency mission.
- Section 110(a)(2): Requires federal agencies to comply with Section 106 of the NHPA. Also requires agencies to evaluate and nominate their historic properties to the NRHP. Requires federal agencies to follow the tenets of NAGPRA (Public Law 101-601; 25 U.S.C. 3001-3013) in the event of the disposition of Native American cultural items from federal lands.
- Section 110(b): Requires federal agencies to record historic properties prior to demolition.
- Section 110(c): Requires federal agencies to consider the effects of their actions on all historic properties, not just those historic properties under VA authority. This requirement forms the basis of the "but for" clause. The "effects" include demolition, alteration, or even transfer from federal authority.
- Section 110(g): Allows preservation costs to be included in overall project budgets.

Section 111 of the NHPA (54 U.S.C. 306121-306122)

Section 111 of the NHPA permits federal agencies to seek alternative uses outside the agency if the agency cannot use the historic property. Alternative use may include leasing the property to another party.

Section 112 of the NHPA (54 U.S.C. 306131)

Section 112 of the NHPA requires federal agencies to use qualified personnel and follow industry standards to protect historic properties. The Secretary of the Interior's Professional Qualification Standards for the practice of archaeology, history, architectural history, and historic architecture are codified in 36 CFR Part 61. A copy is available http://www.nps.gov/history/local-law/arch_stnds_9.htm/.

Regulations Related to Archaeological Resources

Archaeological sites offer research potential into human lifeways both in the historic era and hundreds or even thousands of years ago. As with built resources, archaeological resources must possess sufficient integrity to be considered significant. Archeological properties that meet the threshold may be listed in the National Register of Historic Places. A series of related archeological sites may be listed as a district.

Antiquities Act of 1906 (54 U.S.C. 320301 et seq.)

The Antiquities Act provides legal framework for the prosecution of persons seeking to loot or destroy archaeological sites on federal property without permission. VA may need to seek an Antiquities permit if it plans to conduct ground-disturbing activities (such as demolition or construction) on land not under VA authority.

Archaeological and Historic Preservation Act of 1960, as amended (54 U.S.C. 312505-312508)

The Archaeological and Historic Preservation Act of 1960, as amended (AHPA), requires federal agencies to, "provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance."[21] The statute allows for archaeological sites to be fully excavated.

Archaeological Resources Protection Act of 1979, as amended (16 U.S.C. 470aa et seq.)

The Archaeological Resources Protection Act of 1979, as amended (ARPA), was designed to protect archaeological sites because such sites cannot be replaced. ARPA restricts archaeological investigations on federal lands to Secretary of the Interior-qualified archaeologists who have been granted permission to excavate or are properly permitted by the federal agency. VA does not need an ARPA permit to conduct archaeological investigations on its own property, but may need such a permit to complete archaeological investigations on federal lands under the administration of another agency.

Curation of Federally-Owned and Administered Archaeological Collections, 36 CFR Part 79

Federal agencies are responsible for the care and maintenance of archaeological collections under their administration. VA does not have a dedicated archaeological curation facility at this time, so any archaeological collections uncovered at the Chillicothe VAMC must be curated with a third-party such as the State or NPS. The Chillicothe VAMC should consider entering into an agreement with the State or another facility compliant with 36 CFR Part 79 prior to contracting archaeological investigations to prevent future delays in processing archeological material.

Regulations Related to Native American Rights and Freedoms

The United States government recognizes the sovereign rights of Native American Tribes and their unique expertise regarding historic properties. Consultation with Native American Tribes is mandated by NHPA, NAGPRA, and other federal regulations. Native Americans Tribes may choose to participate in Section 106 processes on lands with which they have a cultural affiliation. Tribes may participate in large consultation meetings with all other parties or may elect to have private, government-to-government conversations with VA. It is important to be flexible and respectful when consulting with American Indian tribal entities.

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[21] *Francis P. McManamon, "Archeological and Historic Preservation Act," reproduced from Archaeological Method and Theory: An Encyclopedia, edited by Linda Ellis (New York and London: Garland Publishing Company, 2000), available online through the NPS,* http://www.nps.gov/archeology/tools/Laws/ahpa.htm*, accessed September 4, 2015.*

Federally-recognized Tribes with cultural affiliations to Ross County, Ohio:

- *The Absentee Shawnee Tribe of Indians of Oklahoma*
- *The Delaware Nation*
- *The Delaware Tribe of Indians*
- *The Eastern Shawnee Tribe of Oklahoma*
- *The Miami Tribe of Oklahoma*
- *The Ottawa Tribe of Oklahoma*
- *The Seneca-Cayuga Nation*
- *The Shawnee Tribe*
- *The Wyandotte Nation of Oklahoma*

VA Directive & Handbook 8603: Consultation and Communication with Federally-Recognized Indian Tribes

In February 2015, VA updated Directive and Handbook 8603: *Consultation and Communication with Federally-Recognized Indian Tribes.* This guidance sets internal policies regarding agency relations with American Indians/Alaskan Natives, exclusive of those Tribal consultations related to matters related to historic preservation, cultural resources, or NEPA processes which are exempt from the procedures described in VA Handbook 8603.[22] These consultations procedures are described and defined in VA Directive and Handbook 7545 and VA Directive 0067. Under Directive 8603, the VA Office of Public and Intergovernmental Affairs (OPIA)-Office of Tribal Government Relations (OTGR) is responsible for providing guidance on Tribal consultations and communications as well as managing, facilitating, and documenting the Tribal consultation process.[23] The OPIA-OTGR should be contacted prior to initiating Tribal consultations and/or communications (Appendix C).

As defined in VA Handbook 8603:

Tribal Consultation is a formal process of seeking input from designated Tribal officials or personnel on proposed agency actions that are expected to impact Tribal interests, including but not limited to areas of cultural affiliation.

Tribal Communication is any verbal, written or electronic exchange with Tribal officials and/or personnel that does not warrant formal consultation.

VA Handbook 8603 describes a clear process for Tribal Consultation with Federally-Recognized Native American Tribes on matters that have the potential to affect tribal resources, rights, or lands, excluding those undertakings requiring consultation under NHPA and directed by VA Directive 7545; impact more than one tribe; alter the established responsibilities between VA and tribes; and/or necessitate senior VA or tribal leadership. Tribal Communication is less formal, although not less important for building government-to-government relations. Tribal Consultation and/or Communication is unlikely to be necessary from actions undertaken by the VAMC, however, the VISN may determine that formal consultation with Native American Tribes is required for VISN policies and request VAMC support. The VAMC is more likely to enter consultation under NHPA and VA Directive 7545.

[22] *2.b(3)*
[23] *Handbook 8603, page 6. 4a*

American Indian Religious Freedom Act (Pub. L. 95-341, 92 Stat. 469, 42 U.S.C. § 1996)

It is the policy of the United States government to protect and preserve the inherent rights of Native Americans to maintain their own beliefs and practices, and to exercise those rights. Practice may include limited access to religious sites, use of religious objects, and freedom to engage in traditional religious rites. VA must consult with Native Americans groups about actions that may impugn upon or interrupt Native American religious practices.

Executive Order 13007: Indian Sacred Sites

Executive Order 13007 expands AIRFA to mandate that the managers of federal facilities allow Native Americans access to sacred sites on federally-administered lands to the extent practicable. The E.O. further directs federal land managers to prohibit damage to known Native American sacred sites if at all possible. This direction includes maintaining the confidentiality of such sites. No sacred sites have been identified on the Chillicothe VAMC campus to date, however, this does not preclude future identification.

Presidential Memorandum on Government-to-Government Relations with Native American Tribal Governments

The United States has a unique relationship with sovereign Native American Tribes. All consultation with Federally-recognized Native American Tribes must be conducted government-to-government and cannot be deferred to contractors. All correspondence should be under the signature of the VAMC director, VISN director, VA FPO, Secretary of the Department of Veterans Affairs, or President of the United States.

Executive Order 13175: Consultation and Coordination with Indian Tribal Governments

Our government recognizes the rights of Native American Tribes to be sovereign and self-determining and guided by self-government. E.O. 13175 mandates that federal agencies consult early with Native American Tribes in making decisions that affect Native American interests and work with the Tribe(s) in reaching a solution. The E.O. also allows the federal government to pay costs incurred by Native American groups in consultation. VA updated its Native American consultation in accordance with E.O. 13175 in 2011 (http://www.va.gov/TRIBALGOVERNMENT/docs/VA_Tribal_Consultation_Policy.pdf) and formalized its process in Directive and Handbook 8603.

National Historic Preservation Act of 1966, as amended (Pub. L. 89-665, 80 Stat. 915, 54 U.S.C. § 300101 et seq)

NHPA affords Native American Tribes a unique role in the Section 106 process. Federal agencies must consult with Native American Tribal Historic Preservation Officers (THPOs) or designated Native American Tribal government officials throughout the process.

Religious Freedom Restoration Act of 1993 (Pub. L. No. 103-141, 107 Stat. 1488; 42 U.S.C. §2000bb-§2000bb-4)

The Religious Freedom Restoration Act of 1993 (RFRA) prohibits federal agencies from impugning upon a person's exercise of religious practice. If restrictions must be enacted, those limitations should be minimized to the extent practicable.

Native American Graves Protection and Repatriation Act (Pub.L.101-601, 104 Stat. 3048-58, 25 U.S.C. §§ 3001-13)

The Native American Graves Protection and Repatriation Act (NAGPRA) provides protection for Native American burial sites and cultural items and prescribes the treatment of these properties by the United States government. NAGPRA also stipulates the process for addressing unanticipated finds of burial remains and Native American cultural items on federal lands or on lands under federal jurisdiction. NAGPRA extends beyond extant Native American Tribes to lineal descendants of past Native American communities. Chillicothe VAMC should develop a Plan of Action (POA) in consultation with Indian tribes to address any future discoveries of Native American items.

Other Relevant Regulations, Laws, and Executive Orders

Executive Order 13287: "Preserve America"

Preserve America directs federal agencies to view and treat historic properties as assets, rather than burdens, that can support the agency mission. The E.O. requires federal agencies to identify historic properties under their administration; manage those resources appropriately; and use, reuse, and rehabilitate their historic properties. The E.O. also directs agencies to establish partnerships with local groups, municipal entities, and other federal agencies to better care for historic resources.

Executive Order 13006: Locating Federal Facilities on Historic Properties in our Nation's Central Cities

E.O. 13006 seeks to better American downtown districts by re-using historic properties in support of federal agency missions. This E.O. may apply to the establishment of off-campus resources such as CBOCs.

National Environmental Policy Act of 1969, as amended (Pub. L. 91-190, 83 Stat. 852, 42 U.S.C. § 4321 et seq.)/VA NEPA Interim Guidance (2010) (Figure 6)

The National Environmental Policy Act of 1969, as amended (NEPA), seeks to promote productive use of the environment. The law outlines environmental compliance in a manner comparable to the way NHPA governs federal action toward historic properties. VA released interim guidance in 2010 to describe the requirements for facility planning in compliance with NEPA and provide guidance on integrating NEPA into the decision-making process.[24] Efforts are underway to revise VA's NEPA Implementing Regulations (38 CFR Part 26); this Historic Preservation Plan should be updated to include the new guidance once finalized. NEPA considers all aspects of the human environment including biological resources, water and air quality, socio-economic concerns, and cultural resources. Cultural resources include, but are not limited to, historic properties, cemeteries, locations of importance to specific ethnic groups that may not yet be 50 years of age, and archaeological sites that may not possess sufficient integrity to be listed in the National Register of Historic Places.

NEPA seeks to determine the impacts of a federal undertaking and include these considerations in the decision-making process. These analyses include air quality, noise, flora and faunal species, socio-economic concerns, and cultural resources, among others. Like NHPA, public involvement is crucial to a successful compliance strategy. NEPA sets out a process for compliance, ultimately codified in a Categorical Exclusion (CE), Environmental Assessment (EA), or an Environmental Impact Statement (EIS). CEs are projects that do not significantly impact the environment. EAs and EISs are longer reports that study the direct impacts

[24] *VA Office of Construction and Facilities Management (OOCFM), VA NEPA Interim Guidance for Projects, 30 September 2010, Part 1, page 6.*

and cumulative effects of projects on the human environment. Routine maintenance rarely requires an EA or EIS, though significant new construction will require more detailed analysis.

NEPA requires considerable data to fully inform the decision-making process. Cultural resources considerations may include identification of known National Register-listed properties within the project area and/or affected campus; survey, inventory, and evaluation of capital assets more than 50 years of age; archeological investigations to determine the presence of significant properties; and, review of surrounding properties potentially affected that may meet the requirements for listing in the National Register of Historic Places. Additionally, decision-makers must take into account affected cemeteries, potentially impacted areas of significance to Native Americans, and/or disturbance of traditional practices. By considering these impacts and others early in the decision-making process, NEPA "promotes good project management" and seeks to avoid unforeseen issues from interrupting implementation of a federal action.[25]

NHPA and NEPA may be prosecuted independently, concurrently, or jointly. The decision of whether or not to link the policies lies with the federal agency. Small, non-controversial undertakings likely are best handled through a joint compliance strategy. Large, complicated projects require coordination with the FPO to determine the correct compliance process. Information and concerns raised by interested members of public should be shared between the processes. These decisions should be made in concert with the VA Office for Environmental Compliance and the Federal Preservation Office.

For more information, see the VA Cultural Resource Checklist:

http://www.cfm.va.gov/historic/CulturalResourceChecklist106.pdf

[25] *VA Office of Construction and Facilities Management (OOCFM), VA NEPA Interim Guidance for Projects, 30 September 2010, Part 1, page 11.*

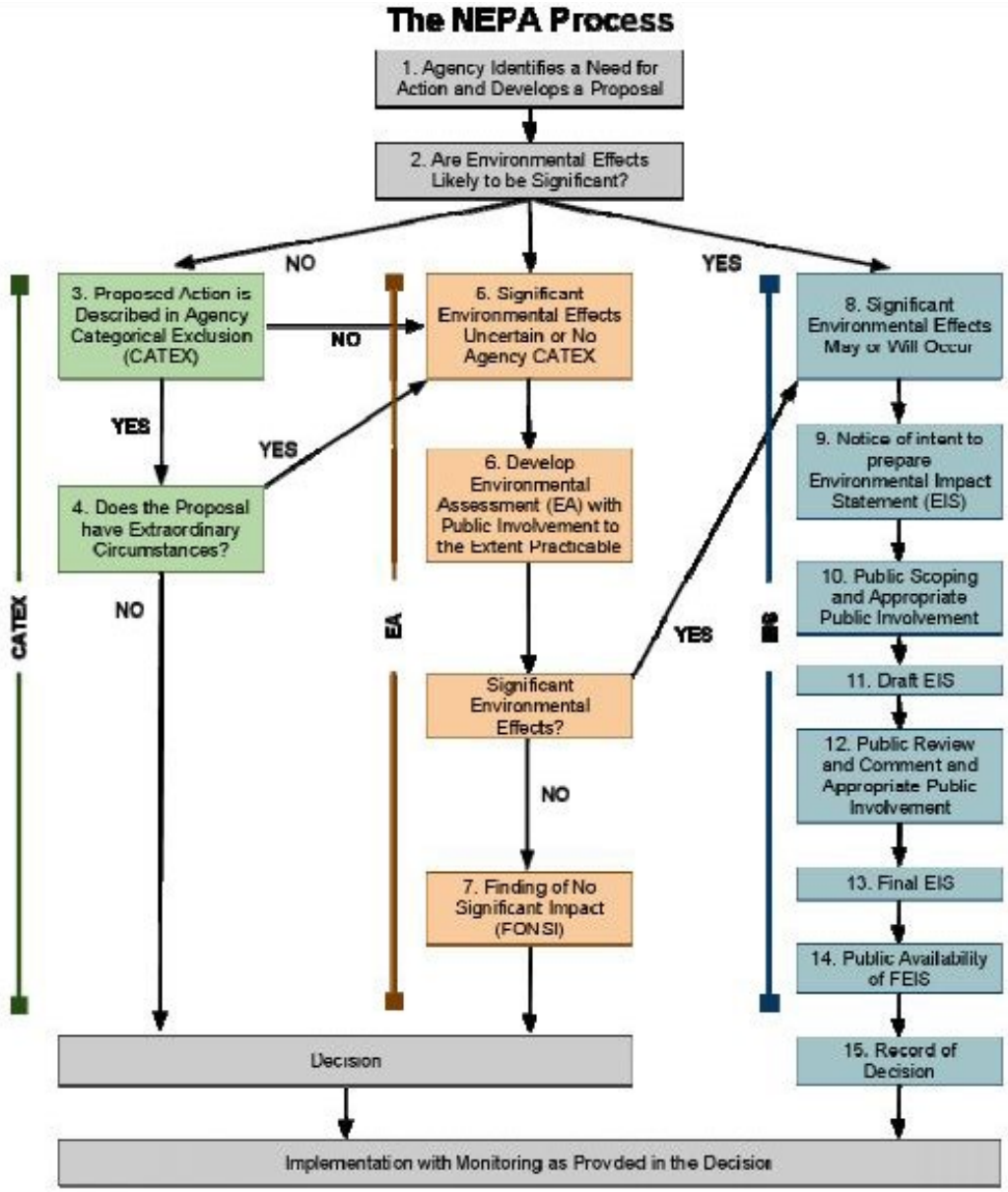


Figure 6. The NEPA Process.

Chapter 3: Campus Maintenance

Regular maintenance provides protection against future costly damages and demolition of historic buildings by neglect. Maintenance, as it is intended in this chapter, does not include new construction, no matter how minor. These guidelines are intended to preserve the character-defining features of the historic district by preserving the contributing buildings, landscape elements, and structures. Guidance is based on the *Standards for the Treatment of Historic Properties* produced by the Secretary of the Interior, the NHPA, and VA Handbook 7545.

Appropriate Training

Stipulation X of the programmatic agreement (PA) executed in August 2015 for implementation of the revised 2008 Master Plan requires that key Engineering personnel, including but not limited to the Chief Engineer and Assistant Chief Engineer, complete Section 106 training; however, all persons responsible for maintenance and management of buildings at the Chillicothe VAMC should receive training in the treatment of historic buildings. New employees should receive education about the historic nature of the campus, the location of historic properties, the potential for archeological resources, and VA's legal requirements under federal law. The designated campus CRMO or another trained staff member should educate all staff members responsible for the care of historic properties annually about the state of campus historic properties, planned projects that have the potential to affect historic properties, protocols stipulated in existing agreement documents, and any changes in federal preservation law or VA internal guidance. Additionally, Stipulation X of the PA requires the Chillicothe VAMC to develop a training program for contractors and lessees about the historic character of the campus and the potential for subsurface deposits. The Chillicothe VAMC is required to design the program to educate contractors and lessees about application of the preservation principles, the treatment of subsurface deposits, and VA's responsibilities under NHPA. More information about the contractor and lessee training is available in Chapter 4.

Appropriate Treatment Measures

Retention of character-defining features is key to the maintenance of the Chillicothe VAMC. Generally speaking, these features include the orientation of core campus buildings around the ovoid greenspaces (Griffith Circle and the North Circle), red brick cladding, tiled roofs, and rolling topography. Archeological deposits also can be historic properties and must be managed appropriately. A more detailed guide to the character-defining features of all contributing elements is included in Chapter 1.

Built Resources

Selection of a course of treatment should consider expense, time, safety, significance of the property, condition, and the intended use. For example, a rotted wood floor on the front porch of a former Quarters building should not be preserved at three times the cost of replacement flooring and a great risk of employee safety, nor should the wood floor be replaced with tiles from the local hardware store. The historic integrity of the building would not be adversely affected by replacing the rotted wood floorboards with new wood boards of a similar width, depth, and appearance. The following course of treatment priorities is found in the Secretary of the Interior's *Standards for the Treatment of Historic Properties*. Treatment measures should be considered in order, i.e. the project engineer should determine if preservation can work before deciding to rehabilitate.

Note- Stipulation IV requires VA to rehabilitate existing buildings around Griffith Circle to be consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (https://www.nps.gov/tps/standards/rehabilitation.htm). The PA does not require use of the Standards to modernize Building 31 (Main Hospital) (Stipulation II) or when renovating buildings around the North Circle (Stipulation III).

***Preservation*:** Maintenance and repair of the building, structure, or landscape element "as is." The feature is temporarily stabilized and repaired with in-kind or similar materials. Physical treatments are as gentle as possible while still achieving the desired effect. Chemical and stabilization treatments that do not leave lasting or permanent marks may be utilized as appropriate.

***Rehabilitation*:** Features that have been damaged or that have deteriorated beyond simple repairs may be replaced with appropriate materials. The replacement must be nearly identical in size, shape, color, and finish. Rehabilitation may be accomplished using historic materials salvaged from buildings that have been demolished or may utilize new synthetic materials that are appropriate in appearance (Figure 7).

Figure 7. If possible given structural conditions, VA may be able to salvage some of the materials and elements of the entry to Building 2 for use on other 1923 campus buildings.

***Restoration*:** Replacement of missing elements. Restoration should only be undertaken if evidence, such as historical photos or building plans, exist so that restoration may be accurate and appropriate. Elements that are reflective of the Period of Significance (1922-1950) are more desirable than pieces later added, however, consideration of the overall character should be considered. Restoration of windows, for example, would be better served by replacing windows more aligned with the original campus windows than aluminum-framed windows from the 1960s. Restoring only one window, however, would be more visually jarring than installing one to match all others.

***Reconstruction*:** Accurate duplication through new construction of historical features in its historic location. Reconstruction of whole buildings, structures, and landscapes is not recommended as a maintenance measure.

Guidelines

Retention of the primary façade of all contributing built resources is key, but the close proximity of buildings, especially those in the campus core, enhances the need for sympathetic treatments to other elevations. Maintenance measures should seek to retain contributing built resources to their original appearance or, at minimum, their present aesthetic.

Masonry Buildings

- *All campus buildings should be inspected at least once a year and after particularly forceful weather events (excessively heavy snow, tornados, etc.) for damage (Figures 8 and 9).*

Building No.		Date:	Inspector:			
Location Include a sketch map of damage location on reverse side.		Item or Condition	Building Elevation			
			North	East	South	West
Above Grade	Masonry	Cracked bricks				
		Loose bricks				
		Spalled bricks				
		Hairline cracks in mortar				
		Deteriorated mortar joints				
		Missing or clogged weeps				
		Plant growth				
		Deteriorated sealants				
		Out-of-plumb				
		Efflorescence				
		Stains				
		Water penetration				
		Dirt				
	Flashing/ Counter-flashing	Damaged				
		Open lap joints				
		Missing				
		Stains				
	Caps/Copings/ Sills	Inadequate slope				
		Cracked units				
		Hairline cracks in mortar				
		Loose joints				
		Open joints				
		Out-of-plumb				
		Drips needed				
Below Grade	Foundation Walls	Deteriorated mortar joints				
		Cracks				
		Separation from flooring				
		Inadequate drainage				
		Water Penetration				
	Retaining Walls	Spalled units				
		Deteriorated mortar joints				
		Cracks				
		Out-of-plumb				
		Dampness				
		Inadequate drainage				
	Other Elements	Roof overhangs				
		Gutters				
		Seal at adjacent materials				
		Surface drainage				
		Deterioration of decorative elements				
Additional Notes:						

Figure 8. Masonry Checklist. (Checklist adapted from The Brick Industry Association Technical Note 46: Maintenance of Brick Masonry, 2005, http://www.gobrick.com/portals/25/docs/technical%20notes/tn46.pdf). This checklist may be used in annual inspections of campus buildings. If it is used, the record should be retained.

Figure 9. Over time, leaks such as this have the potential to damage masonry buildings.

- *Buildings should be cleaned by the gentlest means possible.*[26]

  – Abrasive treatments such as high-power pressure washing are not recommended. This method can damage the historic materials, ultimately culminating in costly replacement projects.

  – Masonry buildings should only be cleaned in the spring or summer once the threat of freezing has passed. It can take as long as a week for masonry to dry completely- cold temperatures could freeze water within the bricks/mortar causing cracking.

  – A small section of the building should be tested in an inconspicuous, rear location prior to full-scale cleaning. Check for evidence of staining on the lighter colored bricks or decorative elements caused by minerals in the water supply.

  – Dirt often can be removed with water applied at pressures between 1 and 400 psi. When cleaning, start at a low pressure and work up to higher pressures as needed.

  - Hot water can be used to remove more stubborn elements.
  - A non-metal bristle brush can be used to spot clean loose debris.
  - If necessary, a non-ionic detergent can be mixed with the water for tough stains or oils. Always rinse with plain water after application.

[26] *Robert C. Mack and Anne E. Grimmer, Assessing Cleaning and Water-Repellent Treatments for Historic Masonry Buildings, Preservation Brief No. 1, 2000 [1975],* http://www.nps.gov/tps/how-to-preserve/briefs/1-cleaning-water-repellent.htm#cleaning.

Roofs

- *Inspection of roofs and roofing materials should be included as part of the annual campus inspection. Roofs also should be surveyed following major weather events to check for damage. Damaged asphalt shingles should be replaced immediately.*

Windows and Doors

- *Original windows should be repaired to the extent practical.*

  – If replacement of individual windows is necessary, replacement materials should match the original to the extent practical while maintaining consistent appearance. Glazing also should match, as should configuration (i.e. the appearance of an extant six-over-six windows should be maintained, even if it is accomplished with decorative mullions; Figure 10). Openings should not be altered in size to accommodate smaller windows.

  – Sills may be painted if the material previously was painted.

Figure 10. Example of campus replacement windows.

- *Original doors should be maintained to the extent practical.*

  – If a primary exterior door is damaged, but a matching door is available on another elevation, the historic door may be used on the front and a replacement used on the secondary elevation.

  – Historic doors may be painted if previously painted.

  – Openings should not be filled to accommodate smaller doors nor widened for larger entrances without consultation.

  – Exterior openings (door or window) should not be filled in.

Former Residences

- *The extant masonry, windows, doors, and roofs should be maintained and repaired as necessary until final disposal is decided. See Chapter 4 for more details.*

Mace House

The Mace House predates the VAMC by approximately 100 years (Figure 11).

- *The extant brick cladding should be maintained and repaired as necessary.*
- *The extant wood cladding on the rear addition should be maintained and repaired as necessary. Replacement materials should match the originals in length, width, height, color, and finish. Replacement of the wood with vinyl or other materials will fundamentally affect the building's historical integrity, constituting an adverse effect, and is not recommended.*

Figure 11. Mace House.

- *Windows should be repaired as necessary. The windows are historic and should be replaced with in-kind single-pane glass hung windows if destroyed. All minor damage should be repaired only.*
- *Shutters should be maintained and repaired as necessary.*
- *The roof should remain covered in slate shingles. Replacement shingles should be made of slate and should match the surrounding shingles in length, width, color, and finish.*

Landscape

- *Plants should be replaced with plants native to or generally found in the local area.*
- *The North Circle and Griffith Circle ovoid lawns should be preserved as open spaces.*
- *Hines Boulevard is a contributing element to the historic district and should be treated as a historic property. The shape of the drive is reflective of Second Generation organizational concepts.*
- *As the buildings age, the cladding may become more susceptible to damage caused by lawn maintenance equipment such as string trimmers (a.k.a. Weed Whackers, Weed Eaters). This kind of damage can be prevented by planting manicured beds adjacent to building walls.[27] Care must be taken in installing these types of beds to prevent water seepage into basements and foundations.*

Features & Structures

- *Archeological investigations along Ohio State Route104 in 2006 unearthed two concrete posts formerly part of a set of four marking the north entrance to Camp Sherman. After consultation with the Ohio State Preservation Office, the VAMC agreed to utilize the gate posts as part of the VAMC entrance. Any plans to relocate these posts should be discussed with the OH SHPO.*
- *The line of sight from Building 31 to the flag pole has been identified as a contributing element of the campus and should be maintained.*
- *The concrete-lined drainage ditch on the south side of the campus dates to Camp Sherman and is a contributing element of the campus. The non-concrete lined ditch to the west of the roadway was constructed later and is not part of the historic element.*

  – The historic ditch can be cleared of debris without consultation. The Chillicothe VAMC should review any renovation or alteration of the ditch as a Section 106 action. The Chillicothe VAMC may address these effects as alteration is needed, or VAMC leadership may wish to consider developing a programmatic agreement to address all routine management and maintenance on campus.

Non-Contributing Elements

- *The appearance of non-contributing buildings or structures can affect the historic integrity of surrounding buildings, landscapes, and open spaces. Under the stipulations of the PA, buildings in the Engineering area may be altered or demolished as necessary to best fulfill the agency mission. Alterations to non-contributing buildings closer to the historic Ovals should be carefully considered for effects to surrounding historic buildings.*

[27] *See historic photo of the campus in "The Price of Freedom," page 14, and historic photos in the files of the Chillicothe VAMC.*

Chapter 4: Implementation of the Revised 2008 Master Plan under the 2015 Programmatic Agreement

In 2008, the Chillicothe VAMC prepared a Master Plan, which has been updated as necessary. The 2008 Master Plan was designed to help VA better fulfill its primary responsibility to provide quality healthcare to Veterans now and in the future through enhanced services and better use of campus physical spaces. This master plan identified unused or underutilized campus spaces that could be put to better use in fulfillment of the agency mission. Carrying out the Master Plan will result in adverse effects to the Chillicothe VA Hospital Historic District, including possible demolition of up to 15 historic buildings; the alteration of 10 additional historic buildings; limited new construction; and disruption of potential archeological resources. Other adverse effects resulting from this undertaking include the interruption of the ovoid building formation around Taft and Griffith Circles and the intrusion of new construction on the North Circle parade ground.

In 2011, the Chillicothe VAMC initiated NHPA Section 106 consultation on the effects of implementing the revised Master Plan. Several local groups interested in the campus and in historic properties in Ross County joined the consultation. These groups included the National Park Service as stewards of the Hopewell Culture National Historical Park; Camp Sherman, Inc., a group dedicated to preserving the memory of Camp Sherman; several Veterans groups; and Native American Tribes. A full list of Consulting Parties and their contact information is included in Appendix C. Together with the SHPO, the ACHP, and these Consulting Parties, Chillicothe VAMC implemented alternative arrangements for fulfilling Chillicothe VA's Section 106 obligations; these arrangements are codified in a Programmatic Agreement (PA). Complete fulfillment of the stipulations of this PA is required to comply with this law. This chapter summarizes the requirements of the PA (Appendix B). ***Any new construction actions not included in the revised 2008 Master Plan are not covered by the PA and must be addressed through a new Section 106 process.*** Information about protocols to consult on other undertakings is included in Chapter 5.

A full description of the Section 106 process is included in Chapter 5

Stipulation I.b: The VAMC is responsible for developing and implementing a historic preservation plan.

This Historic Preservation Plan fulfills the VAMC's obligation under Stipulation I.b. The Plan must be finalized six months following execution of the PA. SHPO may comment on the draft preservation plan for 30 days prior to finalization of the document. The PA also was designed to assist VA to fulfill its obligations to better use historic campus buildings, structures, and features in accordance with the agency mission and the requirements of Section 110, specifically with regard to the residences (Buildings 12-17).

Stipulation I.c: The Chillicothe VAMC will document all historic campus buildings prior to demolition, mothballing, or significant alteration in accordance with the documentation standards included in Appendix F of the PA.

- *Documentation must include at least 25 shots of each affected building.*
- *Photographs may be taken by a digital camera in TIFF or RAW formats- .jpg is not permitted. Each photo must be at least six megapixels.*
- *Photographs must be saved to an archival-quality disc. Originals must be stored either with the Engineering Department or Public Affairs, unless a more suitable department is identified. A copy of all photographs must be made available to the public in the Mace House.*

The PA specifies that all historic buildings should be documented, including Buildings 2, 6, 10, 11, 12-17, 28, and any historic buildings located in the engineering area of campus. Demolition of these buildings is addressed later in this description of the PA.

Stipulation I.d: The Chillicothe VAMC may alter all interior spaces without consulting Stakeholders except the lobby of Building 31, the auditorium in Building 9, and any space within the Mace House. Alteration of these three exceptions requires consultation.

In 2012, VISN 10 submitted draft reports to the Ohio SHPO that identified significant interior spaces of all VAMCs in the VISN. Most interior spaces of the Chillicothe VAMC have been significantly altered to accommodate modern medical care. The lobby of Building 31 and the auditorium of Building 9 were found to retain sufficient integrity to be considered contributing elements to the Chillicothe VA Hospital Historic District. VA also determined that the interior of the Mace House contributed to the historical significance of the Mace House, a property listed in the NRHP. The VAMC will be required to consult under

Stipulation I.e: The Chillicothe VAMC may replace campus windows that are not original so long as the replacements are similar to the original windows in design and, where possible, materials.

Section 106 if alterations are proposed to any of these spaces.
Copies of all original building plans are available in the VAMC Engineering offices. The VAMC has replaced all windows in some buildings and some windows in other- a partial list of known replacements is included below.

Original Windows	Complete Replacement	Partial Replacement
2, 4, 5, 6, 8, 9, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 25, 28, 218, 247	1, 3, 24, 30, 31, 35, 210, 211, 212	7, 10, 11, 21, 23, 24, 26, 27, 259

Windows replaced by past projects may be replaced in new funding cycles. The VAMC must review the original building plans and replace the damaged pieces with windows similar in design to the original windows. If possible, the VAMC should attempt to match the original materials.

Original windows, especially those in the Mace House, cannot be replaced under the terms of the PA. The VAMC must consult with the Ohio SHPO and Consulting Parties regarding each replacement project. Alternately, the VAMC should work with the VISN and the SHPO to execute a programmatic agreement for routine maintenance and include window replacements as a stipulation.

Stipulation II: The Chillicothe VAMC may add necessary clinical space and medical functions to the rear of Building 31.

The Consulting Parties acknowledged the importance of providing medical care to Veterans and the need to consolidate services to enhance patient satisfaction. The addition of new patient treatment, testing, and clinical space to the rear of Building 31 has been mitigated in implementation of the PA.

> *Stipulation III: All additions to buildings around the North Circle should match the character of the existing architecture.*

Additions to buildings around the North Circle should be similar to the physical features of the extant buildings to the extent possible. New additions should utilize red brick, be even with or lower than the extant building heights, and feature even fenestration patterns similar to existing buildings wherever practical. The oval between the buildings of the North Circle is significant and should be preserved if possible without impeding medical care to Veterans.

> *Stipulation IV.a.1: Rehabilitation of buildings around Griffith Circle must be consistent with the Secretary of the Interior's Rehabilitation Standards as described in 36 CFR 67.*

The Secretary of the Interior's standards for rehabilitation are described in detail in Chapter 3 of this Historic Preservation Plan. Renovation and/or rehabilitation projects should seek to match the appearance and materials to the existing historic architecture of the buildings. Most notably, the buildings should be clad in red brick, feature even fenestration patterns, and be of equal or lesser height than the existing structures.

> *Stipulation IV.a.2: The Chillicothe VAMC will seek funding to preserve the buildings around Griffith Circle with the exception of Buildings 2 and 6. The funding will permit the VAMC to mothball vacant buildings in accordance with NPS Preservation Brief 31 (Appendix G) or take measures comparable to those described in Brief 31 to properly secure the exterior envelope of the building. The VAMC must inform the SHPO if the buildings will be vacant for more than 12 months.*

On September 29, 2015, the VAMC notified the Ohio SHPO that Buildings 2, 4, 5, 6, 10, and 11 were vacant and projected to be vacant for more than one year. The VAMC plans to seek funding to stabilize Buildings 4 and 5 in accordance with the PA. Brief 31 describes the process of mothballing. Mothballing, known in the Department of Defense as "layaway," protects a vacant building to a high degree from weather-related deterioration, vandalism, fire, and/or infestation. The VAMC may elect to follow the NPS process or seek a comparable alternative.

> *Stipulation IV.a.3: The Chillicothe VAMC may demolish Buildings 2 and 6.*

The demolition of Buildings 2 and 6 was a stipulated adverse effect of implementing the revised 2008 Master Plan and demolition of these buildings will be mitigated through the fulfillment of the stipulations of the PA. The VAMC may demolish the buildings at its discretion following documentation conducted in accordance with Stipulation I.C.

> *Stipulation IV.b: The Chillicothe VAMC may demolish Buildings 10, 11, and 28 in order to construct new surface parking lots. The VAMC should design the new lots to match the size, scale, massing, and materials of other lots on campus.*

Like Buildings 2 and 6, the demolition of Buildings 10, 11, and 28 to construct parking for campus CLCs was a stipulated adverse effect of implementing the revised 2008 Master Plan and demolition of these buildings will be mitigated through the fulfillment of the stipulations of the PA. The VAMC may demolish the buildings at its discretion following documentation conducted in accordance with Stipulation I.C. In designing the parking lots, the VAMC must create a surface parking lot (or lots) similar to other lots on campus through the use of low curbs, asphalt, and small-scale landscaping. A parking lot surrounded by a brick wall or bamboo shoots would be inconsistent with the historic character of the campus and therefore outside the effects stipulated in the PA.

> *Stipulation V: The Chillicothe VAMC will explore options for use of the former residences until at least August 24, 2017. These options may include use by the VAMC or VISN, leasing or use by another entity. If efforts do not produce another option, the VAMC may demolish the residences after designing the program outlines in Stipulation VII, notifying the Consulting Parties, and documenting the buildings.*

The VAMC must explore alternative uses for the former residences (Buildings 12-17) through at least August 2017. Within the VAMC, alternative uses may include, but are not limited to, storage, conversion to support services, and/or continued use as residences. Alternately, the VAMC may contact the Chillicothe Paints management about leasing the buildings, work with local groups such as Camp Sherman, Inc. to develop a museum in the buildings, provide space for VISN personnel, or rent the buildings to local Veterans Service Organizations. Alternatives are not limited to this list. Additionally, in 2016, VACO is beginning a study of successful reuse of typical VA buildings around the country, and this study might offer viable alternatives for Buildings 12-17. Information regarding this study will be available through the VA Federal Preservation Office.

Stipulation V.a.3. requires the VAMC to provide documentation of efforts to find adaptive reuses for the residences to all Consulting Parties in the annual reports.

The VAMC may seek alternative uses through direct letters to campus partners, newspaper advertisements, campus social media, announcements on municipal boards, and/or negotiations between the VAMC Director and interested parties. The VAMC also should contact local and statewide partners about potential use. The VAMC should alert Consulting Parties of efforts to secure alternative uses in the annual reports. In August 2016, the VAMC should consider sending a letter to all Consulting Parties requesting ideas for possible alternatives. The VAMC should document <u>every</u> effort to find alternative uses for the residences.

If alternative uses cannot be found by August 2017, and the VAMC has designed the History-Based Enhancement Program, the VAMC should notify the Consulting Parties of the agency's intent to seek funding to demolish the buildings. This notification should include details regarding all explored alternative uses for the buildings. These buildings must be documented in accordance with Stipulation I.C. prior to demolition. Once all of these stipulations have been met, the VAMC may demolish the former residences that have not been put into active use.

> *Stipulation VI: The VAMC may demolish, modify, or replace buildings in the Engineering/Greenhouse area.*

The demolition, modification, and replacement of any and all buildings in the Engineering/Greenhouse portion of the camps was a stipulated adverse effect of implementing the revised 2008 Master Plan and these effects will be mitigated through the fulfillment of the stipulations of the PA. The VAMC may demolish the buildings at its discretion and replace the buildings within the Engineering/Greenhouse area as necessary. Alternately, buildings may be modified or retained, if that serves VAMC's needs.

Stipulation VII: In consultation with local groups, the Chillicothe VAMC will design and implement a program to memorialize the service of Veterans and the role of the Chillicothe VAMC campus in American history.

The VAMC has committed to developing and implementing a campus program to memorialize Veterans and the role of the Chillicothe VAMC in American history. The PA grants the VAMC wide latitude to develop a program that is consistent with the campus mission and satisfies the requirements of the PA. The VAMC is required to:

- *Outline the plan in a letter for review by all Consulting Parties by February 24, 2016. Consulting Parties have 30 days to provide comments on the draft plan.*
- *Provide updates regarding implementation of the plan in all annual reports.*
- *Install a public display in the primary lobby of Building 9, 60, 211, or 252 by November 16, 2016.*
- *Notify patients of the program at least once a year.*
- *Publicize the program in campus public spaces and promotional materials for campus celebrations at least once a year.*
- *If the VAMC chooses to create a website or social media account for the program, the site must be active by February 24, 2017.*

All other aspects of the program are the responsibility of the VAMC to create, develop, and implement. Some Consulting Parties suggested an oral history program that records Veterans' experiences, both in the service and then as Veterans in the civilian world. Other Consulting Parties are invested in the development of a museum dedicated to the legacy of Camp Sherman. The history of Chillicothe's other large military cantonment- Camp Bull- also could be incorporated.

The VAMC should work with representatives of Camp Sherman, Inc., the Hopewell Culture National Historical Park, the Ohio SHPO, and the Ross County VSOs to develop the program. Other potential local partners include the Ross County Historical Society, the town of Chillicothe, local Chillicothe secondary schools, and the leadership of the Chillicothe Correctional Institute (a property also built on the former site of Camp Sherman). The VAMC should also take advantage of the 100th anniversary of World War I (1914-1917), and consequently, Camp Sherman, to partner with local groups in the development of this program.

Stipulation VIII: The Chillicothe VAMC will complete a comprehensive study of open areas on campus by August 24, 2020. The study may include traditional shovel testing or technology-based investigations such as remote sensing. Interested members of the Consulting Parties may participate in investigations so long as they are supervised by Secretary of the Interior-qualified archeologists. Results of investigations must be published within six months of the end of fieldwork.

The Chillicothe VAMC campus has the potential to yield archeological deposits related to prehistoric Native American lifeways, early American agrarian practices, Camp Sherman, or the Second Generation Veterans Hospital currently extant. The PA requires the VAMC to develop and implement a comprehensive archeological testing plan for the areas of the campus not previously archeological tested and not in use. The VAMC has until August 24, 2020, to complete the program.

The golf course is excluded from the study.

- *Develop the Plan. The Plan should require overall project supervision by an archeologist meeting the Standards of the Secretary of the Interior as defined for archaeology in 36 CFR Part 61. Additionally, the contractor should plan to have a SOI-qualified archeologist on site for all investigations undertaken by representatives of Consulting Parties. The Plan must include a plan of action (POA), comprehensive curation plan, including curation of non-Native American artifacts and possible repatriation in accordance with NAGPRA. The Plan also should include minimum standards for publication of field results and detail plans to work with the Ohio SHPO to publish the results. The VA FPO should review the plan prior to distribution to Consulting Parties.*
- *Forward a draft of the Plan to all Consulting Parties for review. The VAMC must consider and take into account all comments received within 30 days.*
- *Finalize the Plan. It is recommended that the VAMC forward copies of the final Plan to all Consulting Parties.*
- *At least three weeks prior to all fieldwork, VAMC must alert all Consulting Parties and the Delaware Nation of upcoming investigations, and invite representatives of all Consulting Parties to participate. This notification may be by paper mail, conference call, or email.*
- *Within six months of the completion of fieldwork, VAMC must draft results of the fieldwork and publish these results in accordance with the archeological Plan.*

> *Stipulation VIII.e: Until the comprehensive study is complete, the Chillicothe VAMC will complete site-specific archeological investigations in areas planned for new construction.*

If the comprehensive study is still in process, the VAMC must conduct archeological testing in areas of planned construction prior to ground disturbance, unless these areas have been previously tested and found not to contain eligible historic materials. The VAMC should take into account the comments of Consulting Parties on the comprehensive archeological plan when developing Scopes of Work for site-specific archeological investigations. The selected archeological contractor must meet the standards established by the Secretary of the Interior as defined in 36 CFR Part 61 (http://www.nps.gov/history/local-law/Prof_Qual_83.htm). The VAMC must alert all Consulting Parties and the Delaware Nation of investigations at least three weeks prior to the commencement of fieldwork and invite interested Consulting Parties to participate in field investigations. Consulting Party participants must be supervised by a SOI-qualified archeologist. Artifacts should be curated and/or repatriated in accordance with the comprehensive archeological plan.

> *Stipulation IX:The Chillicothe VAMC and its contractors will stop work immediately in the event that human remains are discovered and notify the coroner.*

If VAMC personnel or contractors discover human remains, or remains that may be human, in the course of planned activity, the VAMC should immediately stop work within 100 feet of the discovery and report the discovery to the Ross County Sheriff's Office (740-773-1186) and the Ross County Coroner (740-775-7464). Local law enforcement will assess the nature and age of the remains to determine disposition. If the remains are more than 50 years of age (the remains, not the deceased at the time of death) and the remains are not part of a crime scene, the VAMC will be responsible for complying with state and federal law for final disposition. If law enforcement determines the remains to be Native American, the VAMC will be required to comply with NAGPRA and consult with the Ohio SHPO and Federally recognized Native American Tribes with cultural affiliations to the area. The Administration and Resource Management Team of the Hopewell Culture National Historical Park is experienced in compliance with NAGPRA and should be consulted as a local source of expertise (Figure 12).

UNANTICIPATED DISCOVERIES

An unanticipated discoveries plan should be developed in greater detail as part of the archaeology program described in Stipulation VII.

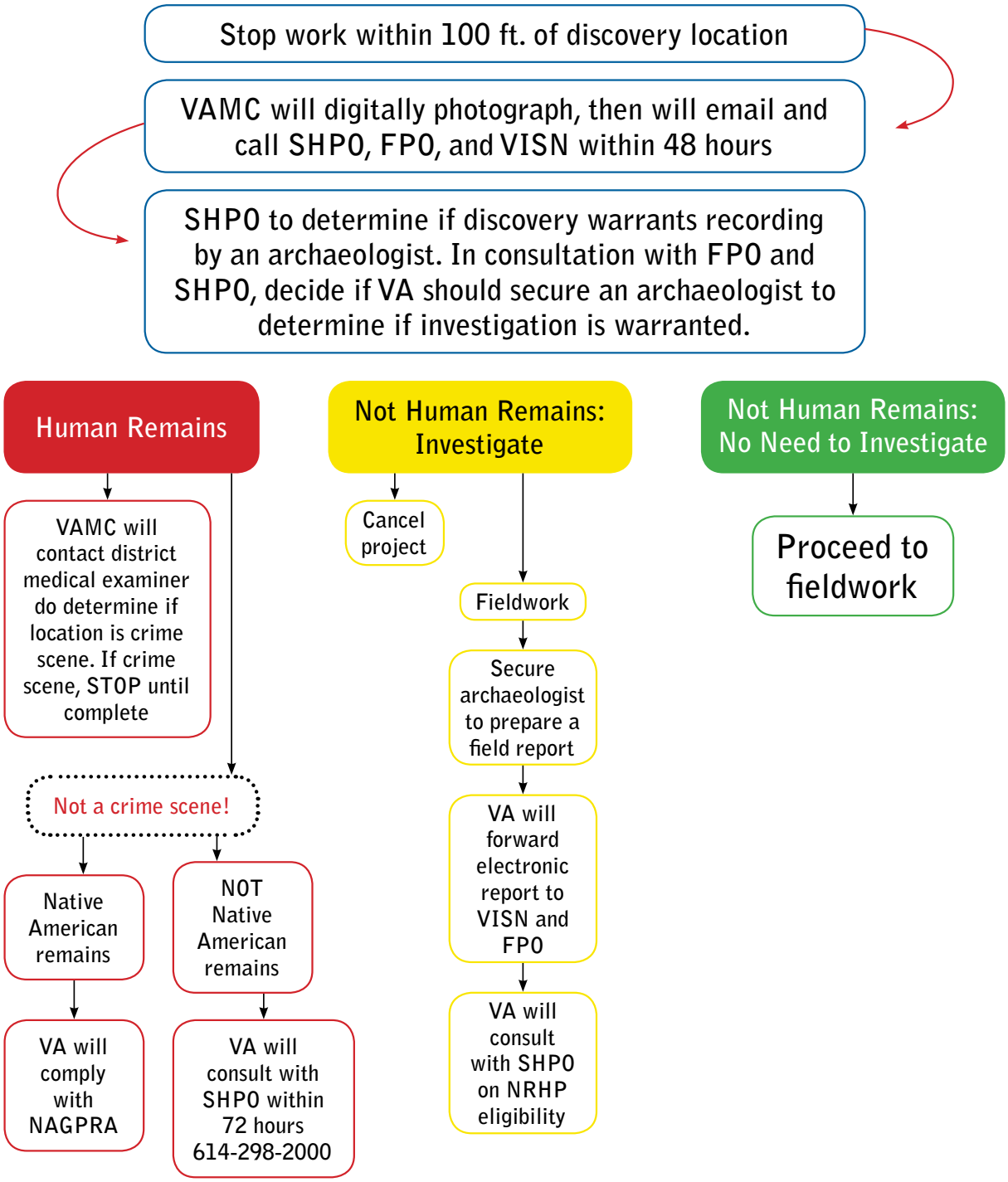


Figure 12. NAGPRA Flowchart.

Stipulation X: The Chillicothe VAMC will be responsible for providing Section 106 training to key Engineering personnel.

Stipulation X of the PA requires VA to provide Section 106 training for the Chief Engineer, the Assistant Chief Engineer, and other key personnel, should the VAMC identify another employee. This Section 106 training must be administered by the VA FPO, the Ohio SHPO, or the ACHP. The VAMC may choose to pursue training through the VA liaison to the ACHP. The SHPO has requested to attend training conducted by the ACHP. Neither the VA FPO nor the Ohio SHPO have regular training schedules at this time; training is held on an as-needed basis. The ACHP hosts an introduction course known as "The Section 106 Essentials" seven times a year in various locations around the country. Registration is limited and participants should book early (http://www.achp.gov/106essentials.html). Personnel that have completed introductory Section 106 training and wish to learn more can attend a one day seminar entitled "Advanced Section 106 Seminar" hosted by the ACHP (http://www.achp.gov/106advanced.html).

The VAMC should record personnel Section 106 training in the administrative record. Past training, such as the joint VISN 10-Ohio SHPO training held in 2011, satisfies the requirement for Section 106 training for current employees. All training in Section 106 by VAMC Engineering personnel should be noted in the annual reports to all Consulting Parties due August 24th of each year.

Stipulation XI: The VAMC will create and provide a training program for all contractors and lessees about the significance of the Chillicothe VAMC campus and the potential for archeological artifacts on-site.

The VAMC is responsible for creating a program designed to educate contractors/lessees about the significance of the campus and proper methods of treating cultural resources. The program is not intended to be an introduction to Section 106 or the PA, more it is intended to alert this unique group of visitors of their responsibilities regarding the care of campus resources. The PA allows the VAMC the flexibility to create a program most applicable to their contractors and lessees. It is critical that the program include a detailed process for alerting VAMC Engineering staff if historic resources are impacted unexpectedly.

Archeological sites are among the most at-risk historic properties because many people are not educated in the difference between typical debris and diagnostic artifacts. The VAMC must include information about the types of archeological artifacts found or likely to be found on the campus as part of the training program. It is not realistic to expect all contractors to become archeological experts overnight but enough information should be provided to ensure contractors are vigilant when breaking grade.

Stipulation XI.a: The Chillicothe VAMC will invite all Consulting Parties to the revised 2008 Master Plan consultation process to participate in future campus Master Planning.

Campus Master Plans are an invaluable resource for long-term programming. A complete Master Plan takes into account the historic significance of the campus. The Planning firm should work with campus and VISN staff, patients, Veterans groups, and other members of the public to ensure the Master Plan meets all needs and enhances the patient experience. In the case of the Chillicothe VAMC, the PA stipulates that all Consulting Parties who participated in the Section 106 process will be invited to participate in future campus Master Planning.[28]

[28] Stipulation XI.a of the *Programmatic Agreement Among the Department of Veterans Affairs, the Advisory Council on Historic Preservation, the Ohio Historical Society, the Eastern Shawnee Tribe of Oklahoma, Camp Sherman, Inc., the Hopewell Culture National Historical Park, Adena Core, Inc., American Legion Posts 757 and 62, and the Ross County Veterans Council for Implementation of the Revised 2008 Master Plan for the Veterans Affairs Medical Center, Chillicothe, Ohio, 2015.*

Development and implementation of a Campus Master Plan constitutes an undertaking under Section 106 of the NHPA, and effects likely will require resolution through consultation.[29] The terms of the new Master Plan will dictate the fate of the existing PA. If the new Master Plan affects many of the same buildings or if the overall effects to the historic district are similar, a new agreement may adopt the tenets of the extant PA that remain and stipulate additional actions. The original PA may be left in place and the campus may operate under two agreements if the effects are distinctly different.

> *Stipulation XI.b: During its annual identification of project requests for submission to VISN 10, the Chillicothe VAMC will provide a preliminary list of all projects considered for submission to the SCIP process to the Consulting Parties for review. The Chillicothe VAMC will take Consulting Party comments into account prior to finalizing the list of projects submitted to VISN 10.*

The Chillicothe VAMC can provide the list for review by email to all Consulting Parties with the exception of the Ohio SHPO, who has requested paper mail, and any Indian Tribes that have requested paper communications.

The requirement to provide a preliminary SCIP list to the Consulting Parties is an effort to allow Consulting Parties to assist the VAMC in identifying historic preservation concerns prior to projects being funded and/or designed. Prior to submission to the VISN, the VAMC must provide the preliminary list of projects requiring SCIP funding to the Consulting Parties for review and comment. The PA does not specify a time allotment for comment, however, at least one week and as many as 30 days would be in the interest of maintaining relationships with Consulting Parties. VAMC can provide a list larger than the final list transmitted to the VISN, if final decisions are still in process, in the interest of allowing consulting parties a sufficient time to review the projects. Short descriptions of the projects, such as "add new wing onto rear of Building 31," or "demolish greenhouse" are sufficient. Comments may be solicited and provided via email with the exception of the Ohio SHPO who has requested the list via paper mail. Once comments have been received and considered the VAMC may submit the list to the VISN for consideration; VAMC need not wait longer than 30 days for comments.

Providing the SCIP list for comment does not prohibit the VAMC from seeking SCIP funding, nor can Consulting Party objections require termination of a controversial project. This dialogue between the VAMC and the Consulting Parties is intended to assist the VAMC in comprehensive project management by identifying historic preservation concerns early in the process.

> *Stipulation XV.c: The VAMC Director will appoint a personnel position to serve as Point of Contact (PA POC) to all Consulting Parties, including SHPO, for implementation of the Programmatic Agreement.*

The VAMC Director has designated the Chief Engineer as the facility PA POC, effective August 26, 2015.

> *Stipulation XV.e: The Chillicothe VAMC will be responsible for providing annual reports of progress on implementation of the Stipulations of the Programmatic Agreement to all Consulting Parties.*

The Chillicothe VAMC is required to report the progress on PA stipulation fulfillment to all Consulting Parties not later than six months after execution of the PA, at twelve months following execution of the PA, and annually thereafter throughout the duration of the PA. The VAMC also will host a meeting in the first two

[29] *If VA decides to draft a new agreement document, participation of the Consulting Parties in the master planning process should be noted in the opening clauses.*

Examples of agency annual reporting related to programmatic agreements is included in the digital disc associated with this Preservation Plan.

weeks of August 2016 to report progress on implementation of the PA. These reports are intended to inform Consulting Parties of VAMC actions as well as assist Consulting Parties to plan for upcoming stipulation fulfillment that requires their assistance.

The PA requires the annual report to include updates on establishing adaptive reuses for the former residences (Buildings 12-17); new construction, including additions and parking spaces; development of the History-Based Enhancement Program; progress of the comprehensive archeological plan; the contractor/lessee training program; a schedule of fulfillment; and, any formal disputes undertaken in accordance with Stipulation XIII. Notification of a change of personnel as the PA POC should be made immediately rather than held for the annual report. The report may be submitted to all Consulting Parties by email; the VAMC must also submit a paper copy to the Ohio SHPO. The VAMC is required to contact the Ohio SHPO within 30 days of sending the hard copy to discuss stipulation implementation.

Stipulation XV.f: The VAMC is required to host a meeting of all Consulting Parties between August 1 and August 15, 2016, to discuss implementation of stipulations of the PA.

The subject of this meeting is the progress the VAMC has made in the first year of implementing the stipulations of the PA, most notably the mitigation measures related to the development of the comprehensive archeological program; the initiation of the History-Based Enhancement Program; the status of contractor/lessee training; and, reuse of the residences. The VAMC should send invitations to the annual report meeting to all Consulting Parties at least 30 days in advance. The invitation may be sent via email to most Parties; the VAMC will need to send a paper invitation to the Ohio SHPO and to any Indian Tribes that have requested such communication. Although a great deal of the meeting is intended to be VAMC reporting, the VAMC can use this meeting as a forum to solicit new volunteers for ongoing programs or to secure additional resources from partners in the PA. The meeting should conclude with a discussion between all Parties, including the VAMC, about the wisdom of making the meeting an annual occurrence.

Schedule for Implementation of the Programmatic Agreement to Resolve Adverse Effects of the Revised 2008 Master Plan		
Responsible Personnel	**Immediately following execution of PA:**	**Date Accomplished**
VAMC Director	Appoint a Point of Contact to the Consulting Parties. Notify all Consulting Parties of the appointment and provide contact information. (Stipulation XV)	August 26, 2015
PA POC	Provide a copy of executed PA to all Consulting Parties.	Updated October 2015
By December 14, 2015:		
PA POC, Executive Team, local groups, possibly PAO	In consultation with local groups, design a program to memorialize the service of Veterans and the role of the Chillicothe VAMC campus in American history. (Stipulation VII)	
By January 14, 2016:		
PA POC, VA FPO	Distribute draft Historic Preservation Plan to SHPO for 30 day review.	
By February 24, 2016:		
PA POC, VA FPO	Finalize historic preservation plan.	
PA POC, Executive Team, local groups, possibly PAO	Outline history-based enhancement program in letter to all Consulting Parties for 30 day comment period. (Stipulation VII)	
Year I: August 24, 2015-August 23, 2016		
PA POC	Provide Section 106 training to key Engineering personnel. (Stipulation X)	
PA POC	Create and provide a training program for all contractors and lessees about the significance of the Chillicothe VAMC campus and the potential for archeological artifacts on-site. (Stipulation X)	
Archeological Contractor, PA POC	Complete site-specific archeological investigations in areas planned for new construction. (Stipulation VIII.e)	
Chief Engineer, VISN CAM, PA POC	Try to secure funding to preserve the buildings around Griffith Circle with the exception of Buildings 2 and 6. Empty buildings should be mothballed or otherwise properly secured. The VAMC must inform the SHPO if the buildings will be vacant for more than 12 months. (Stipulation IV.a.2)	The VAMC notified the SHPO of vacancies in Buildings 2, 4, 5, 6, 10, 11, and 28 on September 29, 2015. The VAMC intends to seek funding to secure Buildings 4 and 5. The remaining buildings are slated for demolition.

On August 26, 2015, Director Hepker designated the Chief Engineer of the Chillicothe VAMC as the PA POC. If this designation changes, both the PA POC and the Chief Engineer of the campus should be involved in implantation implementation of the PA.

PA POC	Begin exploring options for use of the former residences (to last 24 months). These options may include use by the VAMC or VISN, leasing or use by another entity. (Stipulation V)	
PA POC, Consulting Parties, Archeological Contractor	Create a comprehensive program to archeologically investigate the presence/absence of archeological resources in areas not previously tested on the Chillicothe VAMC campus in coordination with Consulting Parties. (Stipulation VIII)	
PA POC, Chief Engineer	Provide a preliminary list of all projects considered for submission to the SCIP process to the Consulting Parties for review. (Stipulation XI.b)	
August 1-15, 2016		
VAMC	Host a meeting of all Consulting Parties to discuss implementation of the mitigation measures of the PA (Stipulation XV)	
By August 23, 2016		
PA POC	Provide a summary of progress on implementation of the Stipulations of the PA to all Consulting Parties. (Stipulation XV.e)	

Responsible Personnel	Year 2: August 24, 2016-August 23, 2017	Date Accomplished
PA POC	Provide Section 106 training to any new key Engineering personnel. (Stipulation X)	
PA POC	Provide training to all contractors and lessees about the significance of the Chillicothe VAMC campus and the potential for archeological artifacts on-site. (Stipulation X)	
Contractor, PA POC	Complete site-specific archeological investigations in areas planned for new construction. (Stipulation VIII.e)	
PA POC	Begin to implement the program to memorialize the service of Veterans and the role of the Chillicothe VAMC campus in American history. (Stipulation VII)	
Engineering, Maintenance	Continue to protect buildings around Griffith Circle that have been mothballed or otherwise secured. (Stipulation IV.a.2)	
PA POC	Continue to explore option for use of the former residences. (Stipulation V)	
Archeological Contractor, PA POC	Implement the program to archeologically investigate the Chillicothe VAMC campus. Results must be reported within six months. (Stipulation VIII)	
PA POC, Chief Engineer	Provide a preliminary list of all projects considered for submission to the SCIP process to the Consulting Parties for review. (Stipulation XI.b)	
By August 23, 2017		
PA POC	Provide a summary of progress on implementation of the Stipulations of the PA to all Consulting Parties. (Stipulation XV.e)	

Responsible Personnel	Year 3: August 24, 2017-August 23, 2018	Date Accomplished
PA POC	Provide Section 106 training to any new key Engineering personnel. (Stipulation X)	
PA POC	Provide training to all contractors and lessees about the significance of the Chillicothe VAMC campus and the potential for archeological artifacts on-site. (Stipulation X)	
Archeological Contractor, PA POC	Complete site-specific archeological investigations in areas planned for new construction. (Stipulation VIII.e)	
PA POC	Begin to implement the program to memorialize the service of Veterans and the role of the Chillicothe VAMC campus in American history. (Stipulation VII)	
Engineering, Maintenance	Continue to protect buildings around Griffith Circle that have been mothballed or otherwise secured. (Stipulation IV.a.2)	
PA POC	Continue to explore option for use of the former residences. (Stipulation V)	
Archeological Contractor, PA POC	Implement the program to archeologically investigate the Chillicothe VAMC campus. Results must be reported within six months. (Stipulation VIII)	
PA POC, Chief Engineer	Provide a preliminary list of all projects considered for submission to the SCIP process to the Consulting Parties for review. (Stipulation XI.b)	
By August 23, 2018		
PA POC	Provide a summary of progress on implementation of the Stipulations of the Programmatic Agreement to all Consulting Parties. (Stipulation XV.e)	

Responsible Personnel	Year 4: August 24, 2018-August 23, 2019	Date Accomplished
PA POC	Provide Section 106 training to any new key Engineering personnel. (Stipulation X)	
PA POC	Provide training to all contractors and lessees about the significance of the Chillicothe VAMC campus and the potential for archeological artifacts on-site. (Stipulation X)	
Archeological Contractor, PA POC	Complete site-specific archeological investigations in areas planned for new construction. (Stipulation VIII.e)	
PA POC	Continue to implement the program to memorialize the service of Veterans and the role of the Chillicothe VAMC campus in American history. (Stipulation VII)	
Engineering, Maintenance	Continue to protect buildings around Griffith Circle that have been mothballed or otherwise secured. (Stipulation IV.a.2)	
PA POC, Chief Engineer	If reuse options have not been identified for the former residences, notify SHPO and all Consulting Parties of all efforts to find adaptive reuse. Document the buildings. Proceed with demolition. (Stipulation V)	

Archeological Contractor, PA POC	Continue the program to archeologically investigate the Chillicothe VAMC campus. Results must be reported within six months. (Stipulation VIII)	
PA POC, Chief Engineer	Provide a preliminary list of all projects considered for submission to the SCIP process to the Consulting Parties for review. (Stipulation XI.b)	
By August 23, 2019		
PA POC	Provide a summary of progress on implementation of the Stipulations of the Programmatic Agreement to all Consulting Parties. (Stipulation XV.e)	

Responsible Personnel	Year 5: August 24, 2019-August 23, 2020	Date Accomplished
PA POC	Provide Section 106 training to any new key Engineering personnel. (Stipulation X)	
PA POC	Provide training to all contractors and lessees about the significance of the Chillicothe VAMC campus and the potential for archeological artifacts on-site. (Stipulation X)	
Archeological Contractor, PA POC	Complete site-specific archeological investigations in areas planned for new construction. (Stipulation VIII.e)	
PA POC	FINISH the program to memorialize the service of Veterans and the role of the Chillicothe VAMC campus in American history. (Stipulation VII)	
Engineering, Maintenance	Continue to protect buildings around Griffith Circle that have been mothballed or otherwise secured. (Stipulation IV.a.2)	
PA POC	If reuse options have not been identified for the former residences, notify SHPO and all Consulting Parties of all efforts to find adaptive reuse. Document the buildings. Proceed with demolition. (Stipulation V)	
Archeological Contractor, PA POC	FINISH the program to archeologically investigate the Chillicothe VAMC campus. Results must be reported within six months. (Stipulation VIII)	
By February 23, 2020		
Executive Leadership, Chief Engineer, PA POC	Determine if the PA needs to be extended. If so, notify all signatories of the intent to seek an extension by letter. Plan a conference call to explain the extension. Following the conference call, circulate signature pages.	
PA POC, Chief Engineer	Provide a preliminary list of all projects considered for submission to the SCIP process to the Consulting Parties for review. (Stipulation XI.b)	
By August 23, 2020		
PA POC	Provide a summary of progress on implementation of the Stipulations of the Programmatic Agreement to all Consulting Parties. (Stipulation XV.e)	
PA POC, Chief Engineer, Executive Leadership	Notify all Consulting Parties of the end of the duration of the Programmatic Agreement. Extend the Agreement if necessary.	

As Needed:	
PA POC	Document all historic campus buildings prior to demolition, mothballing, or significant alteration. Documentation standards are included in Appendix F of the Programmatic Agreement. (Stipulation I.c)
Engineering, Maintenance	Alter all interior spaces as needed without consulting Consulting Parties except the lobby of Building 31, the auditorium in Building 9, and any space within the Mace House. Alteration of these spaces requires consultation. (Stipulation I.d)
Engineering, Maintenance	Replace campus windows that are not original so long as the replacements match the originals. Copies of all original building plans are available in the VAMC Engineering offices. (Stipulation I.e)
Engineering	May add necessary clinical space and medical functions to the rear of Building 31 as needed. (Stipulation II)
Engineering, PA POC	Additions to buildings around the North Circle should match the characters of the existing architecture. (Stipulation III)
PA POC	Rehabilitation of buildings around Griffith Circle must be consistent with the Secretary of the Interior's Rehabilitation Standards as described in 36 CFR 67. (Stipulation IV.a.1)
Engineering	May demolish Buildings 2 and 6 following documentation. (Stipulation IV.a.3)
Engineering	May demolish Buildings 10, 11, and 28 following documentation in order to construct new surface parking lots. The new lots should be designed to blend with the overall campus character. (Stipulation IV.b)
Engineering	May demolish, modify, or replace buildings in the Engineering/Greenhouse area following documentation of historic buildings. (Stipulation VI)

Drafting Plans for Tribal Engagement

The ninth preservation principle of the PA states that the Chillicothe VAMC "shall seek to engage Indian tribes having ancestral ties to the area in preserving and interpreting their history and culture." Establishing a working relationship with Federally-Recognized Indian Tribes is not a simple task- it is a process and one that VA cannot compel the Tribes to enter. The Chillicothe VAMC should seek guidance and advice from the FPO, the OPIA-OTGR, and the VISN prior to reaching out to Indian Tribes with cultural affiliations to south-central Ohio. Additionally, VAMC personnel should speak to the Superintendent and Chief of Resource Management at the Hopewell Cultural National Historical Park, a partner in the PA to the VAMC with a long-standing working relationship with many of the Federally-Recognized Tribes identified as having cultural interest in the Scioto Valley. The VAMC also should contact the Ohio SHPO, as a partner in the PA, to discuss recent Tribal interest in federal activities in the State and issues of potential contention statewide. Furthermore, the VAMC Engineering staff should reach out to the VAMC Public Affairs Officer and the campus Minority Veterans Program Coordinator to determine the ongoing involvement, if any, of particular Federally-Recognized Tribes in the VAMC or the services it provides.

Execution of the PA does not preclude Tribes from taking an active interest in implementation of the stipulations of the document. Some Tribes that did not choose to participate in the consultation process may become active partners in implementation of mitigation measures such as the campus comprehensive archeology plan (Stipulation VIII). The VAMC therefore should plan to seek to engage all Tribes with cultural affiliations, not just those who responded during the development of the PA.

Tribal outreach does not guarantee Tribal participation. Indian Tribes are sovereign governments with pressing responsibilities and obligations. VA cannot force the Tribes to participate or even respond. Lack of

Tribal participation should not be seen as failure- an invitation to communicate furthers the aim of good government-to-government relations whereas failing to invite Tribal participation may damage agency-wide relations with Indian Tribes, and leaves the VAMC vulnerable to risk under the PA.

The VAMC should open communications with the Tribes formally through a letter from the VAMC Director. The letter should be sent within one year of the execution of the PA and prior to specific consultation regarding implementation of mitigation measures, i.e. opening communication with Tribes should not wait until the VAMC has a draft of the comprehensive archeological plan. This first formal letter should briefly describe the PA and its mitigation measures involving consultation and/or comment from Consulting Parties, including Indian Tribes. The VAMC should invite Tribal participation in these activities and provide contact information for the VAMC. The letter also should request guidance from the Tribe about future communication formatting (hard copy, email, etc.). VAMC staff should note that the preferences of one Tribe or Tribal leader will not extend to all others. One Tribe may prefer informal communications with Engineering staff by phone while another may prefer an exchange of formal letters with the VAMC Director. The request of the Tribe should be respected by the VAMC.

Once opened, the lines of communication should include all points of consultation and coordination stipulated to in the PA. Additionally, the VAMC should consult with the Tribes about potential actions that may affect campus cultural resources at a later date. Alternately, the Tribes may request monthly or annual reporting of archeological results and/or upcoming campus actions. The VAMC should work with the Tribe to determine the forms of communication that are most open and productive.

If the Tribe does not respond, the VAMC should continue to notify the Tribe of opportunities to comment on stipulation fulfillment in accordance with the PA. Unless otherwise requested, the PA allows the VAMC to send and accept official comments and requests via email. The Tribe should be extended the courtesies afforded all Consulting Parties to the PA, including the ability to participate in future campus master planning. The VAMC should respect the wishes of any Tribe that requests to be excluded from future communications, note the request, and add the documentation to the administrative record.

Chapter 5: Beyond the Programmatic Agreement for the Revised 2008 Master Plan

If VA determines that actions outside the 2008 Revised Master Plan are necessary for supporting the agency mission to provide quality healthcare, VA must comply with its internal guidelines and federal laws (see Chapter 2). Once a gap in quality, access, or cost-efficiency related to capital assets but outside the revised 2008 Master Plan has been identified, engineers and project managers at the Chillicothe VAMC will begin planning solutions. Each gap will result in at least two alternatives- No Action and/or Alternative 1; most will result in many more options. Prior to selecting an alternative, the Project Manager should review the following checklist for each alternative. *Note- altering the campus may produce beneficial effects to historic properties as well as adverse effects. Both should be considered when answering questions.*

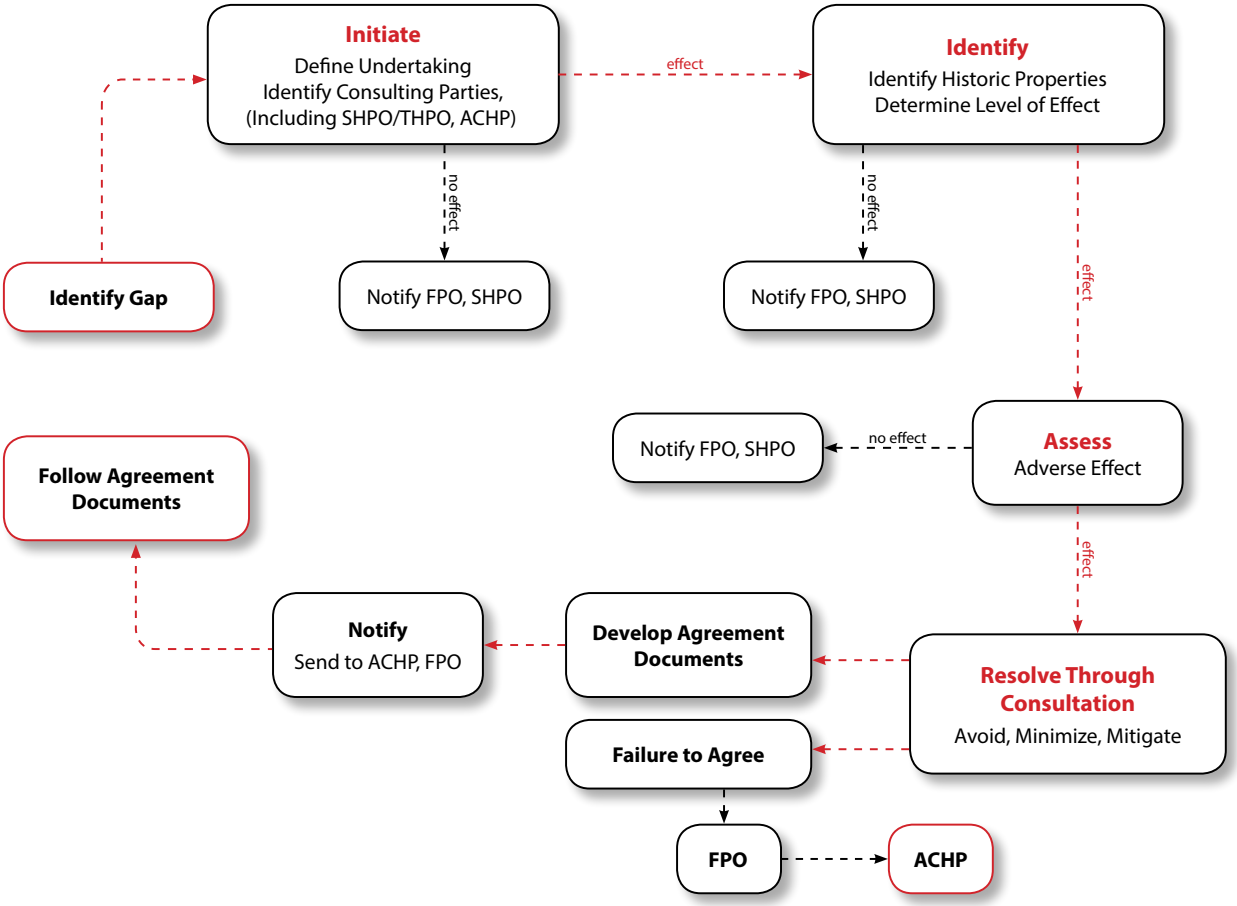
Questions*	**Yes**	**No**	**Possibly**
Does this project involve activities covered in the revised Master Plan?	See Chapter 4.		
Is this project the design of a new campus Master Plan?			
Is this alternative likely to affect historic buildings on the Chillicothe VAMC campus?			
a. Will historic buildings be demolished?			
b. Will historic buildings receive additions or otherwise be modified?			
c. Will a large building or structure be constructed near a historic building or near a significant historic feature?			
d. Will a building or structure be constructed between historic buildings?			
Will the result of this alternative be able to be seen from outside the campus?			
Will historic buildings outside the campus be modified or demolished, or will new construction outside the campus result from this alternative?			
Is this alternative likely to leave a historic building (or historic buildings) vacant or underutilized either permanently or temporarily?			
Is this alternative likely to necessitate campus road reconfiguration?			
Is this alternative likely to produce new construction in an area that historically has been a piece of the campus landscape (an unobstructed view, an old row of trees, etc.)?			
Is this alternative likely to affect known or potential archeological properties?			
a. Will buildings (historic or not) be demolished below grade?			
b. Will this alternative involve new construction below grade (including buildings, utilities, or associated parking lots)?			
Is this alternative likely to affect the use of religiously- or culturally-significant properties? These lands may be significant to American Indians, ethnic groups, Veterans groups, or community organizations.			
Is this alternative likely to affect historic artifacts, documents, commemorative plaques, or pieces of art?			

** Adapted from the checklist on page 12 of VA Handbook 7545, 2011. This table is provided as a quick sheet in Appendix G.*

If the answer to any of these questions is "yes" or "possibly," the Project Manager should proceed to a Section 106 review of all alternatives. If your alternatives change, or if new alternatives are added, review the checklist. This checklist may be used in drafting consultation letters. Once the Section 106 review is complete or the SHPO has concurred with a finding of No Adverse Effect, the project may proceed.

The Section 106 Consultation Process

Currently, the VAMC is under the requirements of a Programmatic Agreement for implementation of the revised 2008 Master Plan. Future planning actions not included in the revised Master Plan, or emergency responses, must be addressed under a separate Section 106 consultation process. The Section 106 process is designed to help federal agencies consider the effects of their projects on historic properties. The process involves cultural resource management experts, agency employees, and members of the public who have an interest in the historic nature of the property. Native American Tribes are considered part of the public as well as cultural resource experts, and play an important role in the process. The United States government and, by extension, VA, recognizes the sovereignty of Native American Tribes and generally communicates through nation-to-nation consultation, i.e. a contractor does not contact the Tribes on behalf of the agency.



The Section 106 consultation process begins when Chillicothe VAMC identifies a need, not when it plans a project, i.e. initiate Section 106 when Chillicothe VAMC demonstrates a need for more campus parking, not when engineers apply for funds for a parking deck. Beginning early ensures that all tenets of federal law are met and leads to a more collaborative process, which is more likely to yield better results, with fewer delays or cost increases. VA manages a variety of contracts and funding streams to assist VAMCs to undertake full and comprehensive Section 106 process. Contact your CRMO, VISN CAM, or FPO about existing cultural resource management contracts and budget for compliance appropriately.

Defining the Undertaking

Once the VAMC identifies a gap in efficiency or quality of care related to capital assets, it should define the undertaking. The undertaking should be broad enough to consider alternatives, yet specific to the campus and issue, i.e. "Supply additional parking for patients at the VAMC." Many people err by limiting the undertaking to a particular project, i.e. "Construction of a parking deck at the VAMC." Restrictions such as this hinder open discussion among Section 106 parties and can leave VA vulnerable to legal challenge. It is the federal agency's responsibility to define the undertaking.

Consider a broad range of alternatives to correct an identified issue. For example, a need for more parking spaces may be met by paving space for a surface parking lot, constructing a parking deck, leasing a lot nearby, purchasing land away from campus and running a shuttle, or implementing a community bus service. Each of these solutions may pose unique effects to the VAMC and other historic properties. The VAMC should plan to discuss each alternative with the public and the Consulting Parties to solicit input. This will include initiation of the public involvement plan for all alternatives (see below).

Determine the Appropriate Area of Potential Effect (APE)

Note: APEs do not need to be contiguous.

The VAMC also is responsible for developing an area of potential effect (APE) for the proposed project. The APE is a defined space that covers the extent of effects, both adverse and beneficial. Effects include demolition or destruction of VA-owned and non-federal buildings, archeological sites, or landscapes; new construction; viewshed changes caused by new construction; potential alterations of roads; changes in use; and, in some cases, temporary disruptions caused by construction. The APE should not be so large that it cannot be adequately studied, but not so small that historic properties are overlooked. An APE that is too small is vulnerable to legal challenge. The APE should reflect the magnitude of the proposed project. VA may also choose to develop multiple APEs to address separate effects. It is not unusual for a construction project to have an archeological APE limited to the footprint of the new building but a built resource APE that extends to the boundaries of a surrounding historic district. All undertakings involving off-campus construction or acquisition should consider the effects to the existing VA facility to see if including the extant campus in the APE is warranted.

Private companies and municipal entities are not required to follow Section 106 if federal funds and actions are not part of the project. Section 106 is required if the private company/ municipal entity is applying for a federal permit or if the project would not be planned without a complementary federal action (commonly known as the "but for" clause), e.g. "But for VA executing an enhanced use lease on the VAMC campus, Developer Smith would not be constructing a new parking garage."

The APE should take into account all cumulative and reasonably foreseeable potential effects of undertakings. If, for example, VA plans to build a new clinic in a rural area and the county government plans to construct a new road to link the clinic to the existing infrastructure, VA must consider the effects of the proposed road construction even if no VA funding is involved in the construction. VA would be responsible for consideration of effects because the county would not

construct the new road if VA was not building a hospital. This requirement for review often is called the "but for" clause because an activity would not take place "but for" federal involvement.

Create a Public Involvement Plan

Following definition of the undertaking, VA must develop a plan to include the general public and potential Consulting Parties. Consulting Parties are those groups that have a vested interest either in historic properties in general or in the VAMC in particular. Consulting Parties may include the local government, local historical societies, local Veterans service organizations, and those entities that may study the property that once occupied the site, i.e. a World War I roundtable discussion group may be interested in the Section 106 process at the Chillicothe VAMC because of the campus history as part of the Camp Sherman training facility. Consulting Parties also will involve the Ohio Historic Preservation Officer (the State Historic Preservation Officer [SHPO]) and the Tribal Historic Preservation Officer and/or Tribal leadership of Tribes with cultural affiliations to the area that predate VA administration of the property. SHPOs are considered to provide valuable insight into the historic properties of the state. The SHPO is a required party to any and all Section 106 processes. VA considers State-Recognized Native Americans Tribes as potential Consulting Parties with a knowledge of local historic properties and a vested interest in the future of those properties. A list of potential Consulting Parties for the Chillicothe VAMC is included in Appendix B. The VAMC CRMO also should notify the VA FPO to seek guidance and assistance when initiating consultation with Tribes.

A public involvement plan goes beyond Consulting Parties to the local population. Campus Public Affairs officers are valuable resources in public outreach. The Officer will have information about local media outlets, ongoing campus outreach campaigns, and social media. Solicitation of public comment may include requests for input through local newspapers; radio and television advertisements; social media; meetings; or, local organization newsletters. The level of public outreach should be commensurate with the level of effect. The solicitation will outline the undertaking, identify potential alternatives and the historic properties affected by each alternative, and request information about possible effects of alternatives to known cultural resources or to identify previously undocumented historic properties.

Identify Historic Properties

Once the undertaking has been defined and the APE has been defined for each alternative, VA must identify the historic properties within each APE. The Ohio SHPO has files on all *identified* historic properties in the state. This identification effort may be sufficient in minor undertakings. Historic built resources within the campus boundaries include the Mace House and the Chillicothe Veterans Administration Hospital Historic District. The campus also includes two archeological sites. Identification efforts within the campus should be based on these prior documentation efforts but additional work may still be necessary. Identification extends to the entire APE, not just the campus, and efforts outside the campus may be needed. These types of undertakings may require additional survey by qualified cultural resource personnel to identify previously unknown archeological sites or historic built resources. VA should formally notify all Consulting Parties of all historic properties potentially affected by the undertaking.

If no historic properties are identified in any APE, VA should notify the Consulting Parties and end the Section 106 process with its finding of no historic properties present. If any alternative may affect historic properties, VA should notify the Consulting Parties and proceed to assessment of effects. Example letters to notify Consulting Parties of undertakings and effects are available in Appendix C.

If VA determines that none of the identified alternatives will affect historic properties, VA should notify the Consulting Parties of a Finding of No Effect, and end the Section 106 process. If any alternative may affect

historic properties, VA should notify the Consulting Parties and proceed to assessment of effects. VA should notify the Consulting Parties in a formal letter. Example letters for notification of all Consulting Parties, including ACHP, are available in Appendix C.

> *Note- Formally notifying Consulting Parties of an undertaking with the potential to affect historic properties and identifying those historic properties may be combined into a single letter if the universe of alternatives is known. It should be noted that Consulting Parties may identify additional historic properties that will need to be considered.*

Assess Adverse Effects

Some effects are more damaging to historic properties than others. The level of effect and the type of historic property will determine what, if any, mitigation VA must complete in order to comply with the Section 106 process. Effects may be direct, as in the case of demolition, or indirect, as in the case of viewshed interruption. They may be temporary, such as those related to construction, or permanent, as in the demolition of an existing building. A direct effect is more damaging than an indirect or temporary effect. The demolition of a single building may seem minor, but becomes a major effect if that building is the primary and original hospital of a historic VA campus, such as Building 31. All of these effects should be addressed in consultation.

To affect a historic property is to fundamentally alter a piece of the property's integrity. The NRHP recognizes seven qualities of integrity: association, design, feeling, location, materials, setting, and workmanship. Effects to historic properties are judged by how they affect these qualities. Some, such as materials, are easy to describe. Others, such as feeling, are more ephemeral.

Integrity	**Definition**
Materials	The physical pieces used to construct the historic property. Properties listed in the NRHP can lose some original materials and still be deemed to possess quality of materials.
Design	The form, plan, and style of the historic property. For the Chillicothe VA Hospital, the design of the original campus around the Ovals is a significant piece of the property's historic integrity.
Workmanship	Evidence of the craft of construction. Workmanship conveys information about the technologies of the past.
Setting	The environment or area surrounding the historic property. The Chillicothe VAMC would be a significantly different campus if the urban character of Cleveland encroached upon the campus borders to replace the small town atmosphere.
Location	The site of construction or the historic event of a property.
Association	The link between the property and the reason for its historicity. Association often depends on the other six integrities.
Feeling	Expression of the character or sense of the history of the property. Feeling includes non-physical aspects of a property such as the sound of jazz music in the New Orleans French Quarter.*

** National Park Service, National Register Bulletin: How to Apply the National Register Criteria for Evaluation, 1990, revised 1997, Chapter VIII.*

Assessment of effects should look at all identified alternatives that are feasible. Feasibility may take into account money, time, geography, and VA's mission. If an alternative is not possible, VA should notify the Consulting Parties and provide rationale for the decision. VA will review all feasible alternatives in consultation with participating Consulting Parties for ways to avoid adverse effects to historic properties, minimize the damage of these effects, and/or mitigate the effects.

Resolve Adverse Effects

Resolution of adverse effects occurs through consultation with all Consulting Parties about ways to avoid, minimize, or mitigate impacts to historic properties caused by the Undertaking. VA should notify the ACHP at this time if the undertaking is anticipated to produce an adverse effect. The ACHP has the right to decline to engage in the Section 106 process. VA will formally resolve adverse effects through a plan outlined in a legally binding agreement document. A Memorandum of Agreement (MOA) is best suited to small and/or simple projects. A Programmatic Agreement (PA) is more appropriate for a project with several alternatives or a complex solution, such as a Master Plan or a new hospital complex. A PA may include several alternatives with strategies to avoid, minimize, or mitigate effects for each.

The MOA or PA will list the reasons VA is signing the agreement, the steps VA will take to implement the undertaking, and the ways in which VA will avoid, minimize, and/or mitigate adverse effects, including those of recurring maintenance. VA will invite the Consulting Parties, including the OH SHPO, participating Native American Tribes, and potentially the ACHP to sign the agreement document. A copy of the executed document must be forwarded to the VA FPO and to the ACHP, regardless of its involvement. Once the agreement is signed, VA may implement the stipulations and proceed with the undertaking.

Notes on Section 106:

- *A Section 106 consultation should be commensurate with the effect and the historic property (properties) involved. The effects of demolition of buildings around Griffith Circle are high, replacing historic windows in a building potentially less so.*
- *Consultation takes many forms. Minor consultations may be able to be handled through an exchange of letters while others will require multiple in-person meetings. Some processes will be short while others will take months or even years.*
- *Consultation involves more than a letter to the SHPO.*
- *Consultation prior to selecting an alternative can build good will with Consulting Parties and potentially spare a lawsuit. Document each step in a consultation process in case of question or lawsuit.*

Master Plans

The PA does not prohibit the VAMC from initiating a new master planning program for the campus, however, it should be noted that a new master plan does not invalidate the PA. Stipulation XI of the PA requires the VAMC to invite all Consulting Parties to the PA to participate in future Master Planning efforts. The VAMC also should consider consulting the Ross County Historical Society in future planning endeavors. Additionally, historic preservation concerns should be incorporated into the agenda for public meetings about the proposed master plan, if a new one is drafted.

In the event the VAMC initiates master planning before the expiration of the current PA in 2020, all planning must incorporate the tenets of the existing PA. Effects to historic properties due to implementation of the new master plan will require a substantial revision of the existing PA, an effort which will require consultation, or, alternatively, an independent agreement. This decision should be made in cooperation with the VISN and VA FPO. The cost of consultation and mitigation should be included in the master plan funding.

Green Initiatives

In accordance with Executive Order 13514 (2009), VA has launched an agency-wide campaign to incorporate environmental accountability into routine operations and long-term planning. These programs vary from installation of solar panels to donating leftover food to the acquisition of sustainable construction materials. Some of these initiatives have the potential to affect historic properties on the Chillicothe VAMC campus. Historic buildings and green programs are not mutually exclusive, but careful planning is needed to accommodate the integrity of the historic campus buildings. Hundreds of historic buildings have been LEED certified, including Building 209 at the West Los Angeles VAMC (built 1945), the U.S. Treasury Building in Washington, D.C. (built 1842) and the Time & Life Building in New York City (built 1958).[30]

- *Solar panels*

  – Roof solar panels should be installed on non-historic buildings. If it is necessary to install panels on the roof of a historic building, the panels should be placed on the back side of the building. This may constitute an adverse effect.

  – Solar panel "farms" should not be placed in open spaces surrounding the historic buildings, nor should the panels be tall enough to interrupt the viewshed.

- *Windows*

  – New windows are not necessarily better than older windows at managing internal climates. Instead, repair cracked sills and frames to prevent loss of conditioned air.

  – Replacements should match the historic windows in mullion placement and sash.

  – Explore the option of using interior storm windows.

- *Roof gardens*

  – Replacing a pitched roof with a flat one for installation of a rooftop garden will have an adverse effect on the historic property. The flat roofs of the former patient porches around Griffith Circle or the flat roofs of many of the buildings in the Engineering section of the campus could be utilized as roof gardens if this green alternative is beneficial. The VAMC should enter into consultation prior to selecting buildings or initiating construction

[30] *U.S. Green Building Council, "200 Years of LEED (or 20 Historic Buildings You Probably Didn't Know Were Green), 1 August 2013,* http://www.usgbc.org/articles/200-years-leed-or-20-historic-buildings-you-probably-didn%E2%80%99t-know-were-green*, accessed January 23, 2015.*

Demolition or Relocation Within the Campus

Demolition rarely is the action preferred in the case of historic properties because it irrevocably removes a historic element, often resulting in indirect consequences for surrounding historic resources. In limited cases, relocation may be a preferred alternative. Relocation, however, destroys a property's integrity of location, setting, and potentially feeling and association; it should not be understood as a "perfect solution." Both demolition and relocation constitute an undertaking under Section 106 and will require a consultation process. Mitigation measures often are more extensive in the event of demolition because the damage will be permanent.

Demolition

When demolition is the best way to protect public safety and/or is in the interest of fulfilling VA's mission, there are ways to minimize the effects to historic properties.

- *Hospitals serve as the lynchpin element of historic VA campuses. Demolition of Buildings 1 or 31 jeopardizes the integrity of the entire campus. If demolition is necessary, the district should be re-evaluated for listing in the National Register of Historic Places. Damage of this kind will require substantial mitigation.*
- *The orientation of campus buildings around ovoid green spaces is an organizing principle of the Chillicothe VA Hospital historic district. Demolition of any of the buildings around these ovals will constitute an adverse effect to the entire historic district. The demolition of Buildings 2 and 6 has been addressed and mitigated in the PA. Demolition of other buildings around the ovoids is outside the PA and the effects will need to be resolved through consultation. VA should anticipate substantial mitigation in consultations related to the demolition of buildings around the Circles.*
- *Per the PA, every historic building and/or structure slated for demolition as part of the revised 2008 Master Plan must be documented prior to site preparation.*
- *Control demolition efforts so that falling debris and hazardous materials do not scatter to nearby historic properties. Vibration should be controlled to avoid or minimize effects to historic buildings.*
- *Archeological sites have been identified on the Chillicothe VAMC campus and the potential to discover other archeological sites is high. It is recommended that the campus contract an archeologist who exceeds the Secretary of the Interior's Professional Qualification Standards in the field who also can demonstrate experience with the unique archeological resources of central Ohio under contract who can monitor subsurface disturbances.*
- *Demolition can result in effects to potential archeological properties. Follow Lower-Impact Demolition Standards (LIDS)[31] for the increased protection of archeological properties:*

  – LIDS should be built into the contractor training program required by the PA summarized in Chapter 4.

  – Subsurface disturbance in areas identified as High Probability on the campus map [Figures 4 and 5] should be monitored by a Secretary of the Interior-qualified archeologist experienced in archeological monitoring.

[31] Adapted from the standards established by the U.S. Army Corps of Engineers- New Orleans District. Standards codified in Appendix C of the *Secondary Programmatic Agreement Among the Federal Emergency Management Agency; the Louisiana State Historic Preservation Officer of the Department of Culture, Recreation & Tourism; The Advisory Council on Historic Preservation; The City of New Orleans; and the United States Army Corps of Engineers Regarding the Demolition of Privately Owned Residential Buildings Within Orleans Parish Damaged as a Result of Hurricanes Katrina and Rita, 2005.*

– Major demolition activities, including placement of equipment, should be confined to areas where soils have been previously disturbed by activities, such as site development, construction, surface grading, landscaping, utility trenching, etc. These areas will be identified on utility maps and supplemented by the archeological information presented in Chapter 1. VA should identify areas of obvious soil disturbance in the vicinity of the project area and direct their contractor to work within these areas.

– When heavy equipment is not in use, it should be staged on hard or firm surfaces where equipment is not susceptible to sinking. Paved surfaces should be used to the fullest extent possible.

– Tracked vehicles and/or large-tired equipment should be used whenever possible to reduce the depth of soil disturbance and minimize soil compaction to a depth of six (6) inches or less.

– VA should ensure that its contractors should not operate heavy equipment on wet soils if the equipment begins to sink more than six (6) inches below the current ground surface. Heavy equipment may be operated in the rain, but VA should ensure that its contractors should pay special attention to equipment sinkage, as noted above.

– If feasible, shearing off structural features at the ground-surface is strongly encouraged so that further soil disturbance is minimized.

– There should be no salvage of architectural materials from below-grade.

– Excavation of on-site materials and burial of debris are not recommended.

– Treatment of Utilities:

- Utility lines should be disconnected and capped. In cases where there are no shut-off valves, limited excavation within the utility rights-of-way should be required to cap these service lines. To limit unnecessary ground disturbance, excavation should be limited to the existing corridor to the greatest extent feasible.

– Footing and Pier Removal:

- If it is absolutely necessary to remove footings and piers to ensure public health and safety, the soil disturbance caused by these activities should be limited to a depth no greater than six (6) inches below the footing or pier to be extracted. The excavation should not exceed a 3-foot lateral width from the footing or pier being extracted.

– Void and/or Feature filling

- Any voids which require filling because they are a “health and safety issue” should be filled with clean fill from off-site. Whenever possible this should be a sand matrix, however sand is not required. These voids may include, but are not limited to, those created as the result of exposing cisterns, privies, wells, and/or basement-like depressions.

– Surface Grading and Site Clean-Up:

- VA should ensure that its contractors should limit site grading to within the first six (6) inches of the existing surface elevation (e.g., side walk level, slab level, etc.). VA should ensure that its contractors use light equipment (e.g., small “Bobcats,” hand

tools, etc.) to complete final site clean-up.

- *If appropriate storage space exists, salvaging materials from demolished buildings or features can provide cost-savings as well as positive historic rehabilitation alternatives on future projects. Bricks, historic windows and doors, and door surrounds can be saved for use in repairs or new construction. Replacement materials should match the original in color, size, and design. Decorative elements, such as cartouches, should not be used to replace damaged ornamentation unless identical to the original. Decorative elements can be reused in displays about the historic campus or, in limited cases, new construction. The new construction should be designed to complement the historic campus buildings rather than mimic the older designs.*
- *Do not reuse a campus designation or number. Reserving the original number can prevent confusion in future campus reports and historical narratives.*

Relocation

- *Every building and/or structure slated for relocation should be documented in place and again in the new site. Documentation should include the surrounding buildings and landscape.*
- *The archeological potential of the receiving site should be evaluated prior to site preparation.*

New Construction (Additions)

Unsympathetic building additions can damage the materials, design, workmanship, and feeling of a building, thereby diminishing integrity for listing in the NRHP. The following measures can help to reduce the effect of the addition. All additions, even minor ones, constitute an Undertaking and therefore are subject to Section 106 review.

- *Additions should not extend into the ovals.*
- *Additions should be placed along the back of buildings if at all possible to minimize the effect.*
- *Additions should match cladding.*
- *Additions should be smaller in massing than the base building if possible.*
- *Additions visible from the primary façade should match the base building fenestration and roof configuration.*

New Construction Within the Campus

Section 110 of the NHPA requires VA and other federal agencies to "use, to the maximum extent feasible, historic properties available to the agency" before "acquiring, constructing, or leasing buildings for purposes of carrying out agency responsibilities."[32] New construction, therefore, should only be considered after a thorough review of facility historic building utilization.

New construction within the boundaries of the historic district has consequences both for built resources and potential archeological deposits. Older buildings may need to be demolished to make way for new construction, eliminating contributing elements and thereby irreparably damaging an extant historic district. In a less direct way, new construction may impede the viewshed of a historic building or affect the building's setting (picture walking out of George Washington's Mount Vernon to view the Potomac River only to see the harsh florescent lights of a fast-food restaurant). New construction nearly always involves subsurface disturbance, permanently affecting any archeological deposits in the footprint, in the staging areas, and in the path of new utilities. New construction also may require a reconfiguration of campus roadways and/or

[32] *National Historic Preservation Act, Public Law 89-665; 54 U.S.C. 306101(a)-306114 et seq. (1996, amended through 2006).*

alterations of the historic landscape.

If analysis in accordance with Section 110 of the NHPA has not produced satisfactory alternatives, the effects of new construction should be addressed through a comprehensive Section 106 process. The cumulative effects of multiple demolitions and constructions under a Master Plan also will require review. Parties to the Section 106 process will seek ways to avoid effects, such as creating a shuttle program rather than constructing a parking deck; minimize effects, such as adapting the design of new construction to better match the existing campus character; or mitigate the effects. Mitigation efforts should be designed to enhance overall campus or the general understanding of the historical record of the Chillicothe VA Hospital historic district.

Many Consulting Parties will request the right to view and comment on draft design plans for new construction. This design review process allows the Consulting Parties the opportunity to affect design that may be unsympathetic to the character of the historic property, in this case, the Chillicothe Veterans Hospital Historic District. Design Review can be addressed in person, by letter, or digitally. VA can write design review into agreement documents as a means to minimize adverse effect. Soliciting input from Consulting Parties during the bidding phase can provide VA with ample time to ensure feasible Consulting Party comments are considered in the initial design. Distributing the plans to Consulting Parties at 25% of the design phase and allowing 30 days for comment likely will allow the VA Engineer time to incorporate feasible Consulting Party comments into the VAMC review of the schematic (35%) design. These dates are suggestions and should be adapted for the construction schedule.

There are many ways to adapt new construction to minimize the effects to existing historic buildings and the overall campus character.

- *In general, new construction should not mimic the existing building stock, but seek to blend while still exhibiting signs of modern construction.*
  - New construction should be clad in a shade of red brick similar to the color of the existing historic buildings.
  - New construction should match the height of surrounding buildings.
- *New construction should be located in areas that minimize indirect effects to extant historic buildings.*
  - No new construction should interrupt the historic open space of the ovals.

Leasing and/or Transferring Campus Elements

VA's Enhanced-Use Lease and NHPA Section 111 programs allow for the lease of VA-owned properties to outside interests so long as those interests are in keeping with the agency mission. VA cannot delegate its responsibilities for the consideration of historic and cultural resources to another party. Consequently, some VA agent or office must complete or contract for the completion of a Section 106 review for any enhancements, modifications, additions, or demolitions proposed by the lessee. This can be a contractor, paid for by the lessee, but, ultimately, the thoroughness and compliance with the laws outlined above is a VA responsibility, so significant contractor oversight by VA is strongly recommended. The proposed action should be considered for effects to built and subsurface resources. It is not required that VA pay for any mitigation efforts negotiated to offset adverse effects; instead, those responsibilities should be negotiated and included in the lease. All considerations of cultural resources completed by the lessee should be documented with copies forwarded to the VA FPO.

If VA completes a Section 110 review and finds it cannot adequately utilize campus buildings or land, VA

may transfer the elements to another federal agency, a municipal entity, or to a private company. In this case, VA must consider the effects of the transfer, including future use of the space. Transfer may require archeological investigations to adequately consider the potential subsurface deposits in the land. Transfer to a private company or developer will remove a building or piece of land from federal authority, thereby ending the regulatory requirement for Section 106 review. Any such proposed action **automatically** triggers a VA Section 106 consultation.

Off-Campus Expansion

Chillicothe VAMC may complete a Section 110 review of historic properties on campus and determine that leased space is needed to close efficiency or quality gaps; therefore, Chillicothe VAMC may find it necessary to expand beyond its campus borders for parking or additional clinic space to support the campus mission. This action constitutes a federal undertaking and, as such, is subject to the tenets of the NHPA.

In the event of off-campus expansion, VA should initiate Section 106 consultation as it would with any undertaking. The effects of a lease vary widely from property to property: the acquisition of space in an existing strip mall has little to no potential to affect historic resources, nor does the use of an existing parking lot on a parcel adjacent to an extant VAMC. Construction of a parking lot on leased land or redevelopment of a historic home into a boutique hotel will have greater effect on cultural resources. Effects to consider include:

- *Viewshed issues for adjacent historic properties, including location within a listed or eligible historic district;*
- *Potential disturbance of archeological sites;*
- *Demolition or substantial modification of a historic building; and,*
- *"But for" clause-type effects.*

Regardless of the location selected for the expansion, the Chillicothe VAMC should be reviewed as an affected historic property because providing off-campus activities will affect the mission of the campus. This effect may be slight and therefore not rise to the level of adverse effect.

Undertakings Involving More Than One Federal Agency

Some undertakings involve more than one federal agency. The agencies may be equal partners in the project, or the circumstances may necessitate the designation of a lead agency. Agencies should coordinate their NHPA, and, if required, NEPA reviews, to adequately consider cumulative effects. Sharing costs of these reviews also may produce cost benefits for all agencies involved. If VA is only marginally involved in a proposed project, VA may elect to delegate the other responsible agency as lead on the project. VA and the other agency will negotiate cost-sharing and review responsibilities. Even if not leading the Section 106 process, VA must participate in the consultation to protect the agency's interests and ensure all effects have been adequately considered. VA will be a party to the resulting agreement document and may have tasks or responsibilities delineated in that MOA or PA. The FPO should be notified of all multi-agency projects.

Chapter 6: Building Descriptions

Building	1 (Administration Building)
Construction Date	1923
Windows	Replaced
Doors	Replaced
Additions	None
Character-Defining Features	1- Colonial Revival details 2- red brick cladding 3- concrete sills 4- concrete water table 5- round windows in pediments 6- door surrounds
Historic Status	**Contributing to NRHP district**

Building	2 (Building - vacant)
Construction Date	1923
Windows	Historic
Doors	Replaced
Additions	None
Character-Defining Features	1- Colonial Revival details 2- red brick cladding 3- concrete sills 4- concrete water table 5- symmetrical fenestration 6- wood cornice and soffits 7- entrance with original three-light sidelights and six-light transom 8- rear brick arcaded porches
Historic Status	**Contributing to NRHP district**
Additional Notes	Slated for Demolition under Revised 2008 Master Plan

Building	3 (Day Treatment/Vocational Rehabilitation - vacant)
Construction Date	1923
Windows	Replaced
Doors	Replaced
Additions	One-story, long, narrow, parallel, flat-roof addition connected via hyphen
Character-Defining Features	1- red brick cladding 2- concrete water table 3- concrete sills 4- triangular roof vents
Historic Status	**Contributing to NRHP district**

Building	4 (Building - vacant)
Construction Date	1923
Windows	Majority Historic
Doors	Replaced
Additions	None
Character-Defining Features	1- red brick cladding 2- concrete sills 3- concrete water table
Historic Status	**Contributing to NRHP district**

Building	5 (Building - vacant)
Construction Date	1923
Windows	Historic
Doors	Rear replaced
Additions	None
Character-Defining Features	1- Colonial Revival details 2- red brick cladding 3- H-shape 4- concrete door surround 5- concrete sills 6- concrete water table 7- wood cornice and soffits 8- gable-end pediments 9- round windows in pediments 10- two-story arcaded porches
Historic Status	**Contributing to NRHP district**

Building	6 (Building - vacant)
Construction Date	1923
Windows	Majority Historic
Doors	Historic
Additions	None
Character-Defining Features	1- Colonial Revival details 2- red brick cladding 3- concrete sills 4- concrete water table 5- symmetrical fenestration 6- wood cornice and soffits 7- entrance with six-light wood door, two-light sidelights, and a twelve-light transom 8- rear brick arcaded porches
Historic Status	**Contributing to NRHP district**
Additional Notes	Slated for Demolition under Revised 2008 Master Plan

Building	7 (Mess Patient Kitchen)
Construction Date	1923
Windows	Replaced
Doors	Replaced
Additions	Multiple
Character-Defining Features	1- Red brick cladding 2- concrete sills 3- concrete water table 4- concrete stringcourse 5- concrete parapet cap 6- flat roof
Historic Status	**Contributing to NRHP district**

Building	8 (Southern OH Council Building)
Construction Date	1923
Windows	Historic
Doors	Replaced
Additions	Handicap ramp
Character-Defining Features	1- Colonial Revival details 2- red brick cladding 3- concrete sills 4- concrete water table 5- wood cornice and soffits
Historic Status	**Contributing to NRHP district**

Building	9 (Recreation Hall)
Construction Date	1923
Windows	Historic
Doors	Historic
Additions	Historic addition at rear (1932); handicap ramp, interior elevator addition
Character-Defining Features	1- Colonial Revival details 2- red brick cladding 3- concrete sills 4- concrete water table 5- wood cornice and soffits 6- semi-circular second story windows 7- flat-roof porch with Tuscan columns and pilasters
Interior	The auditorium has been determined to be of historical significance and therefore alterations to the space are subject to review under the terms of the PA related to the revised 2008 Master Plan.
Historic Status	**Contributing to NRHP district**
Additional Notes	Former recreation building

Building	10 (Building - vacant)
Construction Date	1923
Windows	Historic
Doors	Replaced
Additions	Stairtower structure on west end
Character-Defining Features	1- Colonial Revival details 2- red brick cladding 3- concrete sills 4- concrete water table 5- wood cornice and soffits 6- six-over-six double-hung wood sashes 7- hip roof dormer windows
Historic Status	**Contributing to NRHP district**
Additional Notes	Slated for Demolition under Revised 2008 Master Plan

Building	11 (Building - vacant)
Construction Date	1923
Windows	Historic
Doors	Replaced
Additions	Handicap ramp addition
Character-Defining Features	1- Colonial Revival details 2- red brick cladding 3- concrete sills 4- concrete water table 5- wood cornice and soffits 6- six-over-six double-hung wood sashes 7- hip roof dormer windows
Historic Status	**Contributing to NRHP district**
Additional Notes	Slated for Demolition under Revised 2008 Master Plan

Building	12 (Quarters)
Construction Date	1923
Windows	Historic
Doors	Historic
Additions	Rear porch enclosed
Character-Defining Features	1- Red brick cladding 2- Dutch Colonial Revival details 3- gambrel roof 4- concrete sills 5- shed roof dormers 6- central brick chimney 7- porches with Tuscan columns
Historic Status	**Contributing to NRHP district**
Additional Notes	Slated to be re-purposed. If new use cannot be identified, VA may demolish the building in accordance with the tenets of the PA.

Building	13 (Quarters)
Construction Date	1923
Windows	Historic
Doors	Historic
Additions	Rear porch enclosed
Character-Defining Features	1- Red brick cladding 2- Dutch Colonial Revival details 3- gambrel roof 4- concrete sills 5- shed roof dormers 6- central brick chimney 7- porches with Tuscan columns
Historic Status	**Contributing to NRHP district**
Additional Notes	Slated to be re-purposed. If new use cannot be identified, VA may demolish the building in accordance with the tenets of the PA.

Building	14 (Quarters)
Construction Date	1923
Windows	Historic
Doors	Historic
Additions	Rear porch enclosed
Character-Defining Features	1- Red brick cladding 2- Dutch Colonial Revival details 3- gambrel roof 4- concrete sills 5- shed roof dormers 6- central brick chimney 7- porches with Tuscan columns
Historic Status	**Contributing to NRHP district**
Additional Notes	Slated to be re-purposed. If new use cannot be identified, VA may demolish the building in accordance with the tenets of the PA.

Building	15 (Quarters)
Construction Date	1923
Windows	Historic
Doors	Historic
Additions	Screen porch
Character-Defining Features	1- Red brick cladding 2- Dutch Colonial Revival details 3- gambrel roof 4- concrete sills 5- shed roof dormers 6- central brick chimney 7- porches with Tuscan columns 8- gambrel roof projections at side elevations
Historic Status	**Contributing to NRHP district**
Additional Notes	Slated to be re-purposed. If new use cannot be identified, VA may demolish the building in accordance with the tenets of the PA.

Building	16 (Quarters)
Construction Date	1923
Windows	Historic
Doors	Historic
Additions	Screen porch
Character-Defining Features	1- Red brick cladding 2- Dutch Colonial Revival details 3- gambrel roof 4- concrete sills 5- shed roof dormers 6- central brick chimney 7- porches with Tuscan columns 8- gambrel roof projections at side elevations
Historic Status	**Contributing to NRHP district**
Additional Notes	Slated to be re-purposed. If new use cannot be identified, VA may demolish the building in accordance with the tenets of the PA.

Building	17 (Quarters)
Construction Date	1923
Windows	Historic
Doors	Historic
Additions	Rear porch enclosed
Character-Defining Features	1- Red brick cladding 2- Dutch Colonial Revival details 3- gambrel roof 4- concrete sills 5- three bay shed roof dormer 6- gable end brick chimney 7- porch with Tuscan columns 8- gambrel roof projections at side elevations
Historic Status	**Contributing to NRHP district**
Additional Notes	Slated to be re-purposed. If new use cannot be identified, VA may demolish the building in accordance with the tenets of the PA.

Building	18 (Police Station)
Construction Date	1923
Windows	Historic
Doors	Replaced
Additions	None
Character-Defining Features	1- Colonial Revival details 2- red brick cladding 3- concrete sills 4- concrete water table 5- wood cornice and soffits 6- hip dormers 7- porch with paired Tuscan columns
Historic Status	**Contributing to NRHP district**

Building	19 (Electric Substation)
Construction Date	1923
Historic Status	Does not contribute to NRHP district

Building	20 (Boiler House)
Construction Date	1923
Windows	Historic
Doors	Replaced
Additions	Two-story flat roof addition at northwest end; one-story flat roof concrete addition at southeast elevation
Character-Defining Features	1- Red brick cladding 2- concrete sills 3- concrete lintels 4- parapets
Historic Status	**Contributing to NRHP district**

Building	21 (Garage & Shops)
Construction Date	1923
Windows	Replaced
Doors	Replaced
Additions	Multiple
Character-Defining Features	1- Red brick cladding 2- segmental arched window openings 3- concrete sills 4- stepped parapets with concrete caps 5- brick solider courses
Historic Status	**Contributing to NRHP district**
Additional Notes	Expanded in 2007 to accommodate new fire truck

Building	22 (Vocational Building)
Construction Date	1923
Windows	Historic
Doors	Historic
Additions	1947 addition to northwest elevation
Character-Defining Features	1- Red brick cladding 2- segmental arched window openings 3- concrete sills 4- stepped parapets with concrete caps
Historic Status	**Contributing to NRHP district**

Building	23 (Warehouse)
Construction Date	1923
Windows	Replaced
Doors	Replaced
Additions	Multiple
Character-Defining Features	1- Red brick cladding 2- parapet with concrete cap
Historic Status	**Contributing to NRHP district**
Additional Notes	Recently altered

Building	24 (Patient Ward Building)
Construction Date	1929
Windows	Replaced
Doors	Replaced
Additions	Porches enclosed; corridors to Building #210 and Building D
Character-Defining Features	1- Colonial Revival and Classical Revival details 2- red brick cladding 3- central entry with brackets, hood molding, and metal balconet railing 4- arched window in pediment 5- round attic vents 6- concrete sills 7- concrete water table
Historic Status	**Contributing to NRHP district**
Additional Notes	Recently renovated

Building	25 (Laundry)
Construction Date	1929
Windows	Altered on northwest elevation
Doors	Historic
Additions	Flat roof rear addition
Character-Defining Features	1- Red brick cladding 2- side gable 3- concrete wills 4- fanlight attic window with keystone and concrete sill
Historic Status	**Contributing to NRHP district**
Additional Notes	Recently renovated; 1,000 sq. foot addition intended as part of new project

Building	26 (Patient Ward)
Construction Date	1932
Windows	Majority Replaced
Doors	Replaced
Additions	Porches enclosed; courtyard wall; design phase for rear addition
Character-Defining Features	1- Colonial Revival and Classical Revival details 2- red brick cladding 3- central entry with fluted pilasters and segmental arched pediment with modillions and dentils 4- arched attic vents 5- concrete sills 6- concrete water table 7- slate or tile shingles
Historic Status	**Contributing to NRHP district**
Additional Notes	Recently renovated

Building	27 (Patient Ward)
Construction Date	1932
Windows	Replaced
Doors	Replaced
Additions	Porches enclosed
Character-Defining Features	1- Red brick cladding 2- concrete sills 3- central entry with triangular pediment
Historic Status	**Contributing to NRHP district**
Additional Notes	Recently renovated

Building	28 (Veterans Canteen Service)
Construction Date	1932
Windows	Historic
Doors	Replaced
Additions	Handicap ramp on south elevation; elevator tower on west end; stair tower on east end
Character-Defining Features	1- Colonial Revival details 2- red brick cladding 3- slight front-gable projections 4- concrete sills 5- concrete water table 6- wood cornice and soffits 7- six-over-six and eight-over-eight double-hung wood sashes 8- gabled dormers with arched openings, pilasters, and slate sides 9- tile shingles
Historic Status	**Contributing to NRHP district**
Additional Notes	Slated for Demolition under Revised 2008 Master Plan

Building	29 (Hoptel)
Construction Date	1932
Windows	Majority Replaced
Doors	Replaced
Additions	Porch enclosed
Character-Defining Features	1- Colonial Revival details 2- red brick cladding 3- hipped dormers 4- round window with keystones in pediment 5- concrete sills 6- concrete water table; tile shingles
Historic Status	**Contributing to NRHP district**
Additional Notes	Recently renovated

Building	30 (Patient Ward)
Construction Date	1938
Windows	Majority Replaced
Doors	Replaced
Additions	Porches enclosed
Character-Defining Features	1- Colonial Revival details 2- red brick cladding 3- central entry with fluted pilasters, triglyph frieze, and segmental arched pediment 4- arcaded brick porches 5- concrete sills 6- concrete water table
Historic Status	**Contributing to NRHP district**
Additional Notes	Recently renovated

Building	31 (Main Hospital)
Construction Date	1938
Windows	Replaced
Doors	Replaced
Additions	rear additions in process; large metal awning and new ER entrance
Character-Defining Features	1- Colonial Revival details 2- H-shape footprint 3- red brick cladding 4- oculus window in gable of central pavilion 5- arched window openings in façade gables of return wings 6- arcaded entry porch with denticulated pediment 7- parapet walls 8- copper cupola 9- concrete sills 10- brick soldier courses 11- concrete water table 12- raised brick and concrete stringcourses 13- concrete cornice 14- concrete corner pilasters 15- double false brick chimneys at gable ends 16- hipped dormers
Interior	The lobby has been determined to be of historical significance and therefore alterations to the space are subject to review under the terms of the PA related to the revised 2008 Master Plan.
Historic Status	**Contributing to NRHP district**
Additional Notes	Recently renovated and new construction in progress

Building	35 (Patient Ward)
Construction Date	1939
Windows	Replaced
Doors	Replaced
Additions	None
Character-Defining Features	1- Colonial Revival details 2- brick pilasters with concrete capitals 3- parapet walls with false brick chimneys 4- oculus windows in gables 5- concrete keystones; concrete sills 6- brick jack arches 7- gabled dormers 8- brick quoins 9- brick banding at basement 10- concrete water table 11- raised brick stringcourse 12- arched window openings 13- decorative false balconies 14- rear entry concrete door surround with fluted pilasters, swan's neck pediment, and pineapple finial 15- tile shingles
Historic Status	**Contributing to NRHP district**
Additional Notes	Recently renovated

Building	36 (Tool Room)
Construction Date	1942
Windows	Historic
Doors	Historic
Additions	None
Character-Defining Features	1- Red brick cladding 2- front gable 3- brick soldier courses 4- window header course 5- steel awning windows 6- metal sashes 7- exposed rafter tails
Historic Status	**Contributing to NRHP district**

Building	T-38 (Sheet Metal Shop)
Construction Date	1948
Windows	Historic
Doors	Historic
Additions	None
Character-Defining Features	1- Glazed tile cladding 2- twelve-light and nine-light awning windows
Historic Status	**Contributing to NRHP district**
Additional Notes	Slated for demolition

Building	T-40 (Plumbing Shop)
Construction Date	1948
Windows	Historic
Doors	Historic
Additions	None
Character-Defining Features	1- Glazed tile cladding 2- front gable 3- twelve-light steel awning windows
Historic Status	**Contributing to NRHP district**
Additional Notes	Slated for demolition

Building	T-41 (Engineering Storage)
Construction Date	1918
Windows	Obscured
Doors	Replaced
Additions	None
Character-Defining Features	1- Asbestos shingle cladding 2- front gable 3- asymmetrical roof
Historic Status	**Contributing to NRHP district**
Additional Notes	Constructed for the Camp Sherman cantonment[19]

[19] *National Register of Historic Places, Chillicothe Veterans Administration Hospital, Chillicothe, Ross County, Ohio, National Register #12000110, 43.*

Building	45 (Storage)
Construction Date	1929
Windows	Historic
Doors	Historic
Additions	None
Character-Defining Features	1- Brick cladding 2- shed roof 3- concrete sills 4- concrete lintels 5- concrete cap
Historic Status	**Contributing to NRHP district**

Building	T-51 (Greenhouse Potting Shed)
Construction Date	1929
Windows	Historic
Doors	Historic
Additions	None
Character-Defining Features	Asbestos shingle cladding; front gable
Historic Status	**Contributing to NRHP district**
Additional Notes	Slated for demolition

Building	52 (Greenhouse)
Construction Date	1929
Windows	Altered
Doors	Replaced
Additions	None
Character-Defining Features	1- Corrugated plexiglass cladding 2- front gable roofline
Historic Status	**Contributing to NRHP district**
Additional Notes	Slated for renovation under Revised 2008 Master Plan

Building	53 (Tool & Equipment Storage)
Construction Date	1945
Windows	Historic
Doors	Historic
Additions	None
Character-Defining Features	1- side gable 2- asymmetrical roof 3- wood beadboard cladding
Historic Status	**Contributing to NRHP district**

Building	57 (Golf Course Storage)
Construction Date	ca. 1930s
Windows	Historic
Doors	Historic
Additions	None
Character-Defining Features	1- hipped roof 2- asbestos shingle cladding
Historic Status	**Contributing to NRHP district**

Building	60 (Mace House)
Construction Date	1826
Windows	Replaced
Doors	Replaced
Additions	Rear concrete block addition
Character-Defining Features	1- Truncated hip roof 2- brick cladding 3- gabled dormer 4- bracketed cornice 5- rear brick chimney 6- slate roof
Interior	The interior spaces of this building have been determined to be of historical significance and therefore alterations to the space are subject to review under the terms of the PA related to the revised 2008 Master Plan.
Historic Status	**Contributing to NRHP district**
Additional Notes	Former recreation building; restored 1983-1985; currently Mace House Heritage Center.

Building	179 (Shed)
Construction Date	1875
Windows	Replaced
Doors	Replaced
Additions	None
Character-Defining Features	1- Front gabled 2- asbestos shingle cladding 3- exposed rafter tails
Historic Status	**Contributing to NRHP district**

Building	197 (Stadium Toilet)
Construction Date	1932
Windows	Replaced
Doors	Replaced
Additions	None
Character-Defining Features	1- Hipped roof 2- brick cladding 3- exposed rafter tails 4- stone lintels 5- stone sills
Historic Status	**Contributing to NRHP district**

Building	205 (Garage)
Construction Date	1923
Windows	Historic
Doors	Entry door replaced
Additions	None
Character-Defining Features	1- red brick cladding 2- six-light, wood, overhead garage doors 3- hipped roof with diamond-shaped shingles
Historic Status	**Contributing to NRHP district**

Building	206 (Garage)
Construction Date	1923
Doors	Entry door replaced
Additions	None
Character-Defining Features	1- red brick cladding 2- six-light, wood, overhead garage doors 3- hipped roof with diamond-shaped slate shingles
Historic Status	**Contributing to NRHP district**

Building	207 (Garage)
Construction Date	1923
Windows	Historic
Doors	Historic
Additions	None
Character-Defining Features	1- red brick cladding 2- six-light, wood, overhead garage doors 3- front gabled roof with slate shingles
Historic Status	**Contributing to NRHP district**

Building	210 (Patient Ward Building)
Construction Date	1945
Windows	Replaced
Doors	Replaced
Additions	Porches enclosed; stairwell addition; rear additions to projecting wings; entry connection to Building 211 in process
Character-Defining Features	1- Colonial Revival and Classical Revival details 2- red brick cladding 3- arcaded porches 4- lunette windows at façade pediments 5- concrete sills 6- quoins 7- concrete water table 8- brick chimneys
Historic Status	**Contributing to NRHP district**
Additional Notes	Recently renovated and under construction

Building	211 (Patient Ward Building)
Construction Date	1945
Windows	Replaced
Doors	Replaced
Additions	Rear addition to projecting wings; entry connection to Building 210 in process
Character-Defining Features	1- Colonial Revival and Classical Revival details 2- red brick cladding 3- arcaded porches 4- lunette windows at façade pediments 5- concrete sills 6- quoins 7- concrete water table 8- brick chimneys
Historic Status	**Contributing to NRHP district**
Additional Notes	Recently renovated and under construction

Building	212 (Patient Ward Building)
Construction Date	1945
Windows	Replaced
Doors	Replaced
Additions	None
Character-Defining Features	1- Colonial Revival and Classical Revival details 2- red brick cladding 3- gable roof 4- central entry with pilasters, triglyph frieze and segmental arched pediment with modillions 5- lunettes in pediments 6- concrete sills 7- brick soldier courses 8- concrete stringcourses 9- brick quoins 10- false chimneys
Historic Status	**Contributing to NRHP district**
Additional Notes	Recently renovated

Building	218 (Water Softening Plant)
Construction Date	1949
Windows	Historic
Doors	Replaced
Additions	Garage door addition (Revised Master Plan Action)
Character-Defining Features	1- flat roof 2- concrete sills
Historic Status	**Contributing to NRHP district**

Building	T-228 (Electric & Paint Shops)
Construction Date	1946
Historic Status	Does not contribute to NRHP district
Additional Notes	Slated for Demolition under Revised 2008 Master Plan

Building	T-233 (Engineering Storage)
Construction Date	1947
Windows	Enclosed with metal
Doors	Replaced
Additions	None
Character-Defining Features	Quonset hut with corrugated steel and semi-circular cross-section
Historic Status	**Contributing to NRHP district**

Building	T-236 (Greenhouse Storage)
Construction Date	1956
Historic Status	Does not contribute to NRHP district

Building	244 (Baseball Stadium)
Construction Date	1955
Historic Status	Does not contribute to NRHP district

Building	247 (Therapeutic Exercise Clinic)
Construction Date	1959
Historic Status	Does not contribute to NRHP district

Building	250 (Storage)
Construction Date	1959
Historic Status	Does not contribute to NRHP district

Building	251 (Golf Course Club House)
Construction Date	1960
Historic Status	Does not contribute to NRHP district

Building	252 (Chapel)
Construction Date	1962
Historic Status	Does not contribute to NRHP district

Building	256 (Water Treatment Plant)
Construction Date	1970
Historic Status	Does not contribute to NRHP district

Building	259 (Boiler Plant)
Construction Date	1970
Historic Status	Does not contribute to NRHP district

Building	297 (Emergency Generator - building)
Construction Date	1979
Historic Status	Does not contribute to NRHP district

Building	302 (Emergency Generator - building)
Construction Date	1979
Historic Status	Does not contribute to NRHP district

Building	311 (Storage Building)
Construction Date	1980
Historic Status	Does not contribute to NRHP district

Building	312 (Storage Building)
Construction Date	1980
Historic Status	Does not contribute to NRHP district

Building	313 (Engineering Storage Building)
Construction Date	1980
Historic Status	Does not contribute to NRHP district

Building	314 (Engineering Storage Building)
Construction Date	1980
Historic Status	Does not contribute to NRHP district

Building	Salt Shed
Historic Status	Does not contribute to NRHP district

Building	317 (Credit Union)
Construction Date	ca. 2000s
Historic Status	Does not contribute to NRHP district

Structures & Features

The Chillicothe VAMC includes two structures and one feature that contributes to the overall campus character. These elements include the engineering storage structure, the concrete lined ditch that extends approximately 1,750 feet across the southern portion of the campus, and the two formal curvilinear entrance drives.

Structure	208 (Engineering Storage)
Construction Date	1920
Character-Defining Features	Constructed into hillside with poured concrete retaining walls; brick chimney
Historic Status	**Contributing to NRHP district**

Feature	Entrance Drives (Hines Boulevard)
Construction Date	ca. 1920s/1930s
Character-Defining Features	Curvilinear entrance drives
Historic Status	**Contributing to NRHP district**
Additional Notes	Two formal entrance drives

Structure	Ditch
Construction Date	ca. 1920s/1930s
Character-Defining Features	Concrete lined ditch
Historic Status	**Contributing to NRHP district**
Notes	Dates to Camp Sherman

Structure	255 (Bus Stop Shelter)
Construction Date	1966
Historic Status	Does not contribute to NRHP district

Structure	310 (Picnic Shelter)
Construction Date	1979
Historic Status	Does not contribute to NRHP district

Structure	315 (Picnic Shelter)
Construction Date	1986
Historic Status	Does not contribute to NRHP district

Structure	Connecting Corridors
Construction Date	ca. 1960s/1970s
Historic Status	Does not contribute to NRHP district

Structure	Flag Pole
Construction Date	ca. 1960s/1970s
Historic Status	The pole is new and therefore does not contribute to NRHP district. The location of the pole (directly in front of Building 31) is significant.

Feature	Forrest E. Everhart Memorial Golf Course
Construction Date	1960
Historic Status	Does not contribute to NRHP district

Landscape	Griffith Circle
Character-Defining Features	• Oval • Greenspace • Surrounded by Buildings 1-8
Historic Status	**Contributing to NRHP district**

Landscape	North Circle
Character-Defining Features	• Oval • Greenspace • Surrounded by Buildings 24, 26, 27, 30, 211, 210
Historic Status	**Contributing to NRHP district**

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Appendix A

NRHP Nomination

NRIS#: 12000110

NPS Form 10-900 OMB No. 1024-0018

RECEIVED 2280
JAN 27 2012
NAT. REGISTER OF HISTORIC PLACES
NATIONAL PARK SERVICE

110

United States Department of the Interior
National Park Service

National Register of Historic Places Registration Form

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in National Register Bulletin, *How to Complete the National Register of Historic Places Registration Form.* If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions. **Place additional certification comments, entries, and narrative items on continuation sheets (NPS Form 10-900a).**

1. Name of Property

Historic name Chillicothe Veterans Administration Hospital

Other names/site number United States Veterans Bureau Hospital No. 97 (Chillicothe, Ohio); Chillicothe Veterans Affairs Medical Center / N/A

2. Location

street & number 17273 State Route 104 N/A not for publication

city or town Chillicothe ☐ vicinity

State Ohio code OH county Ross code 141 zip code 45601

3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act, as amended,

I hereby certify that this X nomination ___ request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60.

In my opinion, the property ___ meets ___ does not meet the National Register Criteria. I recommend that this property be considered significant at the following level(s) of significance:

___ national X statewide ___ local

Kathleen Ackermann 1/24/12
Signature of certifying official Date

FPO Dept Veterans Affairs
Title State or Federal agency and bureau

In my opinion, the property X meets ___ does not meet the National Register criteria.

Barbara Power January 4, 2012
Signature of commenting official Date

Dept. Head, Inventory & Registration, Ohio Historic Preservation Office
Title State or Federal agency and bureau

4. National Park Service Certification

I, hereby, certify that this property is: Signature of the Keeper Date of Action

✓ entered in the National Register Edson R. Beall 3.12.12

___ determined eligible for the National Register

___ determined not eligible for the National Register

___ removed from the National Register

___ other (explain:)

5. Classification

Ownership of Property
(Check as many boxes as apply)

	private
	public - Local
	public - State
X	public - Federal
	private

Category of Property
(Check only **one** box)

	building(s)
X	district
	site
	structure
	building(s)
	object

Number of Resources within Property
(Do not include previously listed resources in the count.)

Contributing	Noncontributing	
51	20	buildings
1	1	sites
3	4	structures
0	1	objects
55	26	**Total**

Name of related multiple property listing
(Enter "N/A" if property is not part of a multiple property listing)

United States Second Generation Veterans Hospitals

Number of contributing resources previously listed in the National Register

N/A

6. Function or Use

Historic Functions
(Enter categories from instructions)

HEALTH CARE / hospital

Current Functions
(Enter categories from instructions)

HEALTH CARE / hospital

7. Description

Architectural Classification
(Enter categories from instructions)

Late 19th and 20th Century Revivals /
Colonial Revival / Classical Revival

Materials
(Enter categories from instructions)

foundation: Concrete
walls: Brick
roof: Slate
other:

Narrative Description

(Describe the historic and current physical appearance of the property. Explain contributing and noncontributing resources if necessary. Begin with **a summary paragraph** that briefly describes the general characteristics of the property, such as its location, setting, size, and significant features.)

Summary Paragraph

The Chillicothe Veterans Administration (VA) Hospital, currently known as the Chillicothe Veterans Affairs Medical Center, is located at 17273 State Route 104 in Chillicothe, Ohio. Located within a campus setting, the facility was originally opened in 1924 and served throughout the period of significance as a veterans neuropsychiatric hospital. The historic district preserves the characteristics of this property sub-type. The historic district is situated on the west side of State Route 104, approximately 2.25 miles northwest of its intersection with U.S. 35, and 3.7 miles northwest of the center of downtown Chillicothe. The original and ongoing mission of the facility is to provide health care to veterans located in southeast Ohio. The property boundary contains approximately 308 acres and the proposed National Register of Historic Places (NRHP) boundary is approximately 307 acres. Eighty-one resources are located within the NRHP historic district boundary, with fifty-five considered as contributing resources. Contributing resources include those that retain integrity and were utilized and/or constructed by the hospital during the historic district's period of significance (1922–1950). Ten of the twenty-six noncontributing resources are smaller buildings and structures, including maintenance, service, and utility buildings, constructed after 1950 that do not visually impact the larger contributing resources or their spatial configuration, and relationships between the contributing resources remain intact. The historic district is composed of two large main buildings, patient ward/treatment buildings, a recreation building, kitchen/dining hall, residential quarters, boiler plant, shops, garages, and other maintenance/utility buildings. These buildings are loosely grouped by function into three clusters that may not be totally distinct from one another. The majority of resources throughout the historic district are classified as buildings. The campus setting of the historic district consists of mature vegetation, topography that slopes down to relatively flat bottom land, curvilinear and linear landscape elements, buildings exhibiting minimal Colonial Revival style and later buildings with more expressive Colonial Revival and Classical Revival architectural style ornamentation that create a cohesive architectural campus.

Narrative Description

The Chillicothe VA Hospital is located on a slight rise within a campus setting. The campus originally consisted of approximately over 4,700 acres, but has been reduced over the years to its current size of approximately 308 acres. The original campus size was unusually large for Second Generation Veterans Hospitals, but this can be attributed to the fact that the campus was a portion of a military camp for training World War I soldiers. The large tract of land also accommodated the farming operations of the hospital that were part of the occupational therapy program conducted at neuropsychiatric Second Generation Veterans Hospitals. The reduction in land ownership is a common trait among Second Generation Veterans Hospitals as land determined to be surplus was removed from the VA's ownership.

The polygonal-shaped historic district boundary contains approximately 307 acres. The Veterans Bureau originally had title to more than 4,700 acres transferred from Camp Sherman for the Chillicothe VA Hospital. The overall acreage has been reduced over the years through conveyance to various entities and individuals. The historic district is located along the west side of State Route 104.[1] The axis of the complex is slightly to the northwest/southeast, parallel to State Route 104. The eastern portion of the historic district slopes, in places steeply, eastward to the wide river plain of the Scioto River. The river is located east of State Route 104. Forested slopes and Egypt Pike are located to the west of the historic district and farmland extends to the north and east. The Chillicothe Correctional Institution is located to the south of the Chillicothe VA Hospital Historic District.

See Continuation Sheet, page 7.1.

[1] *The Price of Freedom...A Brief History of the Chillicothe VA Medical Center*, VA Pamphlet 538-89 (Chillicothe, OH: VA Medical Center, 2004): n.p.

8. Statement of Significance

Applicable National Register Criteria

(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing)

- [X] A Property is associated with events that have made a significant contribution to the broad patterns of our history.
- [ ] B Property is associated with the lives of persons significant in our past.
- [X] C Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- [ ] D Property has yielded, or is likely to yield, information important in prehistory or history.

Criteria Considerations

(Mark "x" in all the boxes that apply)

Property is:

- [ ] A owned by a religious institution or used for religious purposes.
- [ ] B removed from its original location.
- [ ] C a birthplace or grave.
- [ ] D a cemetery.
- [ ] E a reconstructed building, object, or structure.
- [ ] F a commemorative property.
- [ ] G less than 50 years old or achieving significance within the past 50 years.

Areas of Significance

(Enter categories from instructions)

Politics/Government
Health/Medicine
Architecture

Period of Significance

1922–1950

Significant Dates

N/A

Significant Person

(Complete only if Criterion B is marked above)

N/A

Cultural Affiliation

N/A

Architect/Builder

Construction Service, Quartermaster Corps of the Army
Construction Division, Veterans Bureau
Construction Service, Veterans Administration

Period of Significance (justification)

The period of significance begins with the construction of the hospital in 1922 and extends through 1950, the termination date for the period of significance as stated in the United States Second Generation Veterans Hospital Multiple Property Documentation form. The contributing resources were constructed and/or utilized by the facility during the period of significance of the historic district. These resources relate to the historic district's basic identity as a Period I neuropsychiatric hospital sub-type within the Second Generation Veterans Hospital typology. As the facility continued to operate as a neuropsychiatric hospital throughout the period of significance buildings associated with Period II neuropsychiatric Second Generation Veterans Hospitals continued to be constructed within the historic district, expressing the continual evolution of building designs utilized at Second Generation Veterans Hospitals. Buildings constructed after 1950 no longer relate to the design philosophies developed by the Second Generation Veterans Hospitals.

Criteria Considerations (explanation, if necessary)
N/A

Statement of Significance Summary Paragraph (provide a summary paragraph that includes level of significance and applicable criteria)

The Chillicothe VA Hospital Historic District is significant as an excellent, intact example of a Period I neuropsychiatric Second Generation Veterans Hospital that reflects the evolution of building and landscape design philosophies through Period II. The Chillicothe VA Hospital Historic District is eligible for listing in the National Register of Historic Places (NRHP) under Criterion A at the state level in the areas of Politics and Government because of the importance placed on securing the federal facility and its impact on the local community and veterans throughout the state. The Chillicothe VA Hospital is also eligible under Criterion A at the state level in the areas of Health and Medicine because of the physical evidence the hospital provides concerning health care offered to veterans of the state, primarily veterans of World War I and World War II. The historic district is also eligible under Criterion C at the state level in the area of Architecture, because the Chillicothe VA Hospital Historic District is an intact example of a Period I neuropsychiatric Second Generation Veterans Hospital utilizing the Colonial Revival architectural style and because it reflects the evolution of building designs that increasingly included classical revival architectural elements for this sub-type of veterans hospital through Period II. The Chillicothe VA Hospital Historic District also exhibits standardized building designs that were incorporated into the campuses of Second Generation Veterans Hospitals. Construction began on the Chillicothe VA Hospital in 1922, and various additions were made to the historic district through 1950. The Chillicothe VA Hospital served throughout the period of significance as a neuropsychiatric hospital serving veterans in Ohio. The historic district continues to retain characteristics of this sub-type of Second Generation Veterans Hospital. The use of nationally popular architectural styles creates a cohesive design for the historic district and its groupings of buildings. The use of revivalist architecture, especially the current monumental main building, reflects the importance of the Veterans Bureau and VA and their mission to provide medical care to the nation's veterans. Revivalist architecture, such as the Colonial Revival and Classical Revival styles, was utilized for many federal buildings constructed in the first half of the twentieth century to exhibit patriotism through the use of stylistic elements associated with the early history of the United States and to reflect the permanence of the institutions contained within the buildings. The period of significance and assessment of contributing and noncontributing resources for this nomination are based on the historic district's significance within the historic contexts developed in the United States Second Generation Veterans Hospitals Multiple Property Documentation Form (MPDF). Resources constructed after 1950, and thus considered noncontributing within this nomination, may possess significance under themes not fully developed as part of the MPDF. Resources located within the medical center campus may be eligible or contributing for other associations or contexts under National Register Criteria A–D, or recent buildings/structures may be eligible under Criteria Consideration G, for resources of exceptional importance that are less than 50 years of age.

Narrative Statement of Significance (provide at least **one** paragraph for each area of significance)

The period of significance for the Chillicothe VA Hospital Historic District extends from 1922 to 1950. The period of significance begins with the construction of the medical facility and continues through 1950, the date of the last federal veterans hospital constructed utilizing the design philosophies developed for Second Generation Veterans Hospitals. The Chillicothe VA Hospital Historic District is an excellent example of a Period I neuropsychiatric Second Generation Veterans Hospital that also exhibits the evolving building and landscape designs of Period II veterans hospitals of the same sub-type.

See Continuation Sheet, page 8.37.

Developmental history/additional historic context information (if appropriate)

See Continuation Sheet, page 8.42.

9. Major Bibliographical References

Bibliography (Cite the books, articles, and other sources used in preparing this form on one or more continuation sheets)

See Continuation Sheets, pages 9.47–9.48

Previous documentation on file (NPS):

____preliminary determination of individual listing (36 CFR 67 has been requested
____previously listed in the National Register
_X_previously determined eligible by the National Register
____designated a National Historic Landmark
____recorded by Historic American Buildings Survey #_____
____recorded by Historic American Engineering Record # _____

Primary location of additional data:

____State Historic Preservation Office
____Other State agency
_X_Federal agency
____Local government
____University
_X_Other

Name of repository: Dept of Veterans Affairs Historic Preservation Office & the Chillicothe VA Medical Center's archives

Historic Resources Survey Number (if assigned): __N/A_____

10. Geographical Data

Acreage of Property 307 acres
(Do not include previously listed resource acreage)

UTM References
(Place additional UTM references on a continuation sheet)

	Zone	Easting	Northing		Zone	Easting	Northing
1	17	325473.07	4361847.03	3	17	326136.60	4361783.05
2	17	326098.36	4361967.62	4	17	326658.45	4361878.35

Verbal Boundary Description (describe the boundaries of the property)

The boundary of the nominated property is delineated by the polygon in solid black lines on the aerial map on page 52. The boundary is also indicated by a polygon on the enclosed United States Geological Survey (USGS) Anderson, Ohio, topographic quadrangle map and on Continuation Sheet 10.51. The UTM reference points, stated in NAD 27, are provided above and on Continuation Sheet 10.49, as well as on the USGS topographic quadrangle map. Beginning at the northwest corner of the hospital grounds, at UTM N 4361847.03, E 325473.07, then northeast approximately 1,670 feet to UTM N 4361967.62, E 326098.36, then southeast approximately 585 feet to UTM N 4361783.05, E 326136.60, then northeast approximately 1,600 feet to UTM N 4361878.35, E 326658.45, located adjacent to SR 104, then southeast with SR 104 approximately 3,150 feet to UTM N 4360897.96, E 326830.87, then southwest approximately 1,000 feet to UTM N 4360839.59, E 326520.95 then southeast 450 feet along a tree line to UTM N 4360705.12, E 326552.90, then with the tree line southwest 250 feet to UTM N 4360685.63, E 326470.24, then northwest approximately 600 feet to UTM N 4360867.65, E 326426.99, then west approximately 950 feet to UTM N 4360866.07, E 326126.66 then northwest approximately 130 feet to UTM N 4360885.60, E 326098.37, then southwest approximately 1,780 feet to UTM N 4360790.05, E 325599.70, then northwest approximately 1,800 feet to UTM N 4361267.99, E 325482.82, then east-northeast approximately 275 feet to UTM N 4361284.70, E 325581.96, then northwest approximately 1,725 feet to the beginning containing approximately 307 acres.

Boundary Justification (explain why the boundaries were selected)

The proposed NRHP nomination boundary is the current property boundary other than an approximately one acre narrow, rectangular section that extends south along Sandusky Boulevard, containing only a portion of the right of way along several residential lots not associated with the medical center on the west side of the road. No resources are located along this section of the medical center's property. The historic district boundary is considerably smaller than the original hospital property because of land transfers, but the proposed historic boundary includes the majority of resources historically associated with the Chillicothe VA Hospital.

11. Form Prepared By

name/title Trent Spurlock/Architectural Historian and Elizabeth Heavrin/Architectural Historian

organization Cultural Resource Analysts, Inc. date December 7, 2011

street & number 151 Walton Avenue telephone 859-252-4737

city or town Lexington state KY zip code 40508

e-mail

Additional Documentation

Submit the following items with the completed form:

- **Maps:** A **USGS map** (7.5 or 15 minute series) indicating the property's location.

  A **Sketch map** for historic districts and properties having large acreage or numerous resources. Key all photographs to this map.

- **Continuation Sheets 50–56**

- **Additional items:** (Check with the SHPO or FPO for any additional items)

Photographs:

Submit clear and descriptive black and white photographs. The size of each image must be 1600x1200 pixels at 300 ppi (pixels per inch) or larger. Key all photographs to the sketch map.

See Continuation Sheet Photographs 57

Name of Property:

City or Vicinity:

County: **State:**

Photographer:

Date Photographed:

Description of Photograph(s) and number:

Paperwork Reduction Act Statement: This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C.460 et seq.).
Estimated Burden Statement: Public reporting burden for this form is estimated to average 18 hours per response including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Chief, Administrative Services Division, National Park Service, PO Box 37127, Washington, DC 20013-7127; and the Office of Management and Budget, Paperwork Reductions Project (1024-0018), Washington, DC 20503.

The buildings located within the Chillicothe VA Hospital Historic District share similarities with other Period I and II Second Generation Veterans Hospitals in both original function and architectural style/decoration. Because it incorporates buildings from both Periods I and II, the Chillicothe VA Hospital Historic District reveals the evolution of building design for veterans neuropsychiatric hospitals during the period of significance. Construction of the original buildings of the Chillicothe facility began in 1922. The original buildings and campus appear to have been designed by the Construction Service, Quartermaster Corps of the Army for the Veterans Bureau.

The buildings of the five veterans neuropsychiatric hospitals dating to the early 1920s, designed by the Construction Service, Quartermaster Corps of the Army, have minimal exterior ornamentation, are usually clad in brick or stucco, and range from a single story to two stories in height. Initially the patient buildings were often not connected by exterior corridors, and some campuses, such as Chillicothe, still are not connected by exterior corridors. The main and patient ward buildings of the early to mid-1920s were smaller than those constructed later by the Veterans Bureau and VA, as the main buildings were commonly two-story H-buildings. The neuropsychiatric hospital campuses constructed in the late 1920s through 1950 (Period II) as part of the Second Generation Veterans Hospitals contain monumental main buildings with more elaborate ornamentation than earlier examples and the patient buildings, in their fully realized H-shape, were also larger and normally constructed around courtyards. The Chillicothe VA Hospital Historic District includes neuropsychiatric patient ward/treatment buildings from both Periods I and II and therefore provides evidence of the evolution of building designs through the period of significance. The simple landscaping of the early hospitals, often incorporating straight drives and sidewalks, gave way to curvilinear forms for drives and sidewalks, and the Period II campuses more fully utilized the natural contours of the hospital site.

Similar to other Second Generation Veterans Hospitals, the buildings of the Chillicothe VA Hospital Historic District are loosely arranged in three clusters according to function: the central core group; the residential quarters; and the maintenance/utility group. While usually distinct groupings, buildings within the central core and residential groups can be loosely associated. At Chillicothe, the residential quarters are partially located within the central core group of buildings. The residential quarters' group is usually distanced from the central core group to provide the employees privacy from the workplace. The residences of the Chillicothe VA Hospital Historic District are located very close to the central core group and are actually oriented toward the original main hospital building (Resource 1, 1923).

The central core group of buildings includes the original main building, the current main building, and buildings originally constructed for patient care services. The Chillicothe VA Hospital Historic District has an original main building (Resource 1, 1923) that initially served as the focal point of the historic district. The two-story original main building was very similar to other main buildings constructed at veterans' neuropsychiatric hospitals designed by the Construction Service, Quartermaster Corps of the Army. The current main building (Resource 31) was constructed in 1938 to the northeast of the group of six Period II H-shape patient ward/treatment buildings that encompassed a second courtyard. The placement of both main buildings reflect the change occurring in the use of the campus as the larger, current main building was located closer to State Route 104 and to the later group of patient ward/treatment buildings. The monumentality of the current main building speaks to its prominence within the historic district, both visually and functionally. The buildings constructed within the period of significance exhibit the Colonial Revival and Classical Revival architectural styles that were nationally popular at the time. The evolution in the standard designs of the patient ward/treatment buildings from the early to mid-1920s through to 1950 is clearly evident within the Chillicothe VA Hospital Historic District. A hierarchy of ornamentation was developed

within the campus according to the building's public use and visibility. The current main building (Resource 31, 1938) displays the most decorative elements of the buildings within the historic district. The recreation building (Resource 9, 1923) is the second most ornamentally decorated building within the Chillicothe VA Hospital Historic District. Because the recreation building was constructed with the initial buildings it exhibits minimal ornamentation. The kitchen/dining hall building at Second Generation Veterans Hospitals dating to Period II is customarily located to the rear of the main building. The mess and kitchen building (Resource 7, 1923) of the Chillicothe VA Hospital Historic District is situated along the original courtyard, to the rear of the original main building (Resource 1, 1923). This is a common placement for this functional building type at veterans' hospital campuses dating to the early to mid-1920s.

The majority of patient ward/treatment buildings were constructed during Period II, from the late 1920s to 1950, with many having return wings creating an overall H-shape. The patient ward buildings constructed from the late 1920s through 1950 include Resources 24 (1929), 26 (1932), 27 (1932), 30 (1938), 35 (1939), 210 (1945), 211 (1945), and 212 (1945). Versions erected during Period I, in the early to mid-1920s, may only have had short return wings along a single elevation, as demonstrated on the two re-educational buildings (Resources 2, 1923; and 4 1923), the tuberculosis cottage (Resource 3, 1923), disturbed patients building (Resource 5, 1923), continued treatment building (Resource 6, 1923), and the convalescent cottage (Resource 8, 1923). The northern group of six Period II patient ward/treatment H-buildings surrounding the courtyard are connected by corridors with brick exteriors and windows.

To the east of the central core group, along Hines Boulevard, is the residential group composed of seven quarters that originally housed officers and nurses (Resources 12–18, all 1923) and their associated garages (Resources 205–207, all 1923). Also included in this functional group, but separated from the main residential grouping as they are located among the central core group of buildings, are the male and female attendants' quarters (Resources 10 and 11, both 1923) and the attendants' quarters (Resources 28 and 29, both 1932). This grouping of eleven quarters buildings is unusual in comparison to other Period I Second Generation Veterans Hospitals in that the quarters are not distanced from the original patient treatment buildings but are centrally located within the historic district and are partially located within the central core group of buildings. The residences located within the Chillicothe VA Hospital Historic District are very similar, if not identical, to those located at Knoxville, Iowa, and Northampton, Massachusetts, both neuropsychiatric veterans hospitals designed by the Construction Service, Quartermaster Corps of the Army for the Veterans Bureau. The medical officer in charge's or director's residence (Resource 17, 1923) is always a detached single-family residence. The duplexes, the medical officer in charge's residence, and the nurses' quarters are all constructed in a linear pattern along Hines Boulevard. The duplexes and medical officer in charge's residence are all constructed in the Dutch Colonial Revival architectural style.

The third group includes the maintenance and utility buildings located east-southeast and at a lower elevation than the central core group and the residential quarters group. Included in the maintenance and utility grouping of buildings are the laundry (Resource 25, 1929), garage and shops building (Resource 21, 1923), vocational building (Resource 22, 1923), the original boiler plant (Resource 20, 1923), the current boiler plant (Resource 259, 1970), warehouse and engineering storage buildings (Resources 23, 1923; and T-41, 1918), tool room (Resource 36, 1942), and greenhouses (Resource 52, 1929). A few of the buildings predate the veterans hospital and remain from the Army's occupation of the grounds during World War I. In addition, a nineteenth-century residence (Resource 60, 1826) is located within the historic district. Resources constructed after the period of significance are located within the central core group and the maintenance and utilities group of buildings.

Buildings continued to be constructed within the historic district during the period of significance, including garages for the residential quarters and patient ward/treatment buildings for the neuropsychiatric patients. The six patient ward/treatment buildings (Resources 24, 1929; 26, 1932; 27, 1932; 30, 1938; 210, 1945; and 211, 1945) constructed around the courtyard to the northwest of the initial central core represent an expansion of the central core beginning in 1929 and extending to 1945. These patient ward/treatment buildings are much larger than their counterparts constructed in the initial central core group in the early 1920s (Resources 2, 3, 4, 5, 6, and 8, all dating to 1923).

Much of the historic district remains open with mature trees found throughout the lawns, especially in the south portion of the campus and the eastern portion filled with the golf course (Resource G, 1960). The hillside to the rear (west) of the central core buildings of the historic district remains densely wooded. No structures larger than the current main building (Resource 31, 1938) have been introduced to the historic district after the period of significance. The size of parking lots have been increased, mainly to the northeast of the current main building and the patient ward building dating to 1939 (Resources 31, 1938; and 35). The parking lot associated with the baseball stadium (Resource 244, 1955) also appears to have been enlarged. The courtyard encompassed by the six Period II patient ward/treatment buildings remains intact (Resources 24, 1929; 26, 1932; 27, 1932; 30, 1938; 210, 1945; and 211, 1945), as does the courtyard surrounded by the original central core buildings (Resources 2, 3, 4, 5, 6, and 8, all dating to 1923).

The majority of the Chillicothe VA Hospital Historic District remains in open lawns with mature trees. The primary entry to the historic district is along two formal entrance drives (Resource H, circa 1920s–1930s) intersecting State Route 104. Situated directly in front of the current main building (Resource 31, 1938), between the semi-circular drive and the northern formal entrance drive, is the flag pole (Resource F, circa 1960s–1970s). The current main building (Resource 31, 1938) is the focal point of the historic district. The Chillicothe VA Hospital Historic District has examples of both linear and numerous curvilinear drives and sidewalks throughout, suggesting the evolution in campus design that took place during Periods I and II at Second Generation Veterans Hospitals.

Individual Resource Inventory

The numerical designations, dates of construction, and historic and current use of the following resources were provided by the facility's engineering service, the previous Determination of Eligibility form dating to the early 1980s, *The Price of Freedom…A Brief History of the Chillicothe VA Medical Center*, VA Pamphlet 528-89, and F. Charles Starr's article entitled "The Design of Neuropsychiatric Hospitals for World War Veterans" in *The Modern Hospital* dating to May 1923.[2] The numerical designations of the resources were assigned at the time of their construction by the Veterans Bureau and the VA. The letter and numerical designation for resources, such as Resource T-

[2] United States Department of Veterans Affairs, files of the Engineering Service of the Chillicothe Veterans Affairs Medical Center, Chillicothe, Ohio; Chillicothe Veterans Administration Medical Center (Chillicothe, Ohio) Determination of Eligibility, Veterans Administration, Washington, D.C., appears to date to 1981, n.p., located in the files of the United States Department of Veterans Affairs, Historic Preservation Office, Office of Construction and Facilities Management, Washington, D.C.; *The Price of Freedom…A Brief History of the Chillicothe VA Medical Center*, VA Pamphlet 528-89 (Chillicothe, OH: VA Medical Center, 2004): n.p.; F. Charles Starr, "The Design of Neuropsychiatric Hospitals for World War Veterans," *The Modern Hospital* 20, no. 5 (May 1923): 435.

51 (greenhouse potting shed, 1929), was assigned by the VA, with the letter “T” usually denoting a building or structure that was originally considered temporary rather than a permanent building. The “circa” dates of construction and letter designations were provided by the surveyors for resources without designated construction dates or numerical labels. All resources that were present during the period of significance and retain integrity are considered contributing resources.

Minor resources that are not substantial in size and scale were not included in the resource count. Resources that were not designated in the resource count include: small electric transformers, small memorials, underground storage facilities or utilities, bus and smoking shelters, oxygen tanks, a helicopter landing pad, and a basketball court.

The period of significance and assessment of contributing and noncontributing resources for this nomination are based on the historic district's significance within the historic contexts developed in the United States Second Generation Veterans Hospitals Multiple Property Documentation Form (MPDF). Resources constructed after 1950, and thus considered noncontributing within this nomination, may possess significance under themes not fully developed as part of the MPDF. Resources located within the medical center campus may be eligible or contributing for other associations or contexts under National Register Criteria A–D, or recent buildings/structures may be eligible under Criteria Consideration G, for resources of exceptional importance that are less than 50 years of age.

Resource #	Date of Construction	Contributing (C) /Noncontributing (NC)	Original or Current Use
1	1923	C	Main Building
2	1923	C	Re-educational Building
3	1923	C	Tuberculosis Cottage
4	1923	C	Re-educational Building
5	1923	C	Disturbed Patients Building
6	1923	C	Continued Treatment Building
7	1923	C	Mess and Kitchen
8	1923	C	Convalescent Cottage
9	1923	C	Recreation Building
10	1923	C	Male Attendants’ Quarters
11	1923	C	Female Attendants’ Quarters
12	1923	C	Staff Assistant’s Quarters
13	1923	C	Staff Assistant’s Quarters
14	1923	C	Staff Assistant’s Quarters
15	1923	C	Staff Quarters
16	1923	C	Staff Quarters
17	1923	C	Quarters for the Medical Officer in Charge
18	1923	C	Nurses’ Quarters
19	1923	NC	Electric Substation
20	1923	C	Boiler House
21	1923	C	Garage and Shops Building

Resource #	Date of Construction	Contributing (C) /Noncontributing (NC)	Original or Current Use
22	1923	C	Vocational Building
23	1923	C	Warehouse
24	1929	C	Patient Ward Building
25	1929	C	Laundry
26	1932	C	Patient Ward Building
27	1932	C	Patient Ward Building
28	1932	C	Attendants' Quarters
29	1932	C	Attendants' Quarters
30	1938	C	Patient Ward Building
31	1938	C	Current Main Building
35	1939	C	Patient Ward Building
36	1942	C	Tool Room
T-38	1948	C	Sheet Metal Shop
T-40	1948	C	Plumbing Shop
T-41	1918	C	Engineering Storage
T-42	Circa 1920s	NC	Rehabilitation Medicine Storage
45	1929	C	Storage
T-51	1929	C	Greenhouse Potting Shed
52	1929	C	Greenhouse
53	1945	C	Garden Tool, Equipment & Onion Storage
57	Circa 1930s	C	Golf Course Storage Building
60	1826	C	Recreation Building (Mace House)
179	1875	C	Baling Shed
197	1932	C	Stadium Toilet
205	1923	C	Quarters Garage
206	1923	C	Quarters Garage
207	1923	C	Quarters Garage
208	1920	C	Engineering Storage
210	1945	C	Patient Ward Building
211	1945	C	Patient Ward Building
212	1945	C	Patient Ward Building
218	1949	C	Water Softening Plant
T-228	1946	NC	Electric and Paint Shops
T-233	1947	C	Engineering Storage Building
T-236	1956	NC	Greenhouse Storage Building
241	1946	C	Steel and Lumber Storage
244	1955	NC	Baseball Stadium and Field
247	1959	NC	Therapeutic Exercise Clinic
250	1959	NC	Storage
251	1960	NC	Golf Course Club House
252	1962	NC	Chapel
255	1966	NC	Bus Stop Shelter

Resource #	Date of Construction	Contributing (C) /Noncontributing (NC)	Original or Current Use
256	1970	NC	Water Treatment Plant
259	1970	NC	Boiler Plant
297	1979	NC	Emergency Generator Building
302	1979	NC	Emergency Generator Building
310	1979	NC	Picnic Shelter
311	1980	NC	Warehouse Storage (modular unit)
312	1980	NC	Warehouse Storage (modular unit)
313	1980	NC	Engineering Storage Building
314	1980	NC	Emergency Generator Building
315	1986	NC	Picnic Shelter
A	Circa 1980s	NC	Metal Clad Storage Building
B	Circa 1920s–1930s	C	Concrete Lined Ditch
C	Circa 1970s–1980s	NC	Frame Storage Building
D	Circa 1960s–1970s	NC	Connecting Corridors
E	Circa 2000s	NC	Credit Union Building
F	Circa 1960s–1970s	NC	Flag pole
G	1960	NC	Forrest E. Everhart Memorial Golf Course
H	Circa 1920s–1930s	C	Formal Entrance Drives

Resource 1. Main Building. 1923. *Contributing building.*

Resource 1 is the original main building (1923). It was the largest and most prominent building within the historic district until Resource 31 replaced it as the current main building in 1938. The original main building (Resource 1, 1923) is an H-shape building located in the central core group of buildings situated along the east side of the quadrangle framed by the main building, two re-educational buildings, the tuberculosis cottage, the disturbed patients building, continued treatment, the mess and kitchen, and the convalescent cottage (Resources 1–8, all 1923). The building currently houses administrative offices. The initial main building (Resource 1, 1923), originally oriented to the northeast, is a two-story, twenty-three-bay, hip-roof, H-shape building with hip-roof return wings. The former facade and southwest (current facade) elevations of the building are both treated as public facades with central five-bay, hip-roof entry pavilions. Along the northeast elevation, the third bay to either side of the projecting pavilion contains a single-leaf entry with a fanlight and the central entry has been enclosed with windows. Both entries flanking the former central entry have replacement metal-frame doors and fanlights. The southwest elevation currently contains the principal entrance with its central entry and the bays adjacent to the return wings having single-leaf entrances accessed by ramps and sheltered by flat-roof awnings. All of the entrances are filled with replacement metal frame doors. All of the windows contain replacement one-over-one-light, metal frame, double-hung sashes. The return wings have paired windows in their central bays of the northeast and southwest elevations. Tripartite windows are located above the northeast and southwest central entries and in the third bay to either side of the projecting pavilion on the southwest elevation. The original main building exhibits minimal institutional Colonial Revival details including a concrete water table above the building's raised basement; wood cornice and soffits; hip-roof dormers; pediments extending from the terminus of the hip roofs of the return wings and the side elevations; oculus windows pierce the pediments; concrete sills at all window openings; and stone or concrete door surrounds composed of an architrave topped with an entablature

located at the central entries of the northeast and southwest elevations. The building's exterior is brick finished in Flemish bond and the roof is covered in asphalt shingles.

Resource 2. Re-educational Building. 1923. *Contributing building.*

One of the re-educational buildings (Resource 2, 1923), located to the south of the original main building (Resource 1, 1923), is oriented to the southwest to the quadrangle encompassed by the original main building, two re-educational buildings, the tuberculosis cottage, the disturbed patients building, continued treatment, the mess and kitchen, and the convalescent cottage (Resources 1–8, all 1923). This building is a two-story, nineteen-bay, hip-roof building with two three-bay, hip-roof projections on the facade and two three-bay, hip-roof return wings on the rear. The centered facade entry has a stone or concrete door surround composed of an architrave topped with an entablature. The entry is filled with a replacement door, original three-light sidelights and six-light transom. This building exhibits the minimal Colonial Revival details found on the early buildings of the Chillicothe campus, including a tripartite window above the main entrance, paired windows in the central bay of the rear elevation, and windows with fanlights above the rear entries; original wood six-over-six-light double-hung window sashes fill the windows; concrete sills at all window openings; a concrete water table above the building's raised basement; wood cornice and soffits; and one-story, three-bay, flat-roof, brick arcaded porches at the terminus of the rear return wings. There is no central entrance on the rear elevation. A single-leaf entrance with a nine-light wood door and six-light transom provides access to each porch and a single-leaf entrance with a replacement metal door in the outer bays adjacent to the intersection of the rear return wings and the main block of the building. The re-educational is very similar to the other re-educational (Resource 4, 1923) and continued treatment (Resource 6, 1923) buildings in its massing, fenestration, and detailing. The building, currently vacant, is clad in Flemish bond brick and covered with an asphalt shingle roof.

Resource 3. Tuberculosis Cottage. 1923. *Contributing building.*

The tuberculosis cottage (Resource 3, 1923) is located on the south end of the quadrangle surrounded by the original main building, two re-educational buildings, the tuberculosis cottage, the disturbed patients building, continued treatment, the mess and kitchen, and the convalescent cottage (Resources 1–8, all 1923). Oriented to the northwest, this is a long, narrow, one-story, multiple-bay, hip-roof building with a hyphen connecting it to a parallel, one-story, multiple-bay, flat-roof addition of similar massing to the original building and creating an overall H-shape. Both the original building and the addition have brick exteriors finished in Flemish bond. The building exhibits simple detailing, including a concrete water table, concrete window sills, and triangular roof vents. The facade has two small front-gable return wings with gable parapets flanking the central entry. Each gable end has three windows with four-over-four-light wood sashes and is pierced with a vented lunette. The central entry has a replacement metal door and is accessed by a switch-back concrete ramp that occupies the entire space between the two wings. The entry is flanked by windows with six-over-six-light wood sashes which are also found on the facade and rear elevations of the original mass of the building. A single-leaf entry with a three-light transom is also located along the west elevation of the northeast facade return wing. The last bay at the northeast end of the facade originally may have been an open porch defined by one arch along the facade and rear and two on the northeast elevation. Currently each arch is filled with windows with three vertical six-light wood sashes with brick below and bead board above. On the southwest elevation the end bays contain paired windows with six-over-six-light wood sashes. Beyond these paired windows on the rear elevation of the western portion of the original building are four arched openings enclosed with paired four-over-four-light wood sashes and

six-light fanlights. Short, octagonal projections are found along the rear elevation opposite the facade return wings. Between the octagon-shaped projections is a small gable-roof projection off of the rear of the original mass that currently serves as a portion of the connection to the later addition. A flat-roof hyphen connects the original building to the flat roof addition dating to 1952. The addition features single, paired, and triple metal awning windows evenly spaced across all elevations. The addition's brick exterior is finished in Flemish bond and it has a concrete foundation. This building currently houses Vocational Rehabilitation Services.

Resource 4. Re-educational Building. 1923. *Contributing building.*

This re-educational building (Resource 4, 1923) is located on the west side of the quadrangle surrounded by the original main building, two re-educational buildings, the tuberculosis cottage, the disturbed patients building, continued treatment, the mess and kitchen, and the convalescent cottage (Resources 1–8, all 1923). This re-educational building is located directly across from the other re-educational building (Resource 2, 1923). Oriented to the northeast, this is a two-story, nineteen-bay, hip-roof building with two three-bay, hip-roof facade projections and two three-bay, hip-roof return wings on the rear elevation. This building, currently a leased property, is very similar to the other re-educational building and the continued treatment building (Resource 6, 1923) in its massing, fenestration, and detailing, with a few minor variations. The facade's central door surround is currently filled with a replacement nine-light door surrounded by glass block. At least two window openings have also been filled with glass blocks. The majority of windows retain their six-over-six-light double-hung wood sashes. The porch arches of the northern rear return wing have been enclosed with brick and windows with one-over-one-light double-hung sashes, while the southern flat-roof porch remains open. At the time of the survey the roof of the building was being replaced with asphalt shingles.

Resource 5. Disturbed Patients Building. 1923. *Contributing building.*

The disturbed patients building (Resource 5, 1923) is located on the west side of the quadrangle surrounded by the original main building, two re-educational buildings, the tuberculosis cottage, the disturbed patients building, continued treatment, the mess and kitchen, and the convalescent cottage (Resources 1–8, all 1923). This disturbed patients building is situated directly across from the original main building. Oriented to the northeast, is a two-story, fifteen-bay, gable-roof building with pedimented return wings creating an overall H-shape. Unlike many other H-shaped buildings dating to the late 1920s through 1950, this disturbed patients' building does not have a central pavilion. It exhibits typical Colonial Revival details found at veterans hospitals dating to the early to mid-1920s, including a concrete door surround composed of an architrave topped with an entablature framing the central entrance; wood cornice and soffits; elliptical oculus windows piercing the centers of the gable-end pediments; concrete sills at all window openings; and a concrete water table above the building's raised basement. The central facade entry contains a six-light wood door with two-light sidelights and a five-light transom. There is a tripartite window above this entry and the majority of windows retain their six-over-six-light double-hung wood sashes.

The rear elevation's gable-roof return wings terminate with two-story arcaded porches. Both porches remain open, and each contains stairs within the porches to the second story. The porches are accessed from the return wings through single-leaf entries with replacement metal doors. The rear elevation also has a central, single-leaf entrance at grade with a replacement metal door. The entry has paired windows with six-over-six-light double-hung sashes above, but otherwise receives no special distinction. The brick exterior

of this building is finished in Flemish bond and the roof is sheathed in asphalt shingles. This building is currently leased.

Resource 6. Continued Treatment Building. 1923. *Contributing building.*

The continued treatment building (Resource 6, 1923) is located on the west side of the quadrangle surrounded by the original main building, two re-educational buildings, the tuberculosis cottage, the disturbed patients building, continued treatment, the mess and kitchen, and the convalescent cottage (Resources 1–8, all 1923), directly across from the convalescent cottage (Resource 8, 1923). Oriented to the northeast, this is a two-story, nineteen-bay, hip-roof building with two three-bay, hip-roof projections on the facade and two three-bay, hip-roof return wings along the rear elevation. The continued treatment building is very similar to the two re-educational buildings (Resources 2 and 4, both 1923) in its massing, fenestration, and detailing. The building's central facade entry is filled with a six-light wood door, two-light sidelights, and a twelve-light transom. The majority of windows retain six-over-six-light, double-hung wood sashes. This currently vacant building exhibits typical Colonial Revival details found on the early buildings of the Chillicothe campus, including a tripartite window above the main entrance; concrete sills at all window openings; a concrete water table above the building's basement; wood cornice and soffits; and one-story, three-bay, flat-roof, brick arcaded porches at the terminus of the rear return wings. The rear elevation's single-story arcaded porches remain open. There is no central entrance on the rear elevation. The building, currently vacant, has an exterior of brick finished in Flemish bond and the roof is sheathed in asphalt shingles.

Resource 7. Mess and Kitchen Building. 1923. *Contributing building.*

The mess and kitchen building (Resource 7, 1923), which continues to house the kitchen and dining hall, is located on the north end of the quadrangle surrounded by the original main building, two re-educational buildings, the tuberculosis cottage, the disturbed patients building, continued treatment, the mess and kitchen, and the convalescent cottage (Resources 1–8, all 1923). Resource 7, the mess and kitchen building (1923), is situated at the opposite end of the quadrangle from the tuberculosis cottage (Resource 3, 1923). According to a plot plan of the campus in the 1923 article published in *The Modern Hospital*, the mess and kitchen building was originally constructed in an inverted T-shape.[3] This building, oriented to the southeast, is a one-story, nineteen-bay, flat-roof building with a seven-bay central projection. The original portion of the building is clad in Flemish bond brick. It exhibits materials and simple detailing common to the early buildings on campus, including a concrete water table, a molded concrete stringcourse above the window and door openings, a molded concrete parapet cap, and concrete window sills. The main entrances are located on the side elevations of the central facade projection. Each is a single-leaf entry with a replacement metal door sheltered by a metal awning. A set of paired windows are centered in the facade projection and single windows fill the other bays. The windows all contain replacement one-over-one-light double-hung sashes.

The mess and kitchen building has two flat-roof additions dating to 1932 and 1963 located along the southwest elevation and possibly the rear elevation. The east elevation is spanned by paired windows, while the fenestration of the west elevation is more irregular. The rear elevation has a concrete loading dock sheltered by a metal roof porch. This rear portion may be original to the building as it continues the same stringcourse and molded concrete parapet cap. The southwest elevation features flat-roof sections

[3] Starr, 433.

and projections of varying heights and a loading dock extending the majority of the southwest elevation. The southwest elevation has a number of single and double-leaf entries filled with metal doors, most of which are sheltered by flat-roof awnings. The southwest additions continue the same stringcourse and molded concrete parapet cap found on the original block, and the brick exterior is finished in Flemish bond.

The additions do not detract from the identifying characteristics commonly associated with the kitchen/dining hall building found at Second Generation Veterans Hospitals. The Chillicothe VA Hospital's kitchen and dining hall building is somewhat different from similar buildings at other Period I Second Generation Veterans Hospitals. The mess and kitchen is not located directly to the rear of the main building and there are no connectors extending from the resource to the nearby patient ward buildings. The building has minimal detailing and a flat roof rather than a gable or hip roof found at buildings serving similar functions at later Second Generation Veterans Hospitals. But the overall design and minimal decorative elements, including the flat roof, are similar to those of the kitchen/dining hall building at Northampton, Massachusetts, which was also designed by the Construction Service, Quartermaster Corps of the Army.

Resource 8. Convalescent Cottage. 1923. *Contributing building.*

The convalescent cottage (Resource 8, 1923) is located on the east side of the quadrangle surrounded by the original main building, two re-educational buildings, the tuberculosis cottage, the disturbed patients building, continued treatment, the mess and kitchen, and the convalescent cottage (Resources 1–8, all 1923). This convalescent cottage is situated directly across from continued treatment building (Resource 6, 1923). This building, oriented to the southwest, is a two-story, seven-bay, hip-roof building with one-bay, two-story, hip-roof projections at the outer bays of the facade and rear elevations. The facade has a flat-roof porch supported by square brick columns spanning the space between the projections and shelters the central entry. The porch is accessed by concrete steps and a poured concrete ramp. The single-leaf entry is filled with a metal door with replacement sidelights and transom. The projections contain paired windows. The building exhibits simple Colonial Revival details, including a concrete water table over the basement; concrete window sills; wood cornice and soffits; and windows filled with six-over-six-light wood sashes. The southeast elevation is spanned by seven windows and the northwest elevation has five windows and a nine-light wood door. The rear elevation is similar to the facade but has a full walkout basement with two entrances at this level. There are also two single-leaf, first-story entrances located on a landing at the top of a flight of concrete steps in the corner formed by the intersection of the southern projection and the main block of the building. The building's exterior is brick laid in Flemish bond, and the roof is sheathed in asphalt shingles. This building is currently leased.

Resource 9. Recreation Building. 1923. *Contributing building.*

The recreation building (Resource 9, 1923) is located in the loosely based central core group of buildings, to the northeast of the convalescent cottage (Resource 8, 1923) and north of the original main building (Resource 1, 1923). Oriented to the northeast to Hines Boulevard, the recreation building, like the convalescent cottage (Resource 8, 1923), is a two-story, seven-bay, hip-roof building with one-bay, two-story, hip-roof projections at the outer bays of the facade. A large, hip-roof wing with the stage area constructed in 1932 extends to the rear of the building. The building's exterior is finished in brick laid in Flemish bond and exhibits simple Colonial Revival details, including windows with six-over-six-light, double-hung wood sashes; concrete window sills; wood cornice and soffits; and a concrete water table. The facade has a flat-roof porch supported by square brick columns spanning the space between the projections and shelters the central entry. The porch is accessed by concrete steps and a poured

concrete ramp. There are three double-leaf entrances and one single-leaf entrance sheltered by the porch. Each contains nine-light wood doors and is topped with a multi-light transom. The second story above the porch has five semi-circular windows with a large, single, center light flanked by five smaller lights to each side. As in the convalescent cottage, the facade of each of the projections contains paired windows.

The side and rear elevations of the recreation building (Resource 9, 1923) differ from the convalescent cottage (Resource 8, 1923) in order to accommodate the functions of the building. The north elevation of the main block is divided into five bays and has a double-leaf entrance into the basement located at the center and partially below grade. The south elevation of the main block is divided into seven bays with windows flanking a central, double-leaf entrance into the first story. The entry, filled with four-light doors topped with a six-light transom, is sheltered by a small, flat-roof porch supported by Tuscan columns and pilasters. At the rear of the building is a central two-story, gable-roof wing with a three-story, flat roof section at the southwest end. The two side elevations of this wing have single-leaf entrances, two single windows, and a set of paired windows spanning the first story, and two tripartite windows on the second story. The rear elevation of the projection features single windows with eight-over-eight-light double-hung wood sashes flanking a central double-leaf entrance with wood doors. Basement windows are visible along the rear elevation.

Resource 10. Male Attendants' Quarters. 1923. *Contributing building.*

The male attendants' quarters (Resource 10, 1923), which is currently vacant, is located east of Hines Boulevard in the northwest portion of the loosely grouped residential quarters. The building is oriented to the southwest. It is a two-story, seven-bay, hip-roof, rectangular-shaped building. The fenestration alternates between single and paired windows on all elevations. The facade features a flat-roof porch supported by square brick columns spanning the central three bays. It shelters the central single-leaf entry with a replacement metal frame glass door, sidelights, and transom. The building exhibits minimal Colonial Revival details, including concrete window sills; windows filled with six-over-six-light double-hung wood sashes; hip-roof dormer windows; wood cornice and soffits; and a concrete water table.

Beside the northwest elevation of the building stands an enclosed stairwell clad in brick in a stretcher bond. It connects to the main building by way of a small, elevated connector to the second story above the central, single-leaf, first story entry. The central bay of the rear elevation has a single pair of windows located halfway between the first and second stories, indicating the location of a stairwell. There are no other entrances on the rear or east elevations. The male attendants' quarters (Resource 10, 1923) has a brick exterior finished in Flemish bond and the roof is sheathed in slate shingles or a similar replacement material. Basement windows are visible along the rear and side elevations of the building.

Resource 11. Female Attendants Quarters. 1923. *Contributing building.*

The female attendants' quarters (Resource 11, 1923) is located to the southeast of the male attendants' quarters (Resource 10, 1923) in the northwest portion of the loosely grouped residential quarters. Oriented to the southwest, it is situated to the west of Hines Boulevard. This building, currently vacant, is a two-story, seven-bay, hip-roof building that is nearly identical to the male attendants quarters in its massing, fenestration, and detailing. The building does not have an exterior staircase or side entrances; rather, it has two basement-level entrances along the rear elevation.

Resource 12. Staff Assistant's Quarters. 1923. *Contributing building.*

This staff assistant's quarters (Resource 12, 1923) is located near the center of the historic district's buildings in the northeast portion of the residential quarters group. Oriented to the west, this duplex is part of a row of buildings facing Hines Boulevard that all originally served as staff residential quarters; this building now houses housekeeping quarters. This staff assistant's quarters (Resource 12, 1923) is a one-and-one-half-story, six-bay (d/w/w/w/w/d), gambrel-roof duplex displaying Dutch Colonial Revival influences. The facade features a three-bay, hip-roof, screen porch supported by Tuscan columns sheltering the three facade bays of each unit. Each facade entry contains a multiple-light wood door and the remaining facade first floor bays all have windows with concrete sills and six-over-six-light double-hung wood sashes. Two three-bay, shed-roof dormers extend from the facade roof slope, and a long six-bay dormer spans the rear roof slope. Each dormer is clad in stucco. A single brick chimney rises between the two facade dormers. Each side elevation is three bays in width and contains a six-over-six-light window with a five-light fanlight that likely indicates the location of the staircase. A two-bay, shed-roof porch shelters each of the two rear elevation entrances. The porches are supported by raised concrete foundations and are accessed by concrete steps. Each porch is enclosed with aluminum siding and one-over-one-light storm windows. In its massing, fenestration, and detailing, this building very closely resembles the other two original staff assistant's quarters (Resources 13 and 14, both 1923). The building's roof is sheathed in asphalt shingles and the exterior brick is laid in a Flemish bond. Cornice returns are located along the gable ends. The duplex has a concrete basement foundation.

Resource 13. Staff Assistant's Quarters. 1923. *Contributing building.*

This staff assistant's quarters (Resource 13, 1923) is located in the northeast portion of the residential quarters group of buildings. Oriented to the west, this duplex is part of a row of resources facing Hines Boulevard that originally served as residential quarters for the staff, but which is now a housekeeping quarters. This building is a one-and-one-half-story, six-bay (d/w/w/w/w/d), gambrel-roof duplex displaying Dutch Colonial Revival influences. In its massing, fenestration, and detailing, this building is nearly identical to the other two staff assistant's quarters (Resources 12 and 14, both 1923).

Resource 14. Staff Assistant's Quarters. 1923. *Contributing building.*

This staff assistant's quarters (Resource 14, 1923) is located near the center of the historic district's buildings in the loosely grouped residential quarters cluster. Oriented to the west, this duplex is part of a row of resources facing Hines Boulevard that originally served as staff residential quarters, but which now house housekeeping quarters. This is a one-and-one-half-story, six-bay (d/w/w/w/w/d), gambrel-roof duplex displaying Dutch Colonial Revival influences. In its massing, fenestration, and detailing, it is nearly identical to the two other staff assistant's quarters (Resources 12 and 13, both 1923).

Resource 15. Staff Quarters. 1923. *Contributing building.*

This staff quarters (Resource 15, 1923) is located near the center of the historic district's buildings in the loosely grouped residential quarters cluster. Oriented to the west, this duplex is part of a row of resources facing Hines Boulevard that originally served as residential quarters for the staff, but which now contain housekeeping quarters. This is a one-and-one-half-story, six-bay (d/w/w/w/w/d), gambrel-roof duplex displaying Dutch Colonial Revival influences. In its massing, fenestration, and detailing, the building is similar to the former staff assistant's quarters (Resources 12, 13, and 14, all 1923), with some notable

variations. The facade of the main block of the building is essentially the same as the other duplexes but the upper stories of the side elevations of the main block are clad in stucco rather than brick. The facade features a three-bay, hip-roof, screen porch supported by Tuscan columns sheltering the facade bays of each unit. Each facade entry contains a multiple-light wood door and the windows throughout the duplex have six-over-six-light double-hung wood sashes. Two three-bay, shed-roof dormers extend from the facade roof slope. Each dormer is clad in stucco. A single brick chimney rises between the two facade dormers. A single-bay, gambrel-roof projection with a shed-roof dormer extends from either side elevation of the residence. The side elevations of these projections are clad in brick. The rear of the projections defines the wall plane of the rear elevation. The rear elevation of this building has ten bays with two-bay porches at the outer bays, similar to those of the former staff assistant's quarters. There are two below-grade entrances into the basement at the center of the rear elevation. The large dormer spanning the rear roof slope contains eight windows. The building's roof is sheathed in asphalt shingles and the exterior brick is laid in a Flemish bond. Cornice returns are located along the single-bay gable ends. The duplex has a concrete basement foundation. In its massing, fenestration, and detailing, this building very closely resembles the other former staff quarters (Resource 16, 1923).

Resource 16. Staff Quarters. 1923. *Contributing building.*

This staff quarters (Resource 16, 1923) is located near the center of the historic district's buildings. Oriented to the west, this duplex is part of a row of resources facing Hines Boulevard that originally served as staff residential quarters, but which now houses housekeeping quarters. This building is a one-and-one-half-story, six-bay (d/w/w/w/w/d), gambrel-roof duplex displaying Dutch Colonial Revival influences. In its massing, fenestration, and detailing, this building is nearly identical to the other former staff quarters (Resource 15, 1923).

Resource 17. Medical Officer in Charge Quarters. 1923. *Contributing building.*

The medical officer in charge's residence (Resource 17, 1923) is located in the loosely grouped residential quarters cluster. Oriented to the west, this single-family residence is part of a row of dwellings facing Hines Boulevard that originally served as residential quarters for the staff and currently houses housekeeping quarters. This building is a one-and-one-half-story, three-bay (d/w/w), gambrel-roof dwelling displaying Dutch Colonial Revival influences. It applies the massing, fenestration, and detailing of the staff quarters (Resources 15 and 16, both 1923) to a single-unit form. The facade displays the typical three-bay dormer and three-bay enclosed porch; the side elevations have one-bay, gambrel-roof projections with the gables clad in brick; a brick chimney slightly projects from the south elevation's wall plane; and the rear elevation has a two-bay porch at the north end (although only one bay is enclosed) and a centered below-grade basement entry along the concrete foundation. The roof is sheathed in asphalt shingles and the residence's brick exterior is laid in Flemish bond. This building also has a wood cornice, soffits, and cornice returns.

Resource 18. Nurses' Quarters. 1923. *Contributing building.*

The nurses' quarters building (Resource 18, 1923) is located in the southern portion of the loosely grouped residential quarters cluster. Oriented to the southwest and situated south of the medical officer in charge's residence (Resource 17, 1923), this resource is part of a row of buildings facing Hines Boulevard that originally served as residential quarters for the staff. This building currently houses information technology services, campus police, and miscellaneous offices. It is a two-story, nineteen-

bay, hip-roof building. The outer three bays on each end of the facade and rear elevations project slightly from the main mass of the building and exhibit hip roofs. A three-bay, flat-roof porch supported by paired Tuscan columns spans the center three bays of the facade. Concrete steps and a ramp provide access to the deck of the porch and to the central single-leaf facade entrance containing a replacement metal frame glass door and sidelights. A set of paired windows are located above the facade entry and all other bays contain single windows. This building exhibits minimal Colonial Revival detailing including concrete window sills; windows with six-over-six-light wood sashes; wood cornice and soffits; hip-roof dormer windows; and a concrete water table. The side (northwest and southeast) elevations are three bays deep with metal fire escapes providing access to the central second story windows. The rear elevation has a central, three-bay, hip-roof projection. The central rear projection has an entry accessed by a flight of concrete steps that is sheltered by a flat-roof porch constructed with a stretcher bond brick wall with two voids. The wall is parallel to the rear wall plane of the building. A similar brick porch shelters a ramp that leads to a basement entry. The basement along the rear elevation is almost fully exposed. The roof of the building is sheathed in slate or tile shingles and the brick exterior is finished in Flemish bond. The building has a poured concrete foundation.

Resource 19. Electric Substation. 1923. *Noncontributing building.*

The electric substation (Resource 19, 1923) is located between the water softening plant (Resource 218, 1949) and the boiler house (Resource 20, 1923) in the maintenance and utility group of buildings. It is a one-story, flat-roof, L-shape building clad in stretcher bond brick and topped with a metal parapet cap. The building has three single-leaf entries and two double-leaf entries, all filled with metal doors. Three rows of soldier course bricks create a stringcourse above the entries. An addition to this resource was completed in 1986, and the exterior appears to have been reclad in brick. The building, with the loss of integrity of design, materials, workmanship, and association, currently does not appear to date to the period of significance and is not a contributing resource to the historic district.

Resource 20. Boiler House. 1923. *Contributing building.*

The boiler house (Resource 20, 1923) is located in the maintenance/utility group of buildings to the southeast of the electric substation (Resource 19, 1923). The building has two additions dating to 1932 and 1945. Currently utilized partially for a garage and partially for engineering and transportation, the building consists of a tall, two-story section to the north and a shorter two-story office section to the southeast. The lower portion of each section is constructed of poured concrete with Flemish bond brick above. Both sections feature stepped parapets on the northwest and southeast elevations. The northeast elevation of the shorter section contains a metal pedestrian door and a window filled with glass block. Paired three-light casement windows span the second story of both the southeast and northeast elevations of this section. A metal garage door and large multi-light awning windows with concrete sills and lintels span both stories of the northeast elevation of the taller section. A metal overhead door is located on the southwest elevation of the shorter section and awning windows span the upper level of the southwest elevation of the taller section. The rear (northwest) elevation has a large vehicular entry. A two-story, flat-roof, brick addition is located at the northwest end of the southwest elevation and a one-story, flat-roof, concrete addition is situated at the southeast elevation of the building.

Resource 21. Garage and Shops Building. 1923. *Contributing building.*

The garage and shops building (Resource 21, 1923) is located to the southeast of the boiler house (Resource 20, 1923) in the maintenance/utility group. The building, currently housing engineering offices and the fire department, is composed of a two-story, four-bay, flat-roof section to the southwest of a long, narrow, one-story, multiple-bay, flat-roof section extending to the northeast. One section is a 1927 addition. Both sections have brick exteriors finished in Flemish bond and have segmental arches composed of three rows of headers above the window openings. The windows also have concrete sills and most retain their six-over-six-light double-hung wood sashes. The northeast and southwest elevations of the building have stepped parapets with concrete caps and the single-story section has a wide, pargeted band as a cornice along its northwest elevation. The northwest elevation of the two-story block has two vehicular door openings with brick soldier courses that have since been enclosed with brick, windows, and a pedestrian door. There are three garage door openings on the northwest elevation of the one-story section and two on its southeast elevation. The remaining bays of the building contain single-leaf entries with replacement doors or single window openings. A seven-bay, shed-roof, addition clad in brick laid in stretcher bond is centered along the northwest elevation of the single-story section and an early, flat-roof, single-bay projection is found at the northeast elevation.

Resource 22. Vocational Building. 1923. *Contributing building.*

The vocational building (Resource 22, 1923) is located to the northwest of the garage and shops building (Resource 21, 1923) in the maintenance/utility group. It currently houses the carpenter shop. Oriented to the northeast, this is a one-story, eleven-bay, flat-roof building with a gable-roof addition (dating to 1947) at the northwest elevation. The original building has a brick exterior finished in Flemish bond and the addition is clad in corrugated metal. The building exhibits materials and details similar to the garage and shops building, including segmental arches composed of three rows of headers above window and door openings; windows with six-over-six-light double-hung wood sashes; concrete window sills; multi-light wood doors; and stepped parapets with concrete caps at the southeast and northwest elevations. The northeast elevation has three single-leaf entries, two double-leaf entries, and two bays enclosed with brick. All other bays contain windows. The northwest addition has metal nine-light or twelve-light awning windows.

Resource 23. Warehouse. 1923. *Contributing building.*

This warehouse (Resource 23, 1923) is located in the southeast portion of the maintenance and utility group of buildings. It is a one-story, multiple-bay, rectangular, flat-roof building. Most of the bays contain twelve-light steel awning windows with concrete sills. Basement windows with fixed six-light sashes are located along the southeast portion of the building, which is wider than the northwest section. The southeast section is a later addition dating to 1946. The northeast elevation of the southeast section is spanned by a poured concrete loading dock sheltered by a metal awning. A single set of double doors provides entry from the loading dock. An addition with three overhead doors that currently serve as the primary loading docks for the warehouse is found on the southwest elevation of the narrower northwest section. A number of bays on the northeast elevation have been enclosed with brick. The building has a poured concrete foundation and the brick exterior is finished in five-course common bond. It also has a concrete parapet cap.

Resource 24. Patient Ward Building. 1929. *Contributing building.*

The patient ward building (Resource 24, 1929) is located in the northeast portion of the historic district in the expanded central core group of buildings. It is situated at the west end of a central quadrangle surrounded by six H-shape patient ward buildings (Resources 24, 26 [1932], 27 [1932], 30 [1938], 210 [1945], and 211 [1945]). Oriented to the east, this patient ward building is a two-story, gable-roof building on a raised basement with return wings creating the overall H-shape. This patient care building, dating to 1929, is differentiated from the original patient care buildings in terms of its larger massing, fully extended return wings, and two-story porches of the return wings. This building is similar to the original campus patient care buildings in that it also exhibits minimal Colonial Revival and Classical Revival decorative elements but it more closely resembles the evolution in the patient ward buildings that were constructed from the late 1920s to 1950 (Period II) with its greater massing and fully developed H-shape. The entire building spans twenty-seven bays along the facade with a three-bay, front-gable central pavilion. Two three-bay, gable roof return wings extend from the facade and rear elevations of the main block. The central double-leaf entry of the facade has a wood door surround with brackets supporting a hood molding with a metal balconet railing. The central facade entrance is accessed by a concrete flight of stairs or by a long, poured concrete ramp. The entry is filled with replacement metal frame glass doors and a transom. The facade also has single-leaf entrances in the bays adjacent to the return wings, each accessed by poured concrete stairs. The windows throughout the building have replacement one-over-one-light double-hung sashes.

The central two-story, three-bay, gable-roof wing along the rear elevation is opposite the facade's projecting pavilion. There are no first-floor entrances along the rear elevation but there are two below-grade basement entrances. The rear elevation's return wings each terminate with two-story, flat-roof porches supported by large brick pilasters. The porches have been enclosed with windows and brick. The patient ward building (Resource 24, 1929) exhibits common Colonial Revival and Classical Revival details, including arched window openings in the pediments of the facade of the central pavilion and the rear central wing; round attic vents in the pediments of the return wings and side elevations; wood cornice and soffits; concrete window sills; and a concrete water table. The building has a brick exterior finished in five-course common bond, and the roof is sheathed in asphalt shingles.

A one-story connecting corridor (Resource D, circa 1960s–1970s) connects this building to another patient ward building (Resource 210, 1945) and a below-grade corridor (Resource D, circa 1960s–1970s) connects this building to the patient ward building located to the northeast (Resource 26, 1932).

The differences between this patient ward building (Resource 24, 1929) and earlier patient ward buildings constructed on the campus are evidence of the evolving standard designs utilized at the Second Generation Veterans Hospitals. The patient ward buildings designed by the Construction Service, Quartermaster Corps of the Army (Period I) are much smaller and less ornamented than those designed in the late 1920s through 1950 (Period II) by the Construction Division of the Veterans Bureau and the Construction Service of the VA.

Resource 25. Laundry. 1929. *Contributing building.*

The laundry building (Resource 25, 1929) is located in the maintenance and utility group of buildings. This building, oriented to the northeast, is a single-story, multiple-bay, side-gable building with a flat-roof addition along its southwest (rear) elevation. The facade has a poured concrete loading dock located at each end, each with a metal overhead door. The northwest loading dock is also accessed by a single-leaf entrance and a double-leaf entrance, both with six-light doors and a transom.

The other bays of the facade contain paired six-over-six-light metal awning windows with concrete sills. The northwest gable end contains three single windows. The roof of the main block of the building is sheathed in asphalt shingles and four ridgeline ventilators pierce the roof. The brick exterior of the main block is laid in five-course common bond and a raised poured concrete foundation supports the main block. A single-story, two-bay (w/d), flat-roof addition is found along the southeast gable end.

The rear elevation is spanned by a one-story, flat-roof addition with a two-story, three-bay section in the center. The addition was completed in 1962 or 1963.[4] Eight-light awning windows span the space from the top of the addition's poured concrete foundation to the bottom of its wide metal parapet cap. Brick in stretcher bond fills the space between each window bay. The center three bays each have triple eight-light windows in the first and second stories.

The addition, with nearly the same footprint as the original block, does not detract from the identifying characteristics commonly associated with a laundry building or other maintenance/utility buildings found at Second Generation Veterans Hospitals. Characteristics identifying this as a contributing resource include: three elevations of the original block are clearly visible; the placement of the resource within the maintenance/utility group; gable-roof configuration; and the scale of the resource in relation to other campus maintenance/utility buildings.

Resource 26. Patient Ward Building. 1932. *Contributing building.*

This patient ward building (Resource 26, 1932) is located in the north group of patient ward buildings on the north side of a central quadrangle surrounded by six H-shape similar patient ward buildings (Resources 24 [1929], 26, 27 [1932], 30 [1938], 210 [1945], and 211 [1945]). Although similar to Resource 24 (1929), another patient ward building, there are a number of notable differences between these two buildings. Oriented to the southeast, this patient ward building (Resource 26, 1932) is a two-story, multiple-bay, side-gable building on a raised basement with hip-roof return wings extending from the facade and rear elevations creating an overall H-shape. The facade features a three-bay, front-gable central pavilion with hip-roof return wings terminating in two-story arcaded porches. The porches have been enclosed with brick and windows, and two-story, one-bay, flat-roof stairwell additions have been added to the outside elevations of each facade return wing. This building exhibits common Colonial Revival and Classical Revival details including the central facade entry's wood door surround with fluted pilasters supporting an entablature and segmental arched pediment with modillions and dentils; concrete window sills; arched window openings in the pediments of the facade pavilion and rear central wing; round attic vents in the pediments of the side elevations; wood cornice and soffits; and a poured concrete water table. The facade entrance is filled with a pair of replacement metal frame glass doors and a transom. The facade entrance is accessed by steps constructed of concrete. The majority of the first and second story windows have been replaced by three-over-three horizontal metal sashes, while the majority of basement windows retain original double-hung or single wood multiple-light sashes.

The main block of the building along the side elevations extends beyond the return wings forming pedimented gables. A central, gable-roof wing is located along the rear elevation opposite the facade's projecting pavilion. This wing is three bays wide and has a below grade basement entry along the northeast elevation. Two first-story entrances into the main block are located adjacent to the rear

[4] "Addition Doubles Laundry Capacity at Veterans Administration Hospital," *Chillicothe Ohio Gazette*, February 26, 1962.

elevations of the return wings. The brick exterior of this building is finished in five-course common bond and the roof is sheathed in slate or tile shingles. The northeast elevation has a small loading dock located behind the one-story connecting corridor (Resource D, circa 1960s–1970s) that links this building with the patient ward building to the east (Resource 27, 1932). A below-grade corridor (Resource D, circa 1960s–1970s) connects Resource 26 with the patient ward building to the southwest (Resource 24, 1929).

Resource 27. Patient Ward Building. 1932. *Contributing building.*

This patient ward building (Resource 27, 1932) is located in the north group of patient ward/treatment buildings within the expanded central core group. The building is found on the north side of a central quadrangle surrounded by six similar H-shaped patient ward/treatment buildings. Oriented to the southwest, this is a two-story, multiple-bay, side-gable building on a raised basement with hip-roof return wings extending from the facade and rear elevations creating an overall H-shape. The facade features a five-bay, double-projecting pavilion and hip-roof return wings terminating in two-story arcaded brick porches. The porches have been enclosed with brick and windows, and narrow, two-story, flat-roof stairwell additions have been added to the outside elevations of each facade return wing. This patient ward building (Resource 27, 1932) is very similar to another patient ward building located adjacent to the same quadrangle (Resource 26, 1932) in its overall massing, fenestration, and detailing. Differences between the buildings include: the central facade pavilion for this building is double-projecting while that of the other building (Resource 26, 1932) has a single-projection; Resource 27's central entry has a triangular pediment rather than a segmental arched pediment; a flat-roof, rectangular projection to the rear of the facade pavilion roof with four false brick chimneys at the corners, probably housing elevator equipment; portions of this patient ward building's rear elevation has a full walkout basement; and the rear central wing of this building has a hip roof rather than a gable roof. The other differences between the two resources are relatively minor alterations. On the southeast elevation two of the window openings have been enclosed with glass block and two have been enclosed with brick. A hip-roof projection extends across the basement level of the southeast gable end connecting the building to the corridor (Resource D, circa 1960s–1970s) leading to a patient ward building to the southeast (Resource 30, 1938). On the northwest elevation, a flat-roof projection extends across the basement and first story of the projecting gable to connect this building to the corridor (Resource D, circa 1960s–1970s) leading to a patient ward building to the west (Resource 26, 1932).

Resource 28. Attendants' Quarters. 1932. *Contributing building.*

The attendants' quarters building (Resource 28, 1932) is located northeast of the male and female attendants' quarters (Resources 10 and 11, both 1923) adjacent to the northwest portion of the residential quarters group of buildings. The building currently houses the canteen. Oriented to the southwest, this is a two-story, eleven-bay, hip-roof building with slight front-gable projections extending from the two outer bays of both the facade and rear elevations. The attendants' quarters building exhibits simple Colonial Revival details including: a centered, flat-roof porch supported by slender square wood columns sheltering the main entrance; paired windows with six-over-six-light double-hung wood sashes on the main block; windows with eight-over-eight-light double-hung wood sashes in the projections; concrete window sills; three gable-roof dormers with arched openings filled with vents along the facade and rear roof slopes; round attic vents in the gables; wood cornice and soffits; and a concrete water table. The central facade entry is located at grade and contains paired replacement metal frame glass doors set into a large brick arch with a concrete keystone. Directly to the right of the main entrance is a slightly

elevated single-leaf entrance that can be accessed by a poured concrete ramp, presumably to avoid stairs located just inside the central entry. There is also a single-leaf entrance on the facade of the right projection. Three-story (extending to the basement), flat-roof brick stairwells have been added to both the northwest and southeast elevations.

The rear elevation resembles the front with some notable differences. A full walkout basement is located along the rear elevation with the basement constructed of poured concrete. A two-story, three-bay, flat-roof projection with a full walkout basement extends from the center of the rear elevation. The three basement-level bays of the projection feature concrete segmental arches with the center bay filled with a single-leaf, replacement, metal frame glass door with sidelights. Paired windows occupy the two flanking arches. The building's brick exterior is finished in five-course common bond brick and the roof is sheathed in tile shingles.

Resource 29. Attendants' Quarters. 1932. *Contributing building.*

This attendants' quarters building (Resource 29, 1932) is located along the western portion of the historic district and is included in the loosely grouped residential quarters cluster of buildings. It is situated to the west of the mess and kitchen building (Resource 7, 1923). This building currently is used as the hospital's hotel, or HOPTEL, for veterans that may have to stay overnight for their appointments. This attendants' quarters building, oriented to the east, is a one-story, nine-bay, hip-roof building with a three-bay, front-gable central projection. It appears that the central projection was originally spanned by an integral open porch supported by brick columns, but the side elevations of the porch have since been enclosed with brick and windows. The single-leaf entrance, with a replacement metal door, is recessed in the porch space. This building exhibits Colonial Revival detailing including: hip-roof dormers; a four-light oculus window with concrete keystones piercing the central pediment; wood cornice and soffits; concrete window sills; and a concrete water table. Some windows have original six-over-six-light double-hung wood sashes while others have replacement sashes with eight-over-eight grids. The side elevations each have three windows and the rear elevation has seven windows and an entry filled with a nine-light door. The rear elevation's central pavilion is two bays wide and topped with a hip roof. The rear entrance is located to the right of this projection. The roof is sheathed in tile shingles and a centered brick chimney pierces the facade roof slope. The brick exterior of this building is finished in five-course common bond. A partial basement is visible along the southern portion of the building.

Resource 30. Patient Ward Building. 1938. *Contributing building.*

This patient ward building (Resource 30, 1938) is located in the north group of patient ward buildings within the expanded central core group of buildings. Resource 30 (1938) is situated along the east side of a central quadrangle surrounded by six similar H-shape patient ward buildings. Oriented to the southwest, this patient ward building is a two-story, multiple-bay, gable-roof building with a basement foundation and hip-roof return wings extending from the facade and rear elevations creating an overall H-shape. The facade features a five-bay, double-projecting pavilion with hip-roof return wings terminating in two-story arcaded brick porches. The porches have been enclosed with brick and windows, and narrow, two-story, flat-roof stairwell additions have been added to the outside elevations of each facade return wing. This patient ward building (Resource 30, 1938) is very similar to two other patient ward buildings located along the same quadrangle, Resources 26 and 27 (both 1932), in its overall massing, fenestration, and detailing, with a few exceptions. The detailing of the central pavilion

is slightly different from the other buildings. The decorative wood door surround framing the front entrance is composed of fluted pilasters topped with an entablature with a triglyph frieze and a segmental arch pediment. The entry is at grade and contains a replacement metal door with an enclosed sidelight and transom. The pediment of the central pavilion is pierced with a lunette window. The majority of the windows throughout the building have been replaced by three-over-three horizontal metal sashes.

On the rear elevation, the building rises a full three stories above grade with its fully exposed walkout basement. The central rear wing, opposite the facade's projecting pavilion, extends in length equal to the flanking return wings. All three wings have hip roofs and each has a three-story (including the basement), flat-roof stairwell addition at the rear. At each of the two inside corners at the intersection of the return wings and the main block of the building there is a one-story arcaded brick porch. The porch on the right is one bay wide and shelters a single-leaf entrance with a nine-light door. The porch on the left is two bays wide and shelters two single-leaf entrances at the end of a small loading dock. Connecting corridors (Resource D, circa 1960s–1970s) link this building to patient ward buildings located to the northwest (Resource 27, 1932) and southwest (Resource 211, 1945). The new main building (Resource 31, 1938) is also connected to Resource 30 by a connecting corridor (Resource D, circa 1960s–1970s).

Resource 31. Current Main Building. 1938. *Contributing building.*

The current main building (Resource 31, 1938) is located northeast of Resource 30 (patient ward building, 1938). The current main building is situated at the northeastern edge of the north group of patient ward buildings of the expanded central core group of buildings. When constructed in 1938, this building took over the function of serving as the main hospital building on campus from Resource 1 (1923). The current main building is more elaborately detailed than the other H-buildings described thus far as it resembles main buildings constructed at Period II Second Generation Veterans Hospitals during the late 1930s through 1950 that utilized Colonial Revival and Classical Revival architectural characteristics. The current main building (Resource 31, 1938) is a two-story, multiple bay, hip-roof H-building supported by a raised basement. The facade features a central three-story, five-bay, double-projecting pavilion on a raised basement. Slightly extending from the initial projection is a three-story, three-bay, front-gable projection. Also along the facade flanking the central projection are two-story, three-bay, front-gable return wings. The return wings also extend from the rear of the main block. The five-bay double-projecting pavilion is topped with a parapet wall and the three-bay central projection and return wings have parapeted gable ends. An oculus pierces the gable of the central pavilion. Arched window openings are found in the facade gables of the return wings. The arched window openings are filled either with original double-hung wood sashes or with a replacement vent. An elaborate two story, three bay, flat roof arcaded entry porch on a raised platform is found on the central facade projection. The three bays are defined by large, concrete, squared columns and pilasters topped with banded semicircular arches with keystones. A blank frieze and a modillion cornice extend above the arches and below the parapet surrounding the roof. The raised porch deck is supported by a brick-clad foundation and is accessed by a decorative concrete staircase. An oval motif is repeated in the balustrade lining the stairs and surrounding the porch. The central facade entry and flanking windows are framed by concrete architraves and the entry is crowned with a denticulated pediment. The entry is filled with a replacement metal frame glass door, sidelights, and transom. The windows flanking the entry have fifteen-over-fifteen-light double-hung wood sashes.

A centered hip-roof projection extends from the roof to the rear of the facade's double-projecting pavilion. This hip-roof projection is sheathed in copper and a tall, narrow, copper cupola capped by a small dome rises from the pinnacle of the roof projection. The building exhibits Colonial Revival details including: concrete window sills; brick soldier courses above the windows of the facade; upper story windows filled with twelve-over-twelve-light double-hung wood sashes; basement windows filled with twelve-over-eight double-hung wood sashes; a concrete band at grade; a concrete water table between the basement and first story; a raised brick stringcourse between the first and second stories; a concrete stringcourse above the second story; a concrete cornice; concrete pilasters defining the corners; double false brick chimneys at the gable ends of the wings; and hip-roof dormers along the facade.

The gable end projections of the side (northeast and southwest) elevations terminate in two-story, three-bay porches that are detailed similarly to the front porch. The space between the arches is divided by a wide concrete band indicating the location of a second story porch deck. The arches have been enclosed with brick and ribbons of triple windows in the first story and large vents in the second story on the northeast elevation; and with paired windows with double-hung sashes in the first story and blank, brick walls in the second story porches along the southwest elevation. Both porches are topped with pediments with a concrete modillion cornice and a central oculus. A connecting corridor (Resource D, circa 1960s–1970s) extends from the southwest elevation, linking this building and one of the patient ward buildings (Resource 30, 1938).

On the rear elevation, the main block of the building and the return wings have fully exposed walkout basements. A central three-bay projecting wing, located opposite the facade's projecting pavilion, rises three stories plus having a fully exposed walkout basement. The massing and fenestration of the rear elevation is similar to the facade except for the simple treatment of the central wing. The rear of the building has experienced several additions, including: a two-story, multi-bay, flat-roof addition dating to 1999 that wraps around the northeast corner of the northeast return wing; a two-story, three-bay, flat-roof addition along the west side of the central wing; and a one-story, flat-roof addition that wraps around the northwest corner of the southwest return wing. The northeast addition is the most prominent, although none of the additions detract from the facade of the building. The northeast addition is clad in stretcher bond brick with poured concrete stringcourses above both the first and second stories. The corner bay of the addition is taller than the other bays and is clad in white glazed tile. It currently serves as the main entrance to the building, with a ramp and a patient drop-off area providing easy access. The original block of the current main building is brick clad in five-course common bond and the roof is sheathed in tile shingles simulating slate shingles.

Resource 35. Patient Ward Building. 1939. *Contributing building.*

This patient ward building (Resource 35, 1939) is located in the southwestern portion of the historic district and is situated in the southern portion of the central core group of buildings. Oriented to the southwest, this patient ward building is a variation on the H-building form with return wings projecting only two bays from the main mass of the building and the overall scale of the building is larger than earlier H-shape patient ward buildings within the campus. This is a three-story, multiple bay, side-gable building on a raised basement. The facade features a seven-bay, hip-roof, central pavilion that projects slightly from the facade wall plane. Extending from the central pavilion is an additional three-bay, pedimented projection. Flanking the central pavilion are three-story, three-bay, front-gable return wings that are only two bays deep. Adjacent to the return wings are three-story, single-bay, flat-roof stairwells

with a single-leaf entrance to one side. These stairwell additions are located on the inside elevations of the return wings, facing the central projection. The facade's central entry is located at the top of a straight flight of steps and features a decorative concrete surround with an entablature, swan's neck pediment, and a pineapple finial. The single-leaf entry is filled with a replacement metal frame glass door, sidelight, and transom. The windows flanking the entry are set into arched openings. This building features Colonial Revival details including: brick pilasters with concrete capitals defining the central three bays; nonfunctional brick chimneys connected by a parapet wall rising to rear of the facade's central projecting pavilion; oculus windows piercing the pediments of the gabled projections; a cornice with dentils along the seven-bay central projection and a simple wood cornice encompassing the remaining portions of the building; concrete keystones adorning the first-story windows of the projections; concrete sills and brick jack arches defining all window openings; windows filled with multiple-light double-hung wood sashes; gable-roof dormers along the facade and rear roof slopes; brick quoins adorning the corners of the projections; brick banding along the basement level of the central facade and rear projecting pavilions; a concrete water table between the basement and first story; and a raised brick stringcourse between the second and third stories. Arched window openings are found in the center of each projection's first story. Below these windows are decorative false balconies featuring poured concrete brackets and brick detailing with projecting bricks.

The side-gable mass of the building extends three bays wide and three bays deep beyond the return wing projections. On all three elevations, the bays of these sections are defined by brick pilasters with brick stringcourses dividing the stories. The first story bays are spanned by triple windows (twelve-over-twelve-light with twelve-light sidelights). The triple windows are framed by header bricks and topped with a course of alternating stretcher and soldier bricks. The second and third stories contain typical single windows.

The rear elevation exhibits the same projections and detailing as the facade. The rear of the building has a fully exposed walkout basement level. The rear elevation's central entry is located at grade and features a concrete door surround with fluted pilasters supporting an entablature and swan's neck pediment, and a pineapple finial. The building is clad in brick finished in five-course common bond and the roof is sheathed in tile shingles.

Resource 36. Tool Room. 1942. *Contributing building.*

The tool room (Resource 36, 1942) is located to the southwest of the warehouse (Resource 23, 1923) in the maintenance/utility group of buildings. It is a one-story, rectangular front-gable building with the gables oriented to the northwest-southeast. The building is encompassed by a brick solider course at floor level and window openings are defined by a header course below and a brick soldier course above. The northwest gable end has a loading dock with an entry filled with a metal overhead door, a single-leaf pedestrian entry with a single-light door, and a window bay The southeast elevation also has a loading dock with an entry filled with a metal overhead garage door, a single-leaf pedestrian entry with a metal door, and two windows flanking the entries filled with twenty-five light awning windows. A flat-roof metal awning shelters the loading dock entry on the southeast elevation. The two long sides of the building are spanned by large bays filled with triple steel awning windows composed of twenty-light metal sashes flanking a fifteen-light metal sash. The building has exposed rafter tails and the roof is sheathed in asphalt shingles. The brick exterior is finished in six-course common bond.

Resource T-38. Sheet Metal Shop. 1948. *Contributing building.*

The sheet metal shop (Resource T-38, 1948) is located between the plumbing shop (Resource T-40, 1948) and the electric and paint shops (Resource T-228, 1946) in the maintenance and utility group of buildings. The building is composed of two connected one-story, front-gable sections that attach to the plumbing shop, a similar front-gable building, along the sheet metal shop's northwest elevation. The southwest gable end of both sections of this building is clad in glazed tile, has a concrete foundation, and is five bays in width (w/w/w/d/w). The double-leaf entry has six-light wood doors sheltered by a metal awning. The windows are filled with either twelve-light or nine-light awning windows. The rear (northeast) elevation of this building is clad in two types of material: the northwest section is finished in concrete block while the southeast portion is clad in corrugated metal. Both rear sections have centered single-leaf entries. The roofs of the two sections are sheathed in corrugated metal and asphalt shingles.

Resource T-40. Plumbing Shop. 1948. *Contributing building.*

The plumbing shop (Resource T-40, 1948) is located between the boiler house (Resource 20, 1923) and vocational building (Resource 22, 1923) in the maintenance/utilities group of buildings and is attached to the sheet metal shop (Resource T-38, 1948) along its southeast elevation. This is a one-story, front-gable building oriented to the southwest. The facade is clad in glazed tile and has a central double-leaf entry flanked by twelve-light steel awning windows. The northwest and rear elevations are clad in corrugated metal. The rear elevation has a central, double-leaf entry flanked by sixteen-light steel awning windows. This building extends beyond the northeast elevation of the adjacent sheet metal shop building. The plumbing shop has a poured concrete foundation.

Resource T-41. Engineering Storage. 1918. *Contributing building.*

This engineering storage building (Resource T-41, 1918) is located to the northwest of the water softening plant (Resource 218, 1949) in the maintenance/utility group of buildings. Predating the hospital campus, this building was probably constructed for the Camp Sherman cantonment. It is a one-story, front-gable building with an asymmetrical roof. Oriented to the southwest, the building is clad in asbestos shingle siding with diamond pattern asphalt shingles covering the roof. The facade has five bays (w/d/w/d/w) with a single wood door, double metal doors, and six-over-six-light metal sash windows. The southeast elevation has two six-over-six-light windows. The northeast gable end has one visible window and the remainder is obscured by vegetation.

Resource T-42. Rehabilitation Medicine Storage. Circa 1920s. *Noncontributing building.*

This storage building (Resource T-42, circa 1920s) is located directly to the northwest of the engineering storage building (Resource T-41, 1918) in the maintenance and utility group of buildings. Predating the hospital campus, this building was probably constructed for the Camp Sherman cantonment. It is a one-story, front-gable building clad in wood bead board. The roof, which is partially collapsing, is sheathed in asphalt shingles and has exposed rafter tails. The southwest gable end of the building is three bays wide with a central double-leaf entry filled with wood doors. Flanking the entry are windows filled with six-light wood sashes. The northwest elevation has a single-leaf entry near the rear elevation with a wood door and two sets of paired windows with six-light wood sashes. Because of the condition of the building with its collapsing roof, this resource no longer contributes to the district.

Resource 45. Storage. 1929. *Contributing building.*

This storage building (Resource 45, 1929) is located between the garage and shops building (Resource 21, 1923) and warehouse (Resource 23, 1923) in the maintenance/utility group of buildings. Oriented to the southwest, this building is a small, one-story, three-bay (w/w/d), shed-roof building with a brick exterior finished in five-course common bond. The building features concrete window sills, concrete lintels, and a concrete cap. The facade has two windows enclosed with wood and a single-leaf entry with a wood door. The southeast elevation has a single window with a six-light wood sash. The rear elevation has a single-leaf entry filled with a metal door and a window with a six-light wood sash. A round ventilator pierces the roof.

Resource T-51. Greenhouse Potting Shed. 1929. *Contributing building.*

The greenhouse potting shed (Resource T-51, 1929) is located to the northwest of the greenhouse (Resource 52, 1929) in the maintenance and utility group of buildings. Oriented to the northwest, this is a one-story, three-bay, front-gable building clad in asbestos shingles and covered with a standing seam metal roof. The northwest elevation has a central single-leaf entry filled with a six-light wood door and flanking windows with one-over-one-light double-hung wood sashes. The side elevations each have two windows, and a gable-roof hyphen connects the building to the greenhouse at the rear.

Resource 52. Greenhouse. 1929. *Contributing building.*

The greenhouse (Resource 52, 1929) is located to the southeast of the greenhouse potting shed (Resource T-51, 1929) in the maintenance and utility group of buildings. It is composed of four side-by-side, adjoining gable-roof greenhouses. The greenhouses have raised poured concrete or concrete block foundations and their upper walls and roof are covered with corrugated plexiglass. Each greenhouse has a six-light door on its northwest and southeast gable ends.

Resource 53. Garden Tool, Equipment, and Onion Storage Building. 1945. *Contributing building.*

The garden tool, equipment, and onion storage building (Resource 53, 1945) is located to the northeast of the greenhouse (Resource 52, 1929) in the northeastern portion of the maintenance and utility group of buildings. Currently utilized as an implement storage building and oriented to the southeast, this is a one-story, multiple-bay, side-gable building with an asymmetrical roof. The building is clad in wood bead board siding and covered with a standing seam metal roof. The southeast elevation has a pair of double-leaf entries with wood doors and a window with a six-light wood sash to the southwest end and a single-leaf entry with a wood door and three windows with six-light wood sashes at the northeast end. In between, the building is spanned by large horizontal sliding doors. Each side elevation contains two windows and the rear elevation is spanned by eleven windows.

Resource 57. Golf Course Storage Building. Circa 1930s. *Contributing building.*

The golf course storage building (Resource 57, circa 1930s) is located to the north of the garden tool, equipment, and onion storage building (Resource 53, 1945) in the northeastern portion of the maintenance and utility group of buildings. This building, oriented to the southeast, is a one-story, four-bay (w/w/d/d), hip-roof building clad in asbestos shingles and covered with a standing seam metal roof. The facade has a single-light window, a window with a six-light wood sash, a double-leaf vehicular entry, and a single-leaf entry with a wood door. The rear elevation has four six-light windows and a single-leaf entry with a nine-light wood door. Each side elevation has a single window.

Resource 60. Recreation Building (Mace House). 1826. *Contributing building.*

The recreation building, also known as the Mace House (Resource 60, 1826), is located in the northern portion of the historic district immediately west of the golf course (Resource G, 1960) and northeast of the golf course club house (Resource 251, 1960). Oriented to the east and situated on a rise overlooking the golf course, this single family dwelling was constructed in the mid-nineteenth century prior to the construction of the hospital and currently serves as the Mace House Heritage Center. This is a two-story, three-bay (w/w/d), brick residence with a truncated hip roof covered with slate shingles. A bracketed shed-roof awning with a scalloped edge shelters the facade entry and a poured concrete deck spans the front elevation. Nonfunctional shutters flank the facade's single-leaf entrance which contains a six-panel wood door with sidelights and a two-light transom. The windows of the main block all contain one-over-one-light double-hung sashes and are flanked by fixed shutters. The north elevation of the main block has a flat-roof wood porch adorned with a spindlework frieze, ornamental brackets, and vertical wood strips along the side elevations. The porch shelters a single-leaf entry with a replacement two-light door. To the west of the porch is a below grade concrete stairwell that descends to a basement entrance. The south elevation has two bays filled with windows on both the first and second stories. A one-and-one-half-story, gable-roof, brick ell extends from the center of the building's rear elevation. A concrete block screen porch spans the ell's south elevation. The rear elevation of the ell has two small windows filled with paired two-light casement windows. The ell's north elevation has two upper story window openings: one has been enclosed with brick and the second is filled with three-over-three-light double-hung wood sashes. A small, one-story, shed-roof frame addition is located on the north side of the ell with paired windows filled with six-light wood sashes. The facade and south elevations have a single gable-roof dormer with two-over-two-light wood sashes and a sunburst adorning the apex. A brick chimney pierces the rear roof slope of the main block. A bracketed cornice is located below the eaves.

Although the construction of this building pre-dates the Chillicothe Second Generation Veterans Hospital, the house was owned and utilized by the Veterans Bureau and Veterans Administration during the district's period of significance, specifically as a recreation building. Therefore, this resource is a contributing building to the Chillicothe VA Hospital district.

Resource 179. Baling Shed. 1875. *Contributing building.*

The baling shed (Resource 179, 1875) is located to the northwest of engineering storage (Resource T-233,1947) in the north portion of the maintenance and utility group of buildings. The building is currently used for police equipment storage. It is a one-story, single-bay, front-gable, frame building with an overhead garage door in the southwest gable end. The building is clad in asbestos shingles and has a corrugated metal roof with exposed rafter tails. The rear elevation contains a twelve-light metal awning window.

The construction date provided for this building predates Camp Sherman and the Chillicothe Veterans Administration Hospital. The building does not, in its current cladding or bays, appear to date to the late nineteenth century. Even though the date of the building may be incorrect, it still appears the resource was owned and utilized by the veterans hospital during the historic district's period of significance, probably for maintenance/utility purposes.

Resource 197. Stadium Toilet. 1932. *Contributing building.*

The stadium toilet (Resource 197, 1932) is located to the north-northwest of the baseball stadium (Resource 244, 1955) in the north portion of the hospital property and west of the golf course. The building currently is utilized as a concession stand. This is a one-story, hip roof building with a brick exterior finished a stretcher bond. The building is covered with a standing seam metal roof with exposed rafter tails. The north and south elevations each have a single-leaf entry filled with replacement doors. The west elevation has three windows located near the eaves with stone lintels and sills. Two similar windows on the east elevation have been expanded to serve as concession windows. This building predates the baseball stadium but the area may have been utilized for recreation purposes in the 1930s–1940s.

Resource 205. Quarters Garage. 1923. *Contributing building.*

This quarters garage (Resource 205, 1923) is located to the east of two of the staff assistants quarters (Resources 12 and 13, both 1923) within the grouping of residential quarters that faces Hines Boulevard. Oriented to the west, this garage is a one-story, seven-bay, hip-roof garage with six vehicular bays filled with six-light, wood, overhead garage doors. The southernmost bay is a single-leaf entry with a metal replacement door. The rear elevation has a single window bay covered with a metal screen. The building is constructed of structural tile and clad in brick laid in a stretcher bond. The roof is covered with diamond-shape slate shingles.

Resource 206. Quarters Garage. 1923. *Contributing building.*

This quarters garage (Resource 206, 1923) is located to the east of the staff quarters (Resources 15 and 16, both 1923) within the grouping of residential quarters that faces Hines Boulevard. Oriented to the west, this is a one-story, eight-bay, hip-roof garage with seven vehicular bays filled with six-light, wood, overhead garage doors. The southernmost bay is a single-leaf entry with a metal replacement door. The rear elevation has a single window covered with a metal screen. The building is constructed of structural tile and clad in brick laid in a stretcher bond. The roof is covered with diamond-shape slate shingles.

Resource 207. Quarters Garage. 1923. *Contributing building.*

This quarters garage (Resource 207, 1923) is located to the east of the medical officer in charge's residence (Resource 17, 1923) within the grouping of residential quarters that faces Hines Boulevard. Oriented to the west, it is a one-story, single-bay, front-gable garage. The garage has a window with six-over-six-light double-hung wood sashes on both the north and south elevations and a vent in the facade gable. The building is constructed of structural tile and clad in brick laid in a stretcher bond. The roof is covered with slate shingles.

Resource 208. Engineering Storage. 1920. *Contributing structure.*

This engineering storage structure (Resource 208, 1920) is located to the northwest of the garden tool, equipment, and onion storage building (Resource 53, 1945) and golf course storage (Resource 57) in the extreme northeast portion of the maintenance and utility group of buildings. The building is built into a hillside with poured concrete retaining walls leading to the double-leaf entrance. A sign embossed in the concrete wall over the entry simply reads "VETERANS HOSPITAL." Four large metal flues and a brick chimney rise from the top of the building to the rear of the entrance.

The original purpose of this building is unclear as construction date appears to predate the hospital. The structure may have originally served as an ammunition bunker, but this is unknown. The embossed signage above the door implies it was constructed for the hospital. A similar below ground building was surveyed at Battle Creek, Michigan, and Knoxville, Iowa, with both purportedly originally serving as root cellars.

Resource 210. Patient Ward Building. 1945. *Contributing building.*

This patient ward building (Resource 210, 1945) is located in the north group of patient care buildings within the expanded central core group of buildings. Resource 210 is situated on the southwest side of a central quadrangle surrounded by six H-shape patient buildings. Although similar to Resources 26 (1932), 27 (1932), and 30 (1938), all H-shape patient ward buildings, Resource 210 (1945) was constructed later and therefore exhibits some notable differences. Oriented to the northwest, this is a two-story, multiple-bay, gable-roof building with a basement foundation and hip-roof return wings extending from the facade and rear elevations creating an overall H-shape. The facade features a five-bay, double-projecting central pavilion with a three-bay, front-gable primary projection. Flanking the central pavilion are three-bay, hip-roof return wings terminating in two-story arcaded porches. The porches have been enclosed entirely with modern glass and metal windows. Two-story stairwell additions have been constructed on the exterior elevations of the return wings. The central facade entrance is accessed by a small flight of concrete steps. The single-leaf facade entry has a wood door surround with fluted pilasters supporting a segmental arched pediment with dentil molding. The entry is filled with a single-light replacement metal door and an enclosed sidelight and transom. No other entrances are located along the facade. The majority of windows throughout the building have been replaced by three-over-three-light horizontal metal sashes. The patient ward building (Resource 210, 1945) exhibits common Colonial Revival and Classical Revival details including: a lunette window in the central facade pediment; wood cornice and soffits; concrete window sills; brick solider courses above the window openings; brick quoins adorning the corners; a concrete water table; and two nonfunctioning brick chimneys rising to the rear and either side of the central facade projecting pavilion.

Portions of the rear elevation have a fully exposed walkout basement while the remaining portion is slightly below grade. A central gable-roof wing, three bays in width, extends from the rear of the main block opposite the facade projecting pavilion. This central wing is nearly the same length as the flanking hip-roof return wings. A two-story, flat-roof stairwell addition spans the right two bays of the central wing's rear elevation. Single-leaf entries into the basement are located in the corners created by the hip-roof return wings and the main block of the building. The roof of this building is sheathed in tile shingles. The building's brick exterior is finished in five-course common bond. Connecting corridors (Resource D, circa 1960s–1970s) that extend from the building's side elevations link this building to patient ward buildings (Resources 24, 1929; and 211, 1945).

Resource 211. Patient Ward Building. 1945. *Contributing building.*

This patient ward building currently houses patient care, clinics, and the library (Resource 211, 1945). This building is located in the north group of patient care buildings on the southeast side of a central quadrangle surrounded by six H-shape patient buildings. Oriented to the northwest, this is a two-story, multiple bay, side-gable H-building on a raised basement. In its massing, fenestration, and detailing, this building is nearly identical to Resource 210 (1945), another patient ward building.

Connecting corridors (Resource D, circa 1960s–1970s) that extend from the building's side elevations link this building to two additional patient ward buildings (Resources 30, 1938; and 210, 1945).

Resource 212. Patient Ward Building. 1945. *Contributing building.*

This patient ward building currently houses the child care center (Resource 212, 1945). This building is located in the southwestern portion of the historic district in the southern portion of the central core group of buildings. Although similar to many of the other H-buildings described thus far, this building was constructed later and exhibits some notable differences. Oriented to the northeast, Resource 212 (1945) is a three-story, multiple-bay, gable-roof building with hip-roof return wings extending from the facade and rear elevations creating an overall H-shape. The facade features a five-bay, double-projecting pavilion with a hip-roof rear section and a three-bay, front-gable facade projection. The two hip-roof return wings have three-bay facade elevations. The facade's central single-leaf entry, located at grade, has a wood surround with pilasters supporting an entablature with a triglyph frieze and a segmental arched pediment with modillions. The entry is filled with a replacement metal frame glass door, sidelight, and transom. There are no other entrances along the facade. A lunette window pierces the facade's central pediment. The windows throughout the building are filled with original multi-light double-hung wood sashes. This patient ward building (Resource 212, 1945) exhibits common Colonial Revival and Classical Revival details including lunettes piercing the pediments; wood cornice and soffits; concrete window sills; brick solider courses above window openings; a concrete stringcourse between the first and second stories; brick quoins adorning the corners; and nonfunctional brick chimneys rising to the rear and either side of the facade's central projecting pavilion.

Along the rear elevation only the two upper stories are visible as the first story is below grade. The rear central pavilion is three bays wide and projects only slightly from the main block's rear wall plane. There is no central entrance but there are single-leaf entrances in the corners created by the intersection of the return wings and the main block. The wings of the rear elevation terminate in two-story arcaded porches, rather than those of the facade. The porches in both stories of each of the return wings are open except for metal screens. The area between the rear return wings contains a children's playground surrounded by a wood privacy fence. The roof is sheathed in tile shingles. This building has a brick exterior finished in five-course common bond.

Resource 218. Water Softening Plant. 1949. *Contributing building.*

The water softening plant (Resource 218, 1949) is located in the maintenance/utility group of buildings to the southeast of the central core group of buildings. This is a one-story, flat-roof, rectangular building oriented to the southeast. The southeast elevation has a vehicular entry that has been partially enclosed with brick to accommodate a double-leaf entry with replacement metal doors. To the left of the entry is a window opening with concrete sills and ten-light metal awning windows. Similar windows are found along the rear and southwest elevations. The elevations are topped with a concrete parapet cap and the building is clad in five-course common bond. This building has a poured concrete foundation. A large tank that does not date to the period of significance is located to the rear of the building.

Resource T-228. Electric and Paint Shops. 1946. *Noncontributing building.*

The electric and paint shops (Resource T-228, 1946) is located in the maintenance and utility group of buildings. The building is composed of a Quonset hut with a flat-roof addition on the southeast

elevation and a shed-roof addition on the northeast end of the northwest elevation. The additions date to 1964. The Quonset hut, oriented to the southwest-northeast, has a concrete base with corrugated metal sheathing above and additions constructed of concrete block and corrugated metal. The southwest elevations of both the Quonset hut and the addition are clad in glazed tile as seen on the sheet metal shop (Resource T-38, 1948) and plumbing shop (Resource T-40, 1948). This elevation of the Quonset hut contains a centered single-leaf entry flanked by paired two-light casement windows and the addition to the right has two windows filled with nine-light metal sashes. The northwest elevation of the Quonset hut has windows in the concrete base filled with glass blocks. The southeast elevation of the flat-roof addition has a single-leaf entry and four windows; the northeast elevation has a single-leaf entry and one window. The northeast elevation of the Quonset hut is dominated by a metal overhead door with a twelve-light awning window to one side. The shed roof addition to the right has a double-leaf entry. In the space between this building and the sheet metal shop sits an open metal shelter used to store ladders. Because of the various alterations to this resource, it is no longer contributing to the historic district.

Resource T-233. Engineering Storage Building. 1947. *Contributing building.*

The engineering storage building (Resource T-233, 1947) is located to the northeast of two storage buildings (Resources T-41, 1918; and T-42, circa 1920s) in the maintenance and utility group of buildings. Oriented northwest to southeast, this Quonset hut has a concrete block foundation with corrugated metal sheathing above. Due to a shortage of construction materials both during and immediately following World War II, Quonset huts were frequently recycled at Second Generation Veterans Hospitals to fulfill a variety of uses. The ends each contain an overhead garage door and the sides have dormer-like window openings. The southwest elevation has three window openings with six-over-six-light wood sashes and a single-leaf entry with a wood door. The northeast elevation has four window openings, all of which have been enclosed with plywood.

Resource T-236. Greenhouse Storage Building. 1956. *Noncontributing building.*

The greenhouse storage building (Resource T-236, 1956) is located to the southeast of the greenhouse (Resource 52, 1929) in the maintenance and utility group of buildings. Oriented to the northwest, this is a small, one-story, two-bay, shed-roof, frame outbuilding. The lower portion of the building is clad in wood or Masonite siding and the upper portion is covered with vertical boards or wood panels. The roof has wide eaves with exposed rafters. The northwest elevation has a single-leaf entry with a nine-light wood door and a window with six-over-six-light double-hung wood sashes. The southwest elevation has a single-leaf entry filled with a single-light wood door. A window with six-over-six-light double-hung wood sashes is located along the northeast elevation. The rear elevation has a window filled with six-over-six-light double-hung wood sashes and a small single-light window.

Resource 241. Steel and Lumber Storage. 1946. *Contributing structure.*

The steel and lumber storage structure (Resource 241, 1946) is located to the northwest of the plumbing shop (Resource T-40, 1948) in the maintenance and utility group of buildings. This is a front-gable, metal-frame structure that is supported by poured concrete piers. The building is clad entirely in corrugated metal with an opening on the northeast elevation.

Resource 244. Baseball Stadium and Field. 1954. *Noncontributing building.*

The baseball stadium (Resource 244, 1954) and associated baseball field are located in the north portion of the historic district to the east of the Mace House (aka recreation building, Resource 60, 1826) and south of North Hines Boulevard. The stadium consists of a central portion with two angled wings containing a total of six sections of bleachers. The bleachers are composed of a concrete deck and steps with wood benches. Steel beams support a large shed roof that shelters the bleachers. When viewed from the rear, the stadium is clad in brick finished in a six-course common bond. Beneath the central section are concession stands sheltered by the stadium bleachers. Three-light hopper windows are found along the west elevation of the west wing of bleachers. A cornerstone indicates the construction date: "1954." According to the pamphlet "*The Price of Freedom…A Brief History of the Chillicothe VA Medical Center*," the baseball stadium was dedicated as the Blue Star Mothers Memorial Stadium on May 1, 1955.[5] The baseball field has a replacement artificial surface. The outfield is enclosed by a board fence lined with advertisements. The remaining portion of the baseball field and stadium are enclosed by a chain link fence. A paved parking lot is located to the west-southwest and adjacent to the baseball stadium. The stadium is currently referred to as Memorial Stadium. The baseball field and stadium are presently leased and utilized by a local minor league team.

This building seems to be associated with the change in the mid- to late 1950s when substantial outdoor recreational facilities were being constructed at a number of Second Generation Veterans Hospitals to serve as a therapeutic outlet for patients and, in the case of baseball fields, public interaction with the patients. This resource also dates to the period when drug therapy began to surpass the use of vocational farm labor as a form of therapeutic treatment for psychiatric patients. As acreage was idled from raising crops and livestock, additional areas were available for recreational facilities. With the stadium toilet (Resource 197, 1932) in close proximity to this building, the area of the stadium may have been occupied by recreational facilities prior to the construction of the stadium.

Resource 247. Therapeutic Exercise Clinic. 1959. *Noncontributing building.*

The therapeutic exercise clinic (Resource 247, 1959) is located to the south of North Hines Boulevard and west of the stadium (Resource 244, 1954). This building contains a gymnasium and swimming pool and is composed of three flat-roof sections. The brick exterior of the building is finished in five-course common bond with a metal parapet cap. The main entrance is located in the one-story section of the north elevation. The double-leaf entry contains three-light doors and is sheltered by a flat-roof porch supported by metal posts. A one-and-one-half-story section with no windows is situated to the rear (south/southeast) of the one story section and the two-story gymnasium is located to the rear (south) and southwest of the one-story section. The first stories of the one-story section and the gym contain horizontal two-light windows and the second story of the gym has large twelve-light (possibly awning) windows, all with concrete sills.

Resource 250. Storage. 1959. *Noncontributing building.*

This storage building (Resource 250, 1959) is located at the extreme southeastern corner of the historic district beyond the grouping of maintenance/utility buildings. Situated south of South Hines Boulevard, this building is a one-story, rectangular, flat-roof, concrete block building with a metal overhead door at the south elevation and a single-leaf pedestrian entry sheltered by a small awning on the north elevation. The west elevation is spanned by four windows and the east elevation has five

[5] *The Price of Freedom…A Brief History of the Chillicothe VA Medical Center*, VA Pamphlet 528-89, n.p.

windows, all covered with metal bars. A small, exterior concrete block chimney rises from the western side of the north elevation.

Resource 251. Golf Course Club House. 1960. *Noncontributing building.*

The golf course club house (Resource 251, 1960) is located to the southeast of the stadium (Resource 244, 1954) and southwest of the Mace House (aka recreation building, Resource 60, 1826). This building, oriented to the east, is a one-story, three-bay (w/d/w), side-gable, concrete block building with an integral porch supported by wood posts spanning the facade. The porch shelters the central front entrance which contains a nine-light, wood panel door flanked by windows filled with single-light horizontal sliding sashes. The north gable end of the building has a single window and the south elevation has a similar window and a pedestrian entry with a metal door. The rear elevation of the building is spanned by three large single-light windows. The upper portion of the gable ends and the entire rear elevation of the building is clad in vinyl siding.

Resource 252. Chapel. 1962. *Noncontributing building.*

The chapel (Resource 252, 1962) is located to the north of the mess and kitchen building (Resource 7, 1923) within the expanded central core group of buildings. Oriented to the east, this is a front-gable chapel building with an accentuated central bay. The building is clad in brick laid in a stretcher bond with a wide concrete band outlining the gable ends and concrete rib projections dividing the bays of the side elevations. A small entry vestibule with a concrete double-butterfly roof projects from the center of the facade. The double-leaf entry contains metal frame glass doors with sidelights and a transom. The area above the vestibule is adorned with a decorative metal grid pattern. The south elevation has a secondary double-leaf entrance in the first bay and modern stained glass windows in the other exposed bays. A one-story, flat-roof section wraps around the southwest corner to the rear of the building. The north elevation has stain glass windows in the center three bays and a double-leaf entrance towards the rear of the chapel. The building is covered with an asphalt shingle roof and topped with a modern metal steeple.

Resource 255. Bus Stop Shelter. 1966. *Noncontributing structure.*

The bus stop shelter (Resource 255, 1966) is located along the south edge of Hines Boulevard and oriented to the north, it is situated to the south of the current main building (Resource 31, 1938). This is a flat-roof bus shelter that is enclosed on three sides. The exterior is clad in brick laid in a stretcher bond and the interior is clad in rough-faced, coursed stone or concrete block. The roof of the shelter extends beyond the open north facade creating an awning supported by metal posts on brick piers. The south elevation has a central entry and the top of the south wall is spanned by three single-light windows. Two benches are located inside the shelter along the east and west walls.

Resource 256. Water Treatment Plant. 1970. *Noncontributing building.*

The water treatment plant (Resource 256, 1970) is located to the southwest of Hines Boulevard in the extreme southern portion of the group of maintenance and utility buildings. The water treatment plant is a multi-story, flat-roof building clad in brick finished in a stretcher bond. Reflecting its utilitarian purpose, the building is not clearly divided into bays and has no well-defined facade. It is pierced by only a few windows and vents and five single-leaf entries filled with metal doors. Large tanks and a

concrete block structure are found to the southwest of the building. Settling ponds surrounded by chain-link fence are located to the south.

Resource 259. Boiler Plant. 1970. *Noncontributing building.*

The boiler plant (Resource 259, 1970) is located to the northeast of the original boiler house (Resource 20, 1923) in the maintenance and utility group of buildings. The boiler plant probably replaced the previous boiler house. Oriented to the southeast, it is a two-story, flat-roof building clad in stretcher bond brick. The southeast elevation has a large overhead door, a single-leaf entry with a metal door, and an eighteen-light awning window above a large vent. A one-story, flat-roof projection extends across the northeastern third of the southeast elevation, and another one-story, flat-roof projection extends across the northern two-thirds of the northeast elevation. The northeast elevation also has four twelve-light awning windows in the second story. The northwest elevation contains only central double doors with a six-light transom and a multi-light awning window above. The west elevation is divided into three bays with central double doors and first- and second-story, multi-light awning windows.

Resource 297. Emergency Generator Building. 1979. *Noncontributing building.*

This emergency generator (Resource 297, 1979) is located between two patient ward buildings (Resources 26 and 27, both 1932) in the northern patient ward group of buildings. It is a small, one-story, flat-roof building clad in brick laid in a stretcher bond and topped with a metal cap. The building has a single metal door and a single vent on the northeast elevation and a double metal door and a double vent on the southwest elevation. Two projecting rows of brick form stringcourses above the doorways. A one story projection with double metal doors extends from the southeast elevation of the building.

Resource 302. Emergency Generator Building. 1979. *Noncontributing building.*

This emergency generator (Resource 302, 1979) is located to the west of the current main building (Resource 31, 1938) in the northern patient ward group of buildings of the expanded central core. It is a small one-story, flat-roof building clad in stretcher bond brick and topped with a metal cap. The building has a single metal door and two vents on the north elevation and a double metal door and a double vent on the south elevation. Two projecting rows of brick form stringcourses above the entries. A one story projection with double metal doors extends from the west elevation of the building.

Resource 310. Picnic Shelter. 1979. *Noncontributing structure.*

The picnic shelter (Resource 310, 1979) is located in the north portion of the historic district in the center of the quadrangle bordered by six H-shape patient buildings. Situated in the northern patient ward group of buildings, the picnic shelter has Y-shape metal supports supporting the structure's corrugated metal triple butterfly roof. The shelter covers a poured concrete deck with picnic tables.

Resource 311. Warehouse Storage (modular unit). 1980. *Noncontributing building.*

This warehouse storage building (Resource 311, 1980) is located to the southeast of another warehouse (Resource 23, 1923) in the southeast portion of the maintenance and utility group of buildings. This warehouse storage building (Resource 311, 1980) is a one-story modular unit supported

by concrete block piers. The building has a shallow gable roof. Both the walls and roof are clad in metal panels.

Resource 312. Warehouse Storage (modular unit). 1980. *Noncontributing building.*

This warehouse storage building (Resource 312, 1980) is located to the southeast of an early warehouse (Resource 23, 1923) in the southeast portion of the maintenance and utility group of buildings. It is a one-story modular unit supported by concrete block piers. The building has a shallow gable roof. Both the walls and roof are clad in metal panels.

Resource 313. Engineering Storage Building. 1980. *Noncontributing building.*

This engineering storage building (Resource 313, 1980) is located to the northeast of another engineering storage building (Resource T-233, 1947) in the maintenance and utility group of buildings. Resource 313 is a one-story modular unit supported by concrete block piers. The building has a shallow gable roof. Both the walls and roof are clad in metal panels.

Resource 314. Emergency Generator Building. 1980. *Noncontributing building*.

This emergency generator (Resource 314, 1980) is located to the northwest of the disturbed patients building (Resource 5, 1923) in the original central core group of buildings. This is a small, single-story building with a gable-on-hip roof sheathed in asphalt shingles. The building is clad in brick finished in Flemish bond and has a concrete foundation. A single-leaf entry and vent are found along both the northeast and southwest elevations. A single-story, flat-roof section extends to the northwest.

Resource 315. Picnic Shelter. 1986. *Noncontributing structure.*

This picnic shelter (Resource 315, 1986) is located to the northeast of the patient care building (Resource 35, 1939) in the southern patient care group of buildings. Y-shape metal supports carry the structure's corrugated metal triple butterfly roof. The shelter covers a poured concrete deck with picnic tables.

Resource A. Metal-clad Storage Building. Circa 1980s. *Noncontributing building.*

The metal-clad storage building (Resource A, circa 1980s) is located to the southeast of the two warehouse storage buildings (Resources 311 and 312, both 1980) in the southeast portion of the maintenance and utility group of buildings. It is a shed-roof, metal-clad building with horizontal sliding doors across its facade.

Resource B. Concrete Lined Ditch. Circa 1920s–1930s. *Contributing structure.*

A ditch lined with concrete (Resource B, circa 1920s–1930s) extends approximately 1,750 feet in a southwest to northeast direction across the southern portion of the historic district, beginning at a culvert along Hines Boulevard and extending to State Route 104 near the southeast corner of the property. The concrete-lined portion of the ditch terminates at a culvert under Hines Boulevard, and the boulevard extends to the central core group of buildings and to the residential quarters. The top of the lined ditch is level with the surrounding lawn. A portion of this drainage ditch near State Route 104 was previously surveyed on October 26, 1999. The Ohio Historic Inventory form number for the resource is ROS-84I-3.

Resource C. Frame Storage Building. Circa 1970s–1980s. *Noncontributing building.*

The frame storage building (Resource C, circa 1970s–1980s) is located to the northeast of the patient ward building (Resource 24, 1929) in the quadrangle bordered by six H-shaped patient ward buildings. This is a small one-story, side-gable building clad in wood panels and covered by an asphalt shingle roof. The facade has double-leaf wood doors and a small two-light window. There is a vent in each gable.

Resource D. Connecting Corridors. Circa 1960s–1970s. *Noncontributing structures.*

Within the Chillicothe VA Hospital Historic District, connecting corridors are only found in the north portion of campus linking the H-buildings surrounding the northern quadrangle, including the patient ward buildings (Resources 24, 26, 27, 30, 210, and 211) and the current main building (Resource 31, 1938). There are three types of corridors found in this portion of the historic district. The majority are one-story, gable-roof corridors clad in five-course common bond. Single-light, vertical windows are located to either side of brick columns spaced evenly along the corridors, and a concrete band extends along the building beneath the windows. The corridors have taller, flat-roof 'gatehouses' with metal frame doors to allow passage from one side to the other. The second type of corridor is also one-story with a gable roof, but it has two-over-two horizontal windows and is clad in stretcher bond brick. The third type of corridor is located partially below grade and appears as a five-course common bond brick wall when viewed from the quadrangle. On the rear, an asphalt shingle shed roof slopes down to the ground. Sets of triple single-light windows protected by caging pierce the shed roof.

The connecting corridors of the Chillicothe VA Hospital Historic District do not appear to date to the period of significance but are similar to connecting corridors located at other Second Generation Veterans Hospitals that were constructed to buildings erected after 1950. Other than sharing the same function as earlier corridors found at other Second Generation Veterans Hospitals, such as connecting patient buildings and providing shelter from the elements, the connecting corridors of the Chillicothe campus do not have design elements commonly associated with those constructed during the period of significance. Therefore the connecting corridors (Resource D, circa 1960s–1970s) are a noncontributing resource to the district.

Resource E. Credit Union Building. Circa 1970s. *Noncontributing building.*

The credit union building (Resource E, circa 1970s) is located to the north of the therapeutic exercise clinic (Resource 247, 1959). Oriented to the north, the Chivaho Federal Credit Union is housed in a one-story, five-bay, hip-roof building clad in stretcher bond brick and covered with an asphalt shingle roof. A soldier course of brick extends around the bottom of the building. On the facade, the central entrance is sheltered by a gable-roof porch supported by columns. The windows contain two-light commercial windows and are topped by window hoods with keystones. A canopy sheltered by a hip roof extends from the south elevation.

Resource F. Flag Pole. Circa 1960s–1970s. *Noncontributing object.*

The flag pole (Resource F) is located in the center of the semi-circular drive in front of the current main building (Resource 31, 1938). The flag pole is supported by a small, two-tier, octagon-shaped, concrete base. A small memorial is located to the immediate south of the flag pole. This flag pole does not appear to date to the period of significance. The base is not similar to flag poles found at other Second Generation Veterans Hospitals dating to the same period. An early undated photograph and

post card shows the original flag pole was located in front (northeast) of the original main building (Building 1, 1923). The previous flag pole base appeared to be level with the surrounding lawn. Although no date is available for the current flag pole, its dissimilar base from examples dating to the same period as the current main building indicate this is a noncontributing object to the historic district.

Resource G. Forrest E. Everhart Memorial Golf Course. Circa 1960. *Noncontributing site.*

According to the 2004 pamphlet *The Price of Freedom...A Brief History of the Chillicothe VA Medical Center,* this nine-hole golf course (Resource G, circa 1960) was opened in 1960. The National President of United Voluntary Services, Mrs. Louis Lengfeld, inaugurated the use of the golf course, designed by local golfer Ted Cox, by opening the first tee. The golf course (Resource G, circa 1960) appears to have been constructed primarily for the use of the hospital's patients and employees. In 1996, federal funding for golf courses at VA facilities was terminated. In order to keep the Chillicothe VA Hospital's golf course operating, the facility was leased to the South Central Ohio Homeless Veterans Committee (SCOHVC). The upkeep of the grounds and maintenance are accomplished by patients of the Veterans Industries Compensated Work Therapy Program in the Mental Health Care Line. These patients are paid while employed by the golf course. The golf course was renamed in 1999 for a Congressional Metal of Honor recipient who resided in Bainbridge, Ohio. The golf course (Resource G, circa 1960) is currently known as the Forrest E. Everhart Memorial Golf Course.[6] Because the golf course was opened after the period of significance it is considered noncontributing to the historic district.

Resource H. Formal Entrance Drives. Circa 1920s–1930s. *Contributing site.*

As with the majority of Second Generation Veterans Hospitals the form of the entrance drive (Resource H, circa 1920s–1930s) is dictated by the topography of the site. But usually those veterans hospitals constructed in the early to mid-1920s on relatively level terrain have somewhat straight drives and sidewalks rather than curvilinear examples found at many of the Veterans hospitals dating to the late 1920s through the 1940s. Curvilinear drives and sidewalks making use of the natural topography are especially found at veterans neuropsychiatric hospitals dating to the late 1920s through 1950 with their larger campuses filled with more patient buildings and courtyards than general medical and surgical hospitals. Therefore, the use of curvilinear drives and sidewalks utilizing the natural contours of the site appears to have evolved from the earlier veterans hospitals to those constructed in the late 1920s through 1948. But curvilinear drives and walks were added to the earlier hospital campuses as buildings continued to be erected on their campuses, such as at the Chillicothe VA Hospital Historic District.

The Chillicothe VA Hospital Historic District actually has two formal entrance drives (Resource H, circa 1920s–1930s) constructed at different times leading into its campus. The original formal entrance drive intersected State Route 104 near the current southeast boundary of the hospital property. This formal entrance drive extended from State Route 104 to the west-southwest before curving to the northwest and continuing past the maintenance and utility group of buildings to the original central core group of buildings. Similar to other entrance drives at facilities dating to the early to mid-1920s, the original entrance drive at the Chillicothe VA Hospital did not lead directly to the front of the main hospital building but continued past this focal point of the campus. This is depicted on a plot plan of the hospital in the 1923 article by F. Charles Starr. The original plot plan reprinted in the article shows the

[6] *The Price of Freedom...A Brief History of the Chillicothe VA Medical Center*, n.p.

formal entrance drive lined with trees and continuing beyond the drive to the front of the original main building (Resource 1, 1923) to front the residential quarters lined along the east side of the original formal entrance drive.[7] While not terminating directing in front of the original main building, the original formal entrance drive created a processional path from the public road to the federal hospital campus serving the health care needs of disabled veterans.

The second formal entrance drive is located near the northern historic district boundary as it extends from State Route 104 to the west-southwest in a straight line until it curves to the south-southeast as it connects to the original formal entrance drive near the grouping of six patient ward treatment buildings. It is unclear when this entrance drive was constructed but probably between the time the hospital opened in 1924 and the construction of the current main building (Resource 31) in 1938. This drive was probably constructed in a linear manner because of its location near the northern property boundary. The second formal entrance drive extends beyond the current main building which has a semi-circular drive extending from the second formal entrance drive. The semi-circular drive is located directly in front of the current main building. Trees are aligned along most of the lengths of both formal entrance drives.

[7] Starr, 435.

Areas of Significance: Criterion A

Politics and Government

The Chillicothe VA Hospital is eligible under Criterion A in the areas of Politics and Government at the state level because the selection of the site of the hospital was partially determined by the political influences of the local community to acquire the federal hospital and its substantial economic contributions to the local and state economy. Local boosters promoted the Chillicothe site as already belonging to the federal government and for its rural location, ideal to accommodate a neuropsychiatric hospital for veterans. An existing hospital was located at the Army cantonment near the property. The local efforts to acquire the federal hospital were successful, and construction began on the federal hospital that was to serve veterans in portions of three states. The construction of the hospital provided employment to laborers and skilled craftsmen. The wages and supplies purchased during the construction provided an economic stimulus to the local economy. The economic benefits and prominence the new federal veterans hospital brought to Chillicothe and the state are reflected by the fact that 1,500 attended the dedication ceremony and 3,000 inspected the hospital upon its opening. Those in attendance at the dedication included two United States senators from Ohio, a delegation of the American Legion, the district manager of the Veterans Bureau from Cincinnati, a representative of the Dayton branch of the National Home for Disabled Volunteer Soldiers, and the mayor of Chillicothe. Telegrams were read from Frank T. Hines, director of the Veterans Bureau, and the governors of Ohio, Kentucky, and Indiana, since the hospital was to serve patients from portions of all three states.[7] The initial cost of the hospital was nearly $1.5 million, and its construction employed many from the surrounding area.[8] An editorial in the *Scioto Gazette* concerning the dedication stated: "The people of Ross County and Chillicothe take pride in having this hospital in their midst. They are deeply interested in its success in every respect. Those in charge of it have their best wishes and their sincere and hearty pledge of sympathy and support."[9] The importance of the hospital to the state and local community continued throughout the period of significance, as the hospital expanded to care for additional patients and continued to serve as an economic engine to the local economy.

Health/Medicine

The Chillicothe VA Hospital is eligible under Criterion A in the areas of Health/Medicine at the state level because of the role the Chillicothe VA Hospital played in the mission of the federal government through the Veterans Bureau and the VA to provide quality health care to the nation's veterans, primarily those who served in World War I and World War II. Thousands of veterans, from Ohio and surrounding states received subsidized neuropsychiatric care during the period of significance that they may not have received if the federal government had not provided such treatment for them. The Chillicothe VA Hospital was designed to offer the latest in medical care. Upon opening, the hospital had a bed capacity for 452 patients. The first patient admitted came from Columbus, Ohio. By 1925 the hospital had conducted over 2,800 neuropsychiatric examinations and 170 surgical operations and was

[7] "Co-operation Is Pledge to New Hospital," *Scioto Gazette*, July 10, 1924, located in the archives, Chillicothe Veterans Affairs Medical Center, Chillicothe, Ohio.
[8] "Old Glory Flies Over Camp Hospital Dedicated Today," *Scioto Gazette*, July 9, 1924, located in the archives, Chillicothe Veterans Affairs Medical Center, Chillicothe, Ohio.
[9] "Editorial: A Notable Event," *Scioto Gazette*, July 8, 1924, located in the archives, Chillicothe Veterans Affairs Medical Center, Chillicothe, Ohio.

employing a staff of 267, including those working part time. The hospital provided a library, a librarian, and occupational therapy. By 1931 the hospital capacity was 640 patients, and there were 320 employees. In 1941 the Chillicothe VA Hospital had a capacity of over 1,500 beds and was the fifth largest neuropsychiatric hospital operated by the VA.[10] Two United States senators from Ohio spoke at the dedication for the hospital. According to a newspaper article concerning the dedication, both Senator Frank B. Willis and Simeon D. Fess "praised the institution which was formally opened making national adherence to a program of gratitude for the soldier's sacrifice a big note in their speeches."[11] These comments underscore the importance placed on the medical services the institution would provide to Ohio veterans, not only locally but statewide. The Chillicothe VA Hospital continues to serve as a physical reminder of medical care provided by the federal government through the Veterans Bureau and the VA to veterans throughout the period of significance.

Areas of Significance: Criterion C

Architecture

The Chillicothe VA Hospital is eligible under Criterion C in the area of Architecture at the state level as an excellent, intact example of a neuropsychiatric Second Generation Veterans Hospital containing buildings dating to both Period I and Period II and utilizing Colonial Revival and Classical Revival architectural styles. The Colonial Revival and Classical Revival styles were nationally and locally popular during the period of significance, and their use suggests a strong national pride following World War I and continuing beyond the Second World War. These architectural styles were the most prevalent styles utilized for the Second Generation Veterans Hospitals, and the Chillicothe VA Hospital is an excellent example of the use of both styles within this typology. The Chillicothe VA Hospital Historic District includes examples of veterans neuropsychiatric buildings dating to both Periods I and II, thereby exhibiting the evolution in building design from 1922 through 1950. The historic district also includes two main buildings dating to 1923 and 1938, providing examples of the evolution in design of main buildings during both periods. As a sub-group of the Second Generation Veterans Hospitals, the neuropsychiatric hospitals have distinct characteristics that differ from other sub-types of veterans hospitals constructed during the same period. These character defining features of the neuropsychiatric hospital sub-group dating to Period I include a large campus size, usually situated in a rural area, grouping of buildings into three clusters with similar functions, patient ward buildings grouped in a linear design or around a courtyard, and the main building and patient ward buildings are smaller in massing and scale than later Period II hospitals. As building and landscape designs evolved through Period II, veterans neuropsychiatric hospitals began to group the larger, H-shape patient ward buildings around courtyards; began to incorporate a monumental administration/main building; and began to make use of the natural landscape of the grounds in the development of building and street placement. The Chillicothe VA Hospital Historic District exhibits design characteristics from both Periods I and II as buildings from both periods were constructed within the campus. The Chillicothe VA Hospital Historic District also utilized standardized designs employed for veterans hospitals by the federal government

[10] *Celebrating 75 Years Providing Healthcare for Heroes* (Chillicothe, OH: Department of Veterans Affairs Medical Center, Chillicothe, Ohio 1999), 3–4, located in the archives, Chillicothe Veterans Affairs Medical Center, Chillicothe, Ohio.

[11] "Co-operation Is Pledge to New Hospital," *Scioto Gazette*, July 10, 1924, located in the archives, Chillicothe Veterans Affairs Medical Center, Chillicothe, Ohio.

designed first by the Construction Service, Quartermaster Corps of the Army on behalf of the Veterans Bureau and later by the Veterans Bureau and the VA. Similar, if not identical buildings, can be found at other Period I and II neuropsychiatric Second Generation Veterans Hospitals. These standardized designs include the original main building, staff residential buildings, patient ward/treatment buildings, as well as the landscape design. The landscape design includes curvilinear and linear drives and sidewalks, grouping the buildings into three, if not distinct, then identifiable clusters based on similar functions, and mature vegetation.

Integrity

As a historic district eligible under both Criteria A and C, the Chillicothe VA Hospital should retain a high degree of integrity of the resources' physical characteristics, including materials, workmanship, and design, and more ephemeral characteristics related to the historic district as a whole, such as location, setting, association, and feeling. Design refers to both the individual resources and the historic district as a whole. Although the resources within the historic district do not have to be individually exceptional, the resources and the historic district as a whole have to continue to reflect the spatial patterns and associations of the hospital campus dating to the period of significance. To retain integrity under Criterion A, the individual resources must retain those character-defining features that are necessary to convey their role in the mission of the federal government, through the Veterans Bureau and the VA, to provide neuropsychiatric medical care to veterans throughout the state. These features are often found in the overall form, massing, and scale of the buildings and their relationship to one another within the historic district. To retain integrity under Criterion C, the individual resources must retain those character-defining features identified with the design of the specific building type and hospital sub-type as defined in the MPDF. This includes those features required under Criterion A, as well as noteworthy stylistic details and historical materials.

The Chillicothe VA Hospital Historic District continues to serve as a medical facility and retains much of its original appearance dating to the period of significance during which the contributing resources were constructed. Contributing buildings retain most of their character defining details, especially those exhibiting Colonial Revival and Classical Revival architectural elements. The hospital and associated campus are situated at the original location, although the historic district is much smaller in total acreage than at its creation because surplus land has been transferred to other ownership. Few buildings/structures dating to the period of significance within the historic district appear to have been removed. The loss of buildings that existed during the period of significance include buildings associated with the former farm operations, a water tank on the hillside west of the central core group, and the loss of the railroad spur that entered the historic district near the southern main entrance and continued into the maintenance/utility group of buildings. The loss of former land holdings and structures diminishes the integrity of setting and design for the historic district. Although the loss of former landholdings and the agricultural buildings diminishes integrity, the historic district continues to reflect the mission of the hospital during the period of significance to provide neuropsychiatric care to veterans and retains the majority of buildings associated with this mission. Additions and new buildings have been constructed that impact the integrity of certain resources and the historic district. The majority of resources erected during the period of significance and the historic district retain integrity of location, setting, design, materials, workmanship, association, and feeling.

The landscapes of Second Generation Veterans Hospitals appear to have evolved from the earliest hospitals of the early 1920s to those constructed through 1950. The landscapes of the hospitals dating to Period I tend to have a greater use of straight drives and sidewalks without emphasizing the natural attributes of the sites. The Second Generation Veterans Hospitals constructed during Period II, especially neuropsychiatric hospitals, attempted to utilize the natural attributes of the site in the placement of the buildings and developing curvilinear drives and sidewalks for the visitors and patients, although the constraints of the sites, such as topography and acreage, could limit the use of naturalistic design qualities within the campus. The Chillicothe VA Hospital Historic District, because of its initial construction in the early 1920s and later additions through 1950, exhibits attributes of both periods. The initial buildings constructed within the historic district were designed in a somewhat dense arrangement around a quadrangle with the residential quarters in close proximity to the central core buildings and the maintenance/utility group of buildings located somewhat to the front of the previous two groups. Straight drives were utilized for the initial construction, except for the lane encompassing the quadrangle. The original formal entry drive was a long lane with a single curve. The residential quarters were aligned in a linear fashion. Additions in the late 1920s through 1950 allowed the historic district to incorporate curvilinear drives and sidewalks around the newly completed buildings. Six H-shape patient care buildings were constructed around a courtyard creating another landscape element. The current main building (Resource 31, 1938) has a semi-circular drive to the front of the building. These patient ward buildings and the current main building enlarged the central core group of buildings within the historic district. The size and number of the parking lots increased over time along with the newly introduced buildings. Other changes to the landscape of the historic district include the creation of the baseball field and golf course. While parking lots increase the amount of paved surfaces within the historic district, the parking lots and golf course continue to provide the open spatial configuration associated with the historic district's early design. The majority of the historic district remains an open lawn with mature trees. Open space within the landscape remains in the golf course, between the golf course and the residential quarters' group, and in the southwest corner of the historic district. The integrity of the historic district's landscape has been impacted by the introduction of buildings, structures, and parking lots after the period of significance. Most of the buildings/structures constructed after the period of significance are small, such as the emergency generators, picnic shelter, frame storage building, and bus stop shelter (Resources 297, 1979; 302, 1979; 314, 1980; 310, 1979; 315, 1986; C, circa 1970s–1980s; and 255, 1966). Larger buildings added to the historic district after the period of significance include the baseball stadium, the therapeutic exercise clinic, the chapel, the water treatment plant, and the boiler plant (Resources 244, 1955; 247, 1959; 252, 1962; 256, 1970; and 259, 1970). The impacts of these larger buildings, parking lots, and the golf course, although affecting the integrity of setting and design, have been mitigated through the design of the buildings and their placement within the historic district. The historic district continues to provide open areas in keeping with the spatial design associated with the period of significance.

Changes to the historic district's buildings include replacement windows, enclosed or partially enclosed windows for smaller openings, replacement doors, enclosed porches, and additions. Many of the patient ward buildings and the residences dating to the early 1920s appear to retain their original, or at least similar, wood sashes. The replacement windows found on the original main building (Resource 1, 1923), the mess and kitchen building (Resource 7, 1923), and a number of the Period II H-shape patient ward buildings are double hung but do not mimic the original configuration of divided-light double-hung sashes, thus impacting integrity of design and materials. Enclosing and partially enclosing window openings to accommodate smaller windows and the use of replacement doors also diminish

integrity of design and materials. Enclosing the porches of the residences and the patient ward buildings impacts the design, materials, and workmanship of these resources, but the overall massing and scale of the buildings continue to reflect the period of significance. The former locations of the open porches continue to be visibly recognizable. Although the replacement windows, doors, enclosed/partially enclosed windows, and enclosed porches all diminish the characteristics of design, materials, and workmanship, they do not significantly diminish these characteristics of the buildings, and the resources continue to contribute to the significance of the historic district. While none of these individual changes substantially diminish integrity, these modifications can cumulatively have a major impact on the integrity of the resources and the historic district as a whole. Even with these cumulative modifications, the resources continue to contribute to the historic district. The interiors of the historic district's buildings have lost integrity because of alterations made over time to adapt them to changing standards in medical care.

The introduction of buildings and additions to the historic district setting after the period of significance also diminishes integrity of design and setting, especially buildings or additions with large footprints or massing. Noncontributing buildings with large footprints and massing have not been erected within the Chillicothe VA Hospital Historic District and the landscape of its campus remains very much intact. The majority of buildings/structures added to the Chillicothe VA Hospital Historic District are small and do not interrupt the original spatial qualities of design or setting, such as generator buildings (Resources 297, 1979; 302, 1979; and 314, 1980), while larger buildings include the therapeutic exercise clinic and chapel (Resources 247, 1959; and 252, 1962), boiler plant (Resource 259, 1970), and the water treatment plant (Resource 256, 1970). The additions to Resource 31, the current main building (1938), are visible from the facade, east, and rear elevations of the building. Both of the additions, located at the northeast and northwest corners of the building, are subordinate to the original massing of the building and is clearly identifiable as late-twentieth-century additions. While the addition diminishes the integrity of the current main building (Resource 31, 1938), the building continues to retain the character defining architectural details dating to the period of significance and retains sufficient integrity to contribute to the historic district. The addition to the tuberculosis cottage (Resource 3, 1923) was constructed in 1952 and mimics the overall massing of the original block of the building. The addition is connected by a single corridor and the original portion of the building is fully visible. With the original block of the building exhibiting strong integrity, and the view from the courtyard virtually unchanged even with the addition, the tuberculosis cottage remains a contributing resource to the historic district. The largest addition to the initial buildings of the historic district is to Resource 7, the mess and kitchen building (1923). Originally a T-shape structure with a flat roof, a bakery addition appears to have been added to the building as early as 1932. The flat-roof additions to the building are located on the southwest elevation of the inverted "T" portion of the building and are mostly obscured from the original courtyard of the initial central core group. The additions are also sympathetic in design and materials to the original block of the mess and kitchen building. With the additions, some of which were constructed during the period of significance, are only found along one elevation of the building and with sympathetic design elements, the mess and kitchen building (Resource 7, 1923) continues to contribute to the historic district. The patient ward H-buildings dating from 1929 to 1945 may have egress additions that normally contain stairwells. These additions normally have small footprints and are located along the return wings. The additions are sympathetically designed to reduce their impact to the buildings, with flat roofs and clad in brick, but clearly can be identified as late twentieth-century additions. The H-buildings with these additions continue to retain their character defining architectural details dating to the period of significance and retain integrity to contribute

to the historic district. None of the additions or buildings/structures introduced to the historic district after the period of significance redirect the attention from the monumental current main building (Resource 31, 1938) that continues to serve as the focal point of the historic district. These noncontributing resources do not substantially interrupt the original spatial design or setting of the historic district. The cumulative effect of these buildings and additions constructed after the period of significance diminishes integrity of design and setting, but not to the point as to render the historic district not eligible for listing in the NRHP. Even with the modifications, the historic district retains a high level of integrity of location, design, setting, materials, workmanship, association, and feeling to convey the significance of the historic district. The Chillicothe VA Hospital Historic District continues to communicate its sense of time and place as a hospital constructed during the period of significance and its connection to other veterans hospitals of this typology.

Historical Narrative

With the entry of the United States into World War I, the nation's military began inspecting sites that would be suitable for cantonments to train new recruits. A location that would eventually encompass more than 18,000 acres was chosen in June 1917 northeast of downtown Chillicothe and west of the meandering Scioto River. Work on the cantonment, named Camp Sherman after Ohio native and Civil War General William Tecumseh Sherman, began in July 1917. Totals vary as to the number trained at Camp Sherman, ranging from 13,000 to 43,000 men. More than 2,000 buildings were erected at Camp Sherman.[12] According to a newspaper article the structures included "the barracks, hospital, Y.M.C.A. buildings, store houses and shops, mess halls, bakeries, laundries, refrigeration plants and a post office."[13] The hospital consisted of fifty buildings and included a dispensary.[14]

Although the war was at an end by December 1918, injured and disabled soldiers began arriving at Camp Sherman's hospital. The majority of soldiers stationed at the camp were to be dismissed from duty beginning in November 1918. By fiscal year end 1922, the construction of a 436 bed neuropsychiatric hospital on the outskirts of Chillicothe was in the planning stage by the Veterans Bureau. More than 4,700 acres of Camp Sherman were transferred to the Veterans Bureau for the new hospital. The facility would be constructed on the Camp Sherman Extension, a portion of government land at the north end of Camp Sherman along Clarksburg Pike (current State Route 104).[15]

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[12] *The Price of Freedom…A Brief History of the Chillicothe VA Medical Center*, VA Pamphlet 528-89, n.p.; *Veterans Administration, Serving Veterans for 50 Years, 1930–1980* (Chillicothe, OH: VA Medical Center, 1980): 4, located in the archives, Chillicothe Veterans Affairs Medical Center, Chillicothe, Ohio; "Chillicothe Changed Overnight from Peaceful Little City to Center of Great Military Activities," *Scioto Gazette*, Camp Sherman Edition, October 1917, located in the archives, Chillicothe Veterans Affairs Medical Center, Chillicothe, Ohio.

[13] "Chillicothe Changed Overnight from Peaceful Little City to Center of Great Military Activities," *Scioto Gazette*, Camp Sherman Edition, October 1917, located in the archives, Chillicothe Veterans Affairs Medical Center, Chillicothe, Ohio.

[14] "Chillicothe Changed Overnight from Peaceful Little City to Center of Great Military Activities," *Scioto Gazette*, Camp Sherman Edition, October 1917, located in the archives, Chillicothe Veterans Affairs Medical Center, Chillicothe, Ohio; *The Price of Freedom…A Brief History of the Chillicothe VA Medical Center*, n.p.

[15] *The Price of Freedom…A Brief History of the Chillicothe VA Medical Center*, n.p.; *Veterans Administration, Serving Veterans for 50 Years, 1930–1980*, 4, located in the archives, Chillicothe Veterans Affairs Medical Center, Chillicothe, Ohio; "Chillicothe Changed Overnight from Peaceful Little City to Center of Great Military

Work began on the United States Veterans Bureau Hospital number 97 at Chillicothe on November 21, 1922. The first twenty-two buildings, with a patient capacity of 450 beds, were constructed by the G.A. Fuller Company of New York. The buildings were designed and construction was overseen by the Construction Service, Quartermaster Corps of the Army on behalf of the Veterans Bureau. By June 23, 1923, the facility was 29 percent complete. The construction of the facility, authorized by the second Langley Bill, amounted to more than $1.5 million according to the Veterans Bureau's annual report.[16] The second Langley Bill, enacted in April 1922, appropriated $17 million to the Veterans Bureau for hospital construction/expansion.[17]

The Veterans Bureau hospital at Chillicothe, Ohio was dedicated on July 9, 1924. Participants in the dedication ceremonies included two United States Senators from Ohio, the mayor of Chillicothe, district manager of the seventh Veterans Bureau district, and the medical officer in charge of the hospital, William M. Dobson. The governors of the three states serviced by the seventh Veterans Bureau district, including portions of Ohio, Kentucky, and West Virginia, sent congratulatory telegrams for the proceedings, as did the Director of the Veterans Bureau, Frank Hines. After the raising of the national flag, the dedication services were held in the recreation building (Resource 9). Approximately 1,500 were in attendance and a total of approximately 3,000 attendees toured the facilities.[18] Twenty-four patients had been admitted to the hospital by the dedication date. These patients had been relocated from the Camp Sherman hospital (Veterans Bureau Hospital No. 87). The hospital at Camp Sherman was closed by the Veterans Bureau on June 11, 1924, after construction of the neighboring facility had been completed.[19] Additional patients arrived at the hospital from the Sherman Tech facility. This had been previously established as a vocational school by the Veterans Bureau.[20]

Upon completion of the facilities at Chillicothe, the Veterans Bureau was operating fourteen neuropsychiatric hospitals throughout the country. A diagram of the campus upon initial completion published in *The Modern Hospital* includes the original main building (Resource 1); two buildings for re-

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Activities," *Scioto Gazette*, Camp Sherman Edition, October 1917, located in the archives, Chillicothe Veterans Affairs Medical Center, Chillicothe, Ohio; *Annual Report of the Director United States Veterans Bureau for the Fiscal Year Ended June 30, 1922* (Washington, D.C.: U.S. Government Printing Office, 1922): 82–83.

[16] "Old Glory Flies Over Camp Hospital Dedicated Today," *Scioto Gazette*, July 9, 1924, located in the archives, Chillicothe Veterans Affairs Medical Center, Chillicothe, Ohio; "Army and Navy to Build Hospitals for Veterans," *Army and Navy Journal*, about July 1922, Entry 164 Box 21, Record Group 121, National Archives and Records Administration; *Annual Report of the Director United States Veterans Bureau for the Fiscal Year Ended June 30, 1923* (Washington, D.C.: U.S. Government Printing Office, 1923): 104–105; *Annual Report of the Director United States Veterans Bureau for the Fiscal Year Ended June 30, 1924* (Washington, D.C.: U.S. Government Printing Office, 1924): 509.

[17] F. Charles Starr, "The Design of Neuropsychiatric Hospitals for World War Veterans," *The Modern Hospital* 20, no. 5 (May 1923): 433.

[18] "Co-operation Is Pledge to New Hospital," *Scioto Gazette*, July 10, 1924, located in the archives, Chillicothe Veterans Affairs Medical Center, Chillicothe, Ohio.

[19] "Old Glory Flies Over Camp Hospital Dedicated Today," *Scioto Gazette*, July 9, 1924, located in the archives, Chillicothe Veterans Affairs Medical Center, Chillicothe, Ohio; *Veterans Administration, Serving Veterans for 50 Years, 1930–1980*, 5, located in the archives, Chillicothe Veterans Affairs Medical Center, Chillicothe, Ohio; *Annual Report of the Director United States Veterans Bureau for the Fiscal Year Ended June 30, 1924*, 47.

[20] *Veterans Administration, Serving Veterans for 50 Years, 1930–1980*, 5, located in the archives, Chillicothe Veterans Affairs Medical Center, Chillicothe, Ohio; *The Price of Freedom…A Brief History of the Chillicothe VA Medical Center*, n.p.

educational purposes (Resources 2 and 4); a tuberculosis cottage (Resources 3); disturbed patients (Resource 5); a continued treatment building (Resource 6); mess and kitchen building (Resource 7); a convalescent cottage (Resource 8); recreation building (Resource 9); male attendants' quarters (Resource 10); female attendants' quarters (Resource 11); staff assistant's quarters (Resources 12-14); staff quarters (Resources 15 and 16); quarters for the medical officer in charge (Resource 17); nurses' quarters (Resource 18); an electric sub-station (Resource 19); a boiler house (Resource 20); garage and shops (Resource 21); and a vocational building (Resource 22). The flag pole is indicated directly in front (east) of the original main building. The plot plan has the original main building, two re-educational buildings, the tuberculosis cottage, the disturbed patients building, continued treatment, the mess and kitchen building, and the convalescent cottage (Resources 1–8) oriented to a rectangular quadrangle that is encompassed by a drive. The quarters are oriented to the west, facing the patient buildings and aligned along the main drive through campus. The maintenance and utility buildings, located to the southeast, are removed from the groups of patient and quarters buildings. The plot plan appears to include sidewalks but no enclosed connectors between the buildings.[21] In addition to the buildings constructed expressly for the new hospital, at least four structures were transferred to the Veterans Bureau by the United States Army. These four buildings include: an engineering storage building dating to 1918 (Resource T-41); another storage building and a baling shed (Resources T-42 and 179, constructed in 1875); and the Mace House (Resource 60), a preexisting residence dating to the nineteenth century.[22]

The operation of a farm by the hospital served both as a therapeutic endeavor for patients and as a source for fresh produce, eggs, and meat for the facility. In 1925, the medical officer in charge informed the local press that hogs, sheep, dairy cattle, and poultry were raised on the property and that "over 14,000 gallons of food products" had been grown and processed for the hospital's consumption.[23]

Physical improvements were also made to the hospital's campus in 1925. These improvements included: filling in and landscaping ditches remaining from the property's use as an army camp; initiating an orchard of approximately 600 trees; building two corn cribs for the farming operation; and work on the road leading to the hospital and the creation of a drive to the garage.[24]

Buildings continued to be constructed on the property throughout the 1920s and 1930s. These buildings were designed by the Construction Division of the Veterans Bureau and later by the Construction Service of the VA. In 1929 an H-shape patient ward building (Resource 24) and the laundry (Resource 25) were built. In 1932, two additional H-buildings were constructed as patient wards (Resources 26 and 27) and two for attendants' quarters (Resources 28 and 29). In that year, the recreation building (Resource 9) was remodeled and the mess and kitchen building (Resource 7) was

[21] *Annual Report of the Director United States Veterans Bureau for the Fiscal Year Ended June 30, 1924*, 45; Starr, 435.

[22] *Veterans Administration, Serving Veterans for 50 Years, 1930–1980*, 4, located in the archives, Chillicothe Veterans Affairs Medical Center, Chillicothe, Ohio; United States Department of Veterans Affairs, files of the Engineering Service, Chillicothe Veterans Affairs Medical Center, Chillicothe, Ohio, "Record of Buildings" (Chillicothe, Ohio).

[23] *The Price of Freedom…A Brief History of the Chillicothe VA Medical Center*, n.p.; *Veterans Administration, Serving Veterans for 50 Years, 1930–1980*, 6, located in the archives, Chillicothe Veterans Affairs Medical Center, Chillicothe, Ohio.

[24] *The Price of Freedom…A Brief History of the Chillicothe VA Medical Center*, n.p.; *Veterans Administration, Serving Veterans for 50 Years, 1930–1980*, 5–6, located in the archives, Chillicothe Veterans Affairs Medical Center, Chillicothe, Ohio.

remodeled with an addition. Resource 30, an H-shape building for patient care, was constructed in 1930. Resources 24, 26, 27, and 30 are H-shape patient ward buildings forming half of a circular radius around a courtyard. Resource 31, also constructed in 1938, resembles the main buildings found at other Second Generation Veterans Hospitals dating from the late 1920s to 1950, with its massing, prominent facade entry, return wings, Colonial Revival and Classical Revival decorative elements, and its cupola. Resource 31 served as a new main building for the campus and continues to serve in that capacity.[25] In the late 1930s, the campus consisted of approximately 246 buildings and structures, including maintenance, utility, service, and storage buildings and agricultural structures.[26] The capacity of the hospital at the end of fiscal year 1938 was 944 beds.[27] By the fiscal year end of 1941, the hospital's capacity had increased to 1,522 beds. The pamphlet celebrating the fiftieth anniversary of the VA indicates the Chillicothe facility ranked fifth in capacity for neuropsychiatric hospitals created since the end of World War I by the VA and its predecessor agencies.[28]

The hospital continued to expand its facilities through the 1940s, with three H-buildings for patient care constructed in 1945 (Resources 210, 211, and 212).[29] The baseball stadium was dedicated as the Blue Star Mothers Memorial Stadium on May 1, 1955.[30]

Another major addition to the facility through the second half of the twentieth century was the therapeutic exercise clinic (Resource 247) completed in 1959. The building, costing $467,000, contains an indoor therapeutic pool and gymnasium.[31] The nine-hole, par 36 golf course opened in 1960. Both the baseball stadium and the golf course are currently leased by the hospital and operated by other organizations.[32] An addition to the laundry (Resource 25), costing more than $1.1 million, was completed in 1962.[33] Services were first held in the newly constructed chapel (Resource 252) in October 1962. Prior to its completion, religious services were held in the recreation building (Resource

[25] *Veterans Administration, Serving Veterans for 50 Years, 1930–1980*, 7, located in the archives, Chillicothe Veterans Affairs Medical Center, Chillicothe, Ohio; United States Department of Veterans Affairs, files of the Engineering Service, Chillicothe Veterans Affairs Medical Center, Chillicothe, Ohio, "Record of Buildings" (Chillicothe, Ohio).

[26] *Veterans Administration, Serving Veterans for 50 Years, 1930–1980*, 8, located in the archives, Chillicothe Veterans Affairs Medical Center, Chillicothe, Ohio.

[27] *Veterans Administration, Serving Veterans for 50 Years, 1930–1980*, 7, located in the archives, Chillicothe Veterans Affairs Medical Center, Chillicothe, Ohio; *Annual Report of the Administrator of Veterans Affairs for the Fiscal Year Ended June 30, 1938*, (Washington, D.C.: U.S. Government Printing Office, 1938), 111.

[28] *Annual Report of the Administrator of Veterans Affairs for the Fiscal Year Ended June 30, 1941*, (Washington, D.C.: U.S. Government Printing Office, 1942), 107; *Veterans Administration, Serving Veterans for 50 Years, 1930–1980*, 8, located in the archives, Chillicothe Veterans Affairs Medical Center, Chillicothe, Ohio.

[29] United States Department of Veterans Affairs, files of the Engineering Service, Chillicothe Veterans Affairs Medical Center, Chillicothe, Ohio, "Record of Buildings" (Chillicothe, Ohio).

[30] *Celebrating 75 Years Providing Healthcare for Heroes* (Chillicothe, OH: United States Department of Veterans Affairs Medical Center, Chillicothe, Ohio 1999), 5, located in the archives, Chillicothe Veterans Affairs Medical Center, Chillicothe, Ohio.

[31] "New Exercise Clinic Completed at Chillicothe VA Hospital," *Columbus Dispatch*, August 23, 1959, located in the archives, Chillicothe Veterans Affairs Medical Center, Chillicothe, Ohio.

[32] *Celebrating 75 Years Providing Healthcare for Heroes*, 5–6.

[33] "Addition Doubles Laundry Capacity at Veterans Administration Hospital," *Chillicothe Ohio Gazette*, February 26, 1962, located in the archives, Chillicothe Veterans Affairs Medical Center, Chillicothe, Ohio.

9, 1923).[34] The Chillicothe VA Hospital had a capacity of 2,080 beds in 1965, ranking it as the third largest VA neuropsychiatric hospital at the time.[35] The water treatment plant was completed in 1970.[36] A new boiler plant (Resource 259) was completed in 1970, powered by natural gas or oil, replacing the original coal fired plant. The new boiler plant was expected to cost more than $684,000.[37] Improvements in 1975 began to change the hospital from "an exclusively psychiatric institution to primarily a medical facility."[38] Along with these improvements were basement connectors for the buildings situated around the large circle (Resources 26, 27, and 30).[39] An outpatient clinic addition along the east elevation of the current main building (Resource 31, 1938) was in operation by 1999.[40]

[34] "New VA Chapel Will Seat 400," *Chillicothe Ohio Gazette*, February 25, 1963, located in the archives, Chillicothe Veterans Affairs Medical Center, Chillicothe, Ohio.
[35] *Celebrating 75 Years Providing Healthcare for Heroes*, 8.
[36] "Changes at Chillicothe VA Hospital," *Columbus Dispatch*, April 17, 1970, located in the archives, Chillicothe Veterans Affairs Medical Center, Chillicothe, Ohio.
[37] "Hospital to Get 2 New Plants," *Columbus Dispatch*, September 28, 1969, located in the archives, Chillicothe Veterans Affairs Medical Center, Chillicothe, Ohio; United States Department of Veterans Affairs, files of the Engineering Service, Chillicothe Veterans Affairs Medical Center, Chillicothe, Ohio, "Record of Buildings" (Chillicothe, Ohio).
[38] *Celebrating 75 Years Providing Healthcare for Heroes*, 9, located in the archives, Chillicothe Veterans Affairs Medical Center, Chillicothe, Ohio
[39] Ibid.
[40] Ibid, 13.

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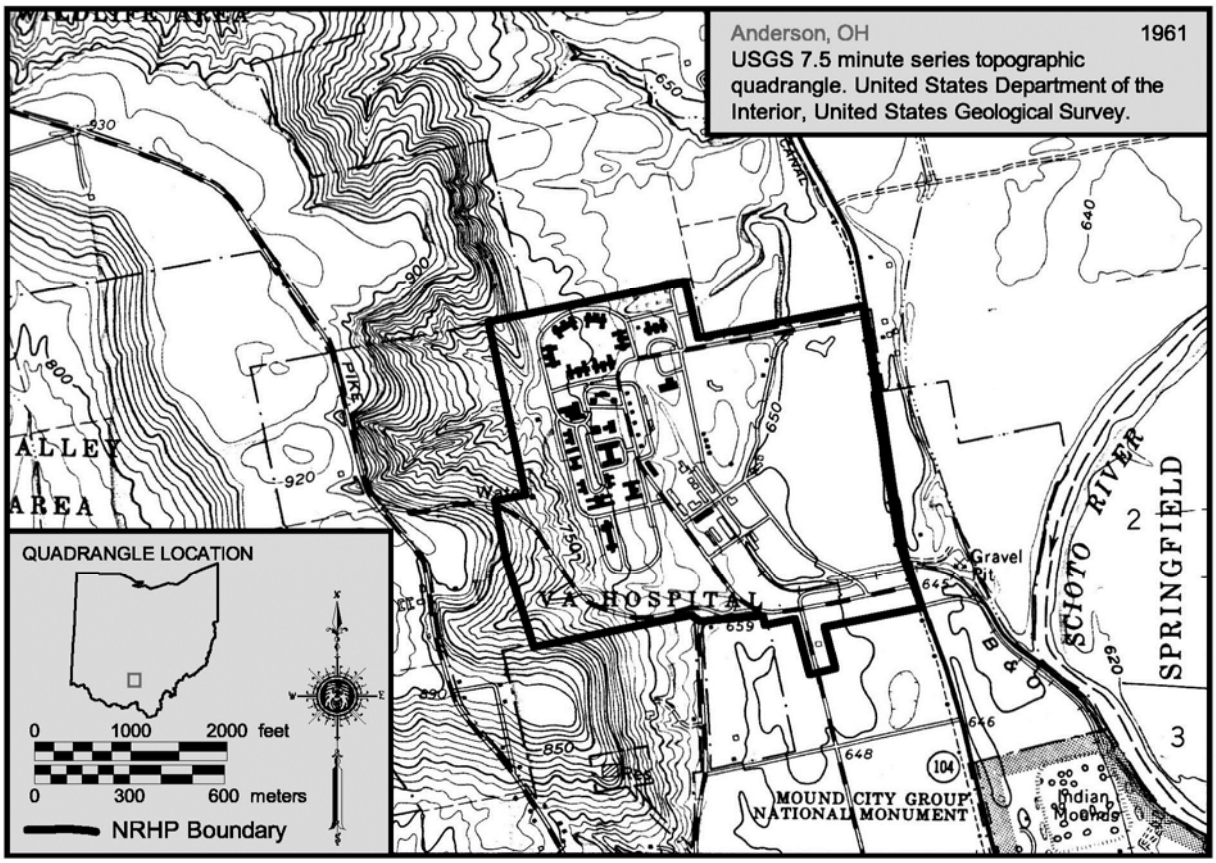
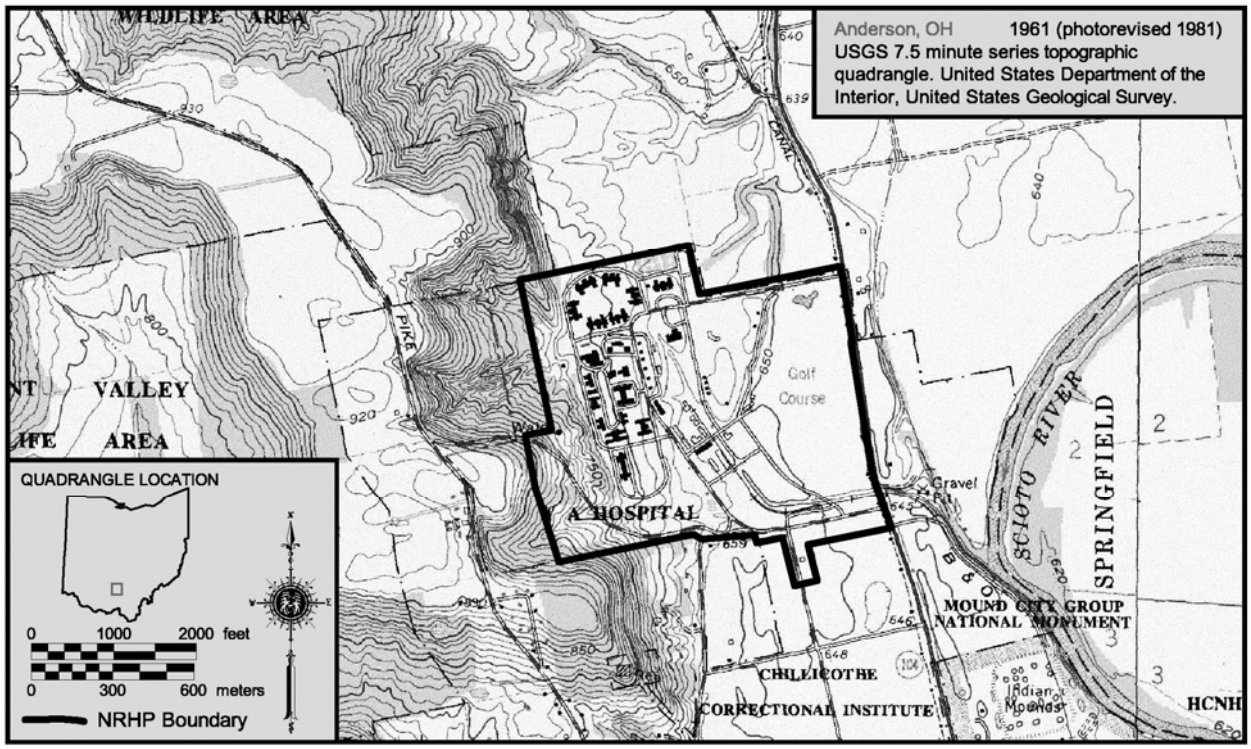
UTM References (Continued)

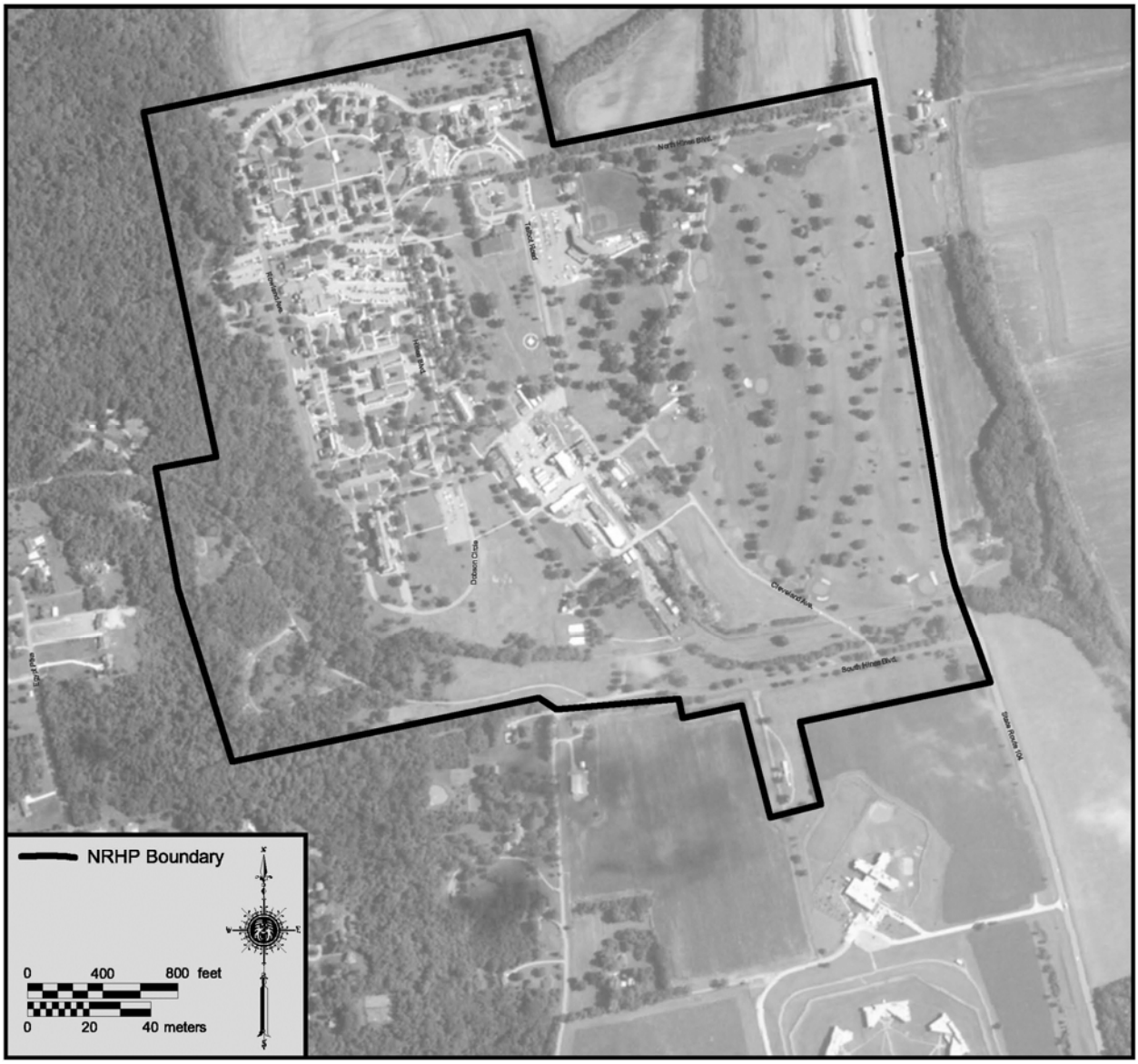
	Zone	Easting	Northing
5	17	326830.87	4360897.96
6	17	326520.95	4360839.59
7	17	326552.90	4360705.12
8	17	326470.24	4360685.63
9	17	326426.99	4360867.65
10	17	326126.66	4360866.07
11	17	326098.37	4360885.60
12	17	325599.70	4360790.05
13	17	325482.82	4361267.99
14	17	325581.96	4361284.70



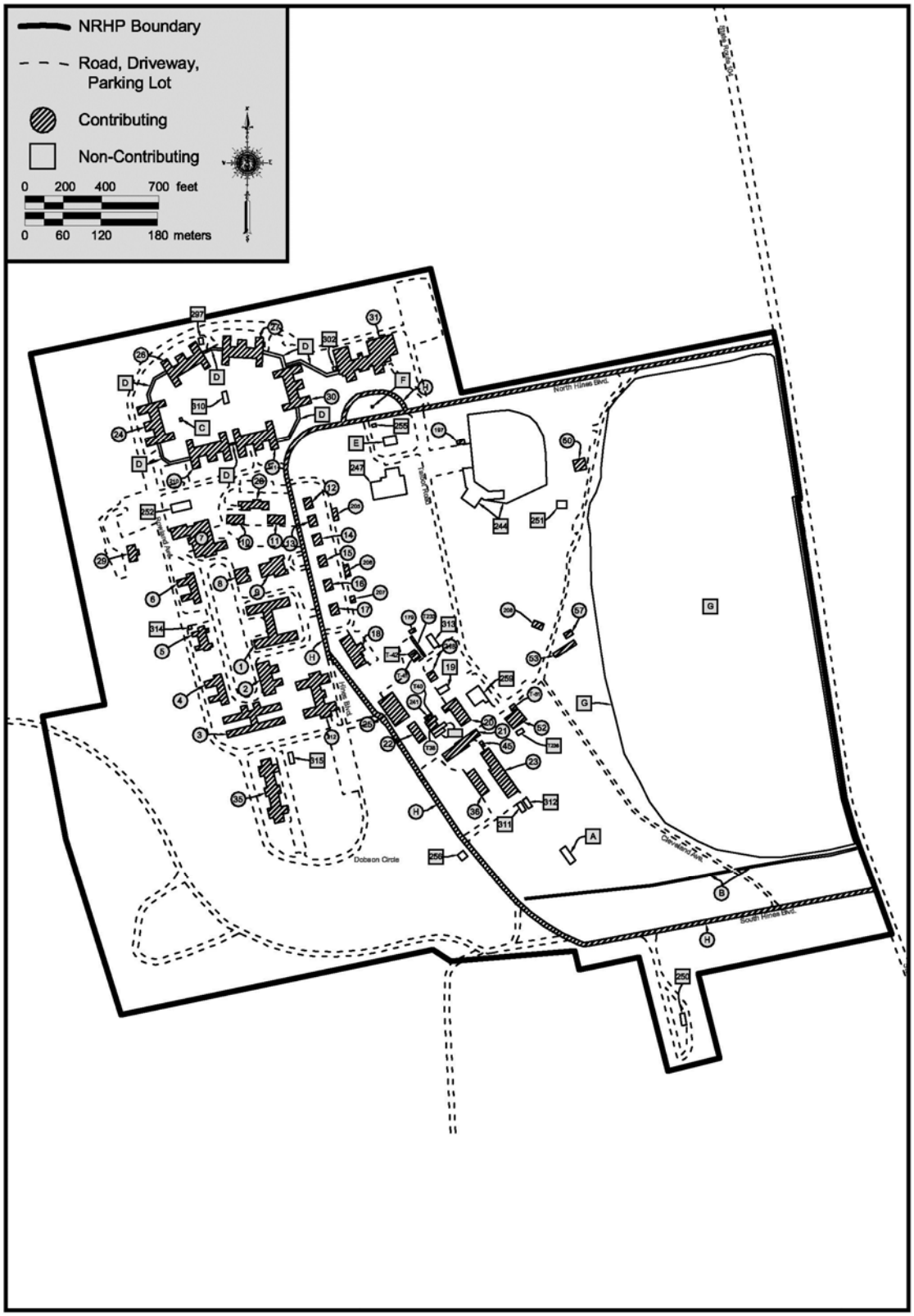
1961 Anderson, Ohio 7.5-minute topographic quadrangle map showing National Register boundary.



1961 (Photo revised 1981) Anderson, Ohio 7.5-minute topographic quadrangle map showing National Register boundary.



Overall National Register boundary indicated on an aerial map.



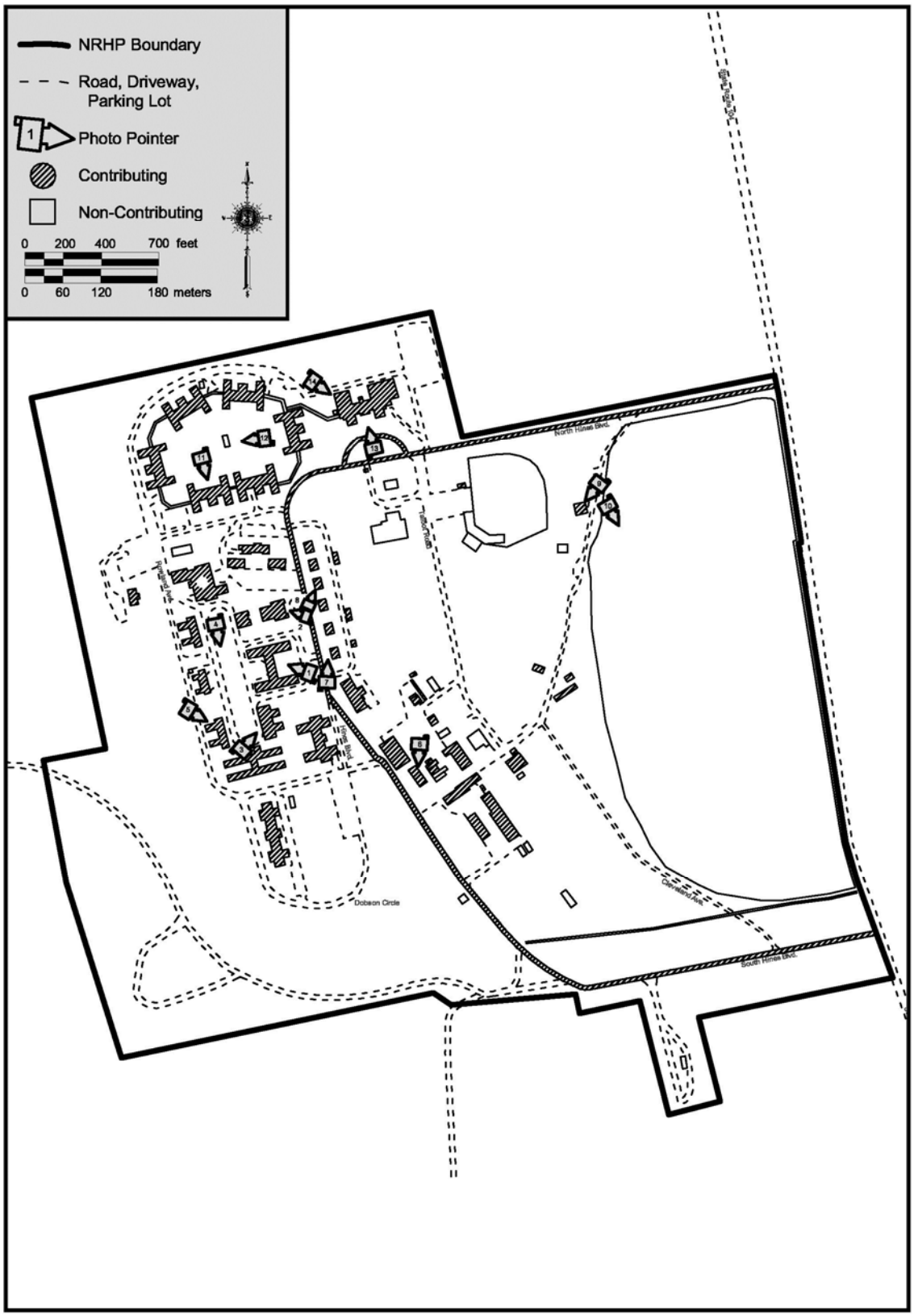
Overall National Register boundary, contributing and noncontributing resources indicated on a sketch map.

Overall National Register boundary, contributing and noncontributing resources indicated on a sketch map (oversize).

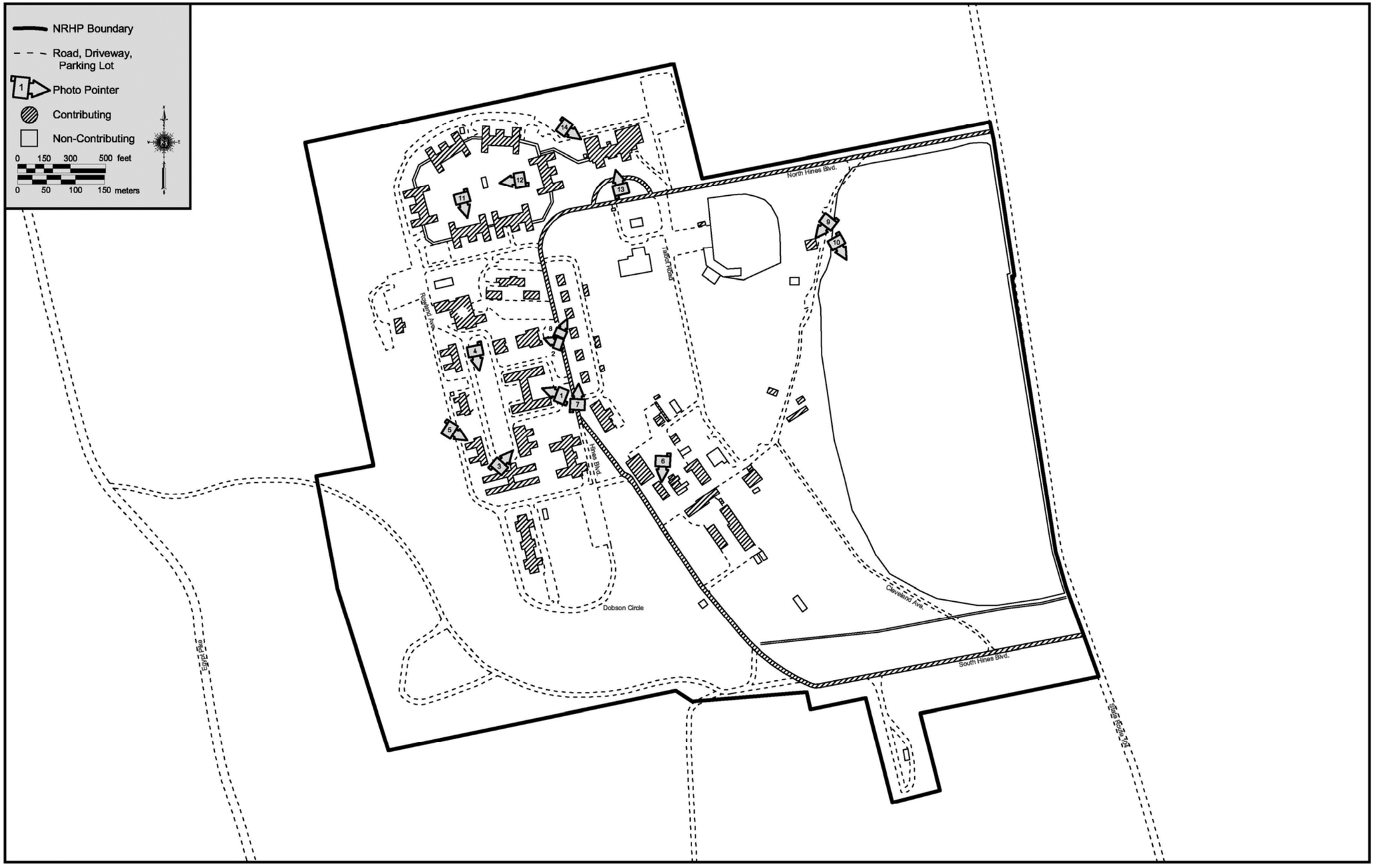
Photograph Continuation Sheet

Name of Property: Chillicothe Veterans Administration Hospital (same for all photos)
City, County, State: Chillicothe, Ross County, Ohio (same for all photos)
Photographer: Kathryne M. Joseph and Trent Spurlock (same for all photos)
Photo date: October 27–30, 2008 (same for all photos)
Original Negative: N/A (submitted compact disc, same for all photos)

1. Facade of Resource 1. View looking to northwest.
2. Facade of Resource 9. View looking to west-northwest.
3. Facade of Resource 2. View looking northeast.
4. View looking south-southeast to Resources 1, 3, 4, and 5.
5. Northwest and rear elevations of Resource 4. View looking southeast.
6. Facade and northwest elevations of Resource 22. View looking south.
7. View looking northeast to Resources 17, 16, and 15.
8. Facade and southeast elevations of Resource 14. View looking northeast.
9. Facade and north elevations of Resource 60. View looking southwest.
10. View looking southeast at the golf course from near Resource 60.
11. Facade of Resource 210. View looking south.
12. View of courtyard looking west to Resources 210, 24, and 26.
13. Facade of Resource 31. View looking north.
14. Rear and southwest elevations of Resource 31 and D. View looking southeast.



Map indicating locations of photographs corresponding to those of the Photograph Continuation Sheet.



Map indicating locations of photographs corresponding to those of the Photograph Continuation Sheet (oversize).

VAMC AUDITORIUM
9

2

Building
60
Mace House
Heritage Center

Appendix B

Programmatic Agreement for Revised 2008 Master Plan, with select appendices

PROGRAMMATIC AGREEMENT
AMONG THE DEPARTMENT OF VETERANS AFFAIRS, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, THE OHIO STATE HISTORIC PRESERVATION OFFICE, CAMP SHERMAN, INC., THE HOPEWELL CULTURE NATIONAL HISTORICAL PARK, VFW POST 108, AND THE ROSS COUNTY VETERANS COUNCIL
FOR IMPLEMENTATION OF THE REVISED 2008 MASTER PLAN
FOR THE VETERANS AFFAIRS MEDICAL CENTER, CHILLICOTHE, OHIO

WHEREAS in 2008 the Department of Veterans Affairs Medical Center at Chillicothe, Ohio (VAMC Chillicothe) prepared a master plan to achieve the following goals:

- Improve access to the North Circle facilities for patients, visitors, staff, and materials;
- Improve the quality of clinical care for Veterans, while increasing patient convenience and decreasing transportation costs;
- Augment the mission of the Department of Veterans Affairs by providing:
    - 100% private patient room for Medical Surgery
    - 70% private rooms for Domiciliary care
- Overcome the deficiencies and limitations to the adequate delivery of modern health care found in several individual buildings on the North Circle;

WHEREAS since 2008 VAMC Chillicothe determined that revisions to and variations from the master plan are necessary in order to achieve its goals in view of funding availability and other changing circumstances; and

WHEREAS the plan and its revisions as of the date of this agreement embrace the actions outlined in Appendix A, titled VA Chillicothe Medical Center, Campus Master Plan Study and dated January 2008, and Executive Summary, Implementation of the Chillicothe VAMC Revised Master Plan Statement of Actions, dated September 2014 (Revised Master Plan); and

WHEREAS VAMC Chillicothe proposes to implement the Revised Master Plan as outlined in Appendix A and summarized in Appendix B; and

WHEREAS VAMC Chillicothe has completed some of those projects outlined in Appendix B; and

WHEREAS the VAMC Chillicothe campus is historically significant for at least the following reasons:

- As a relatively intact example of "2nd generation" VA medical center architecture (National Register of Historic Places (NRHP) nomination 2011 [Appendix C]);
- As part of the site of Camp Sherman during World War I (NRHP nomination 2011 [Appendix C]);
- As the site of earlier farming and residential activity; and
- As the site of ancestral Native American occupation and possible earthwork construction; and

WHEREAS the National Park Service (NPS) listed Chillicothe VA Hospital Historic District (HD) in the NRHP on March 12, 2012; and

WHEREAS the VA Chillicothe campus golf course is under a long-term lease, is not under the control of VAMC Chillicothe, and is specifically not included as part of this Undertaking or agreement;

WHEREAS for the purposes of this Programmatic Agreement (PA) the VAMC Chillicothe campus is understood to comprise the following areas, as represented in the map comprising Appendix D:

- Main Hospital Building (Building 31)
- North Circle (Buildings 24, 26, 27, 30, 210, and 211)
- Taft and Griffith Circles (Buildings 1, 2, 3, 4, 5, 6, 7,8, 9, 10, 11, 28, and 212)
- Residences (Buildings 12-17)
- Dobson Circle (Building 35)
- Engineering/Greenhouse Area (Buildings 19,20, 21, 22, 23,25, 36, T-41, T-42, 52, 218, 259, T-233)
- Noncontributing Buildings and Structures (19, T-42, T-228, T-236, 244, 247, 250, 251, 252, 255, 256, 259, 297, 302, 310, 311, 312, 313, 314, 315, C, D, E, F, G)
- The pastoral landscape and campus setting, identified in the NRHP nomination as noncontributing to the HD's significance; and

WHEREAS the VA Office of Asset Enterprise Management has initiated an Enhanced-Use Lease (EUL) for specific targeted locations on the campus that is an independent Undertaking and separate from implementation of the Revised Master Plan, and this project has been reviewed independently per 36 CFR Part 800; and

WHEREAS the EUL developer has declined to reuse any extant building on the VAMC Chillicothe campus; and

WHEREAS VAMC Chillicothe invited the Advisory Council on Historic Preservation (ACHP); the Ohio State Preservation Office (SHPO); the Hopewell Culture National Historical Park (NPS-HCNHP); the Delaware Nation; the Delaware Tribe of Indians; the Absentee Shawnee Tribe of Indians of Oklahoma; the Eastern Shawnee Tribe of Oklahoma; the Miami Tribe of Oklahoma; the Ottawa Tribe of Oklahoma; the Seneca-Cayuga Tribe of Oklahoma; the Shawnee Tribe; the Wyandotte Nation of Oklahoma; Veterans In Transition, Inc.; Camp Sherman, Incorporated; the Ross County Board of Commissioners; Ross County, Ohio VSOs; Ross County Veterans Council; Ross County Historical Society; American Legion Posts 62 and 757; AMVETS Post 4; Veterans of Foreign Wars (VFW) Post 108; Native American Indian & Veterans Center, Inc.; and Adena Core; to participate in this consultation;

WHEREAS the ACHP, SHPO, Camp Sherman, Inc., NPS-HCNHP, VFW Post 108, the Ross County Veterans Council, Adena Core, and the Eastern Shawnee Tribe of Oklahoma elected to participate in consultation at some point (consulting parties);

WHEREAS VAMC Chillicothe, in consultation with consulting parties, has determined that implementation of the Revised Master Plan will have adverse effects on the Chillicothe VA Hospital Historic District; and

WHEREAS VAMC Chillicothe has consulted with the consulting parties to seek ways to resolve these adverse effects, in accordance with 36 CFR Part 800 implementing Section 106 of the National Historic Preservation Act (NHPA); and

WHEREAS at the direction of the ACHP, VAMC Chillicothe has determined that implementation of the Revised Master Plan, given its complex nature, should be the subject of a Programmatic Agreement under 36 CFR § 800.14(a)(3);

WHEREAS this agreement is subject to the Anti-Deficiency Act (31 U.S.C. Section 1341). VA's responsibilities under this agreement are contingent upon the availability of appropriated funds from which payment, if any, can be made. Should funds not be available to allow VA to meet is responsibilities, VA will defer its final decision(s) on implementing the undertaking until it has re-initiated consultation and complied with 36 CFR §§ 800.4 through 800.7 as applicable;

NOW, THEREFORE, it is mutually agreed that VAMC Chillicothe will implement the following measures to resolve such adverse effects of implementing the Revised Master Plan:

STIPULATIONS

I. General Provisions

a. In implementing the Revised Master Plan, and in future planning at VAMC Chillicothe, including any future Master Planning efforts, VAMC Chillicothe will adhere to the following principles insofar as they are consistent with the overall VAMC mission:
    1. Identify, recognize, and seek to preserve those aspects of the campus' architecture and design that symbolize its mission and history and that honor the service of Veterans;
    2. Recognize that the pastoral landscape, campus setting, and spacing of the buildings are integral historic elements of the facility;
    3. Preserve the visual and architectural character of the North Circle and Griffith Circle;
    4. When VA determines it is practical to do so, ensure that new construction is consistent with the Secretary of Interior's *Standards for Rehabilitation,* is designed to harmonize with the existing architecture, and preserve the visual character of the front of Building 31, the North Circle and Griffith Circle, while meeting the health care needs of Veterans and their families;
    5. Strive to make the campus more friendly to pedestrians and the disabled, including enhancing parking facilities;
    6. Strive to memorialize Veterans and their service to the nation;
    7. Preserve the health of the existing tree cover;
    8. Cooperate with other agencies and historically oriented non-profit organizations, including, but not limited to, the National Park Service and Camp Sherman, Inc., in preserving and interpreting the area's history; and
    9. Shall seek to engage Native American tribes having ancestral ties to the area in preserving and interpreting their history and culture.

b. VAMC Chillicothe will develop and implement a succinct preservation plan providing practical guidance for implementing the preservation principles in Stipulation I.a.
    1. VAMC Chillicothe will take into consideration the comments made by all Consulting Parties during the development of this Programmatic Agreement in drafting the preservation plan.
    2. In drafting this preservation plan, VAMC Chillicothe will use the draft Recommended Guidelines for the Content and Structure of Historic Preservation Plans For Veterans Affairs Medical Centers, National Cemeteries, and Other Department of Veterans Affairs

Facilities that currently is being developed by the VA Historic Preservation Office (Appendix E).

3. VAMC Chillicothe will develop this plan within six months of execution of this PA.
4. VAMC Chillicothe will provide 30 days for the SHPO to review and comment on the draft historic preservation plan. VAMC Chillicothe will consider these comments prior to finalizing the document.
5. VAMC Chillicothe will post the final document on the VAMC Chillicothe website.
6. VAMC Chillicothe will establish internal procedures to ensure that the finalized preservation plan is used in planning and implementing any future planning, Major and Minor projects, non-recurring and routine maintenance, and other activities having the potential to affect the campus and its historic properties.

c. Prior to demolishing, mothballing, or significantly altering any building or structure identified as contributing to the historic district, VAMC Chillicothe will ensure that it is documented in accordance with Appendix F.
d. VAMC Chillicothe will consult with SHPO, ACHP, or other Consulting Parties regarding renovations only of those interior spaces listed below, all others having lost architectural integrity:
    - the lobby of Building 31,
    - the auditorium in Building 9,
    - the whole of the Mace House.

    VAMC Chillicothe may alter any other interior space on the campus so long as the renovation is in keeping with VA's overall mission to provide healthcare to Veterans and does not impede the viewshed of campus contributing elements.
e. VAMC Chillicothe may alter or replace any windows on campus buildings that have been replaced in past projects, so long as the replacements are similar to the original historic windows in design, and where possible, materials. VAMC Chillicothe will include a summary of window replacements in the annual reports described in Stipulation XV.e.

II. Main Hospital Building (Building 31)

a. VAMC Chillicothe will continue to modernize the main hospital building by adding clinical space, adding to the Nuclear Medicine and Radiology departments; expanding facilities for surgery, endoscopy, cardiology, and acute inpatient treatment; adding new mental health and primary care units, and other modifications as needed.
b. These renovations must be driven by modern hospital functions, but, as noted above in Stipulation I.a, VAMC Chillicothe will ensure that any additions to the building exterior are made to the rear side of Building 31 in order to preserve the flagpole area and the front of the main hospital building.
c. VAMC Chillicothe will preserve the significance of the flagpole area in front of Building 31 in accordance with the principles outlined in Stipulation I.a.

III. North Circle (Including Buildings 24, 26, 27, 30, 210, and 211)

a. VAMC Chillicothe will preserve the North Circle parade ground to the extent feasible but may modernize the buildings it includes.
    1. VAMC Chillicothe will ensure that renovations and/or additions match the character of the extant historic architecture of buildings around the North Circle wherever possible, and will use either matching materials or materials similar in appearance.

2. VAMC Chillicothe will strive to preserve the North Circle parade ground, a contributing element to the historic campus; however, an emergency access fire lane will be created along the outside of the parade ground along the alignment of existing pathways.

IV. Taft and Griffith Circles (Including Buildings 1, 2, 3, 4, 5, 6, 7,8, 9, 10, 11, and 28)

a. VAMC Chillicothe will preserve the visual and architectural integrity of Griffith Circle by implementing measures including but not limited to:
    1. Ensuring that rehabilitation of existing buildings on Griffith Circle is consistent with the Secretary of the Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* (36 CFR 67);
    2. Seeking to secure funding to maintain buildings along Griffith Circle that are not in use, except for Buildings 2 and 6.
        (a) If this funding is received, securing the exterior envelopes of these buildings, following either National Park Service standards for mothballing (NPS Preservation Brief 31) or comparable procedures for securing buildings during periods of disuse.
        (b) Informing the SHPO if buildings on Taft and Griffith Circle are projected to be vacant longer than 12 months or if 12 months have passed without use of such a building.
    3. Notwithstanding the above, VAMC Chillicothe may demolish Buildings 2 and 6 with no further review under Section 106 of the National Historic Preservation Act.

b. VAMC Chillicothe may demolish Buildings 10, 11, and 28 to construct new surface parking construction in the vicinity. VAMC Chillicothe will seek to minimize any potential adverse effects of new construction on Griffith Circle and the parade ground by:
    1. Carrying out new construction of parking lots in the vicinity of Buildings 10, 11, and 28 in in accordance with the Principles outlined in Stipulation I.a, with the aim of ensuring that the size, scale, massing, and materials are in keeping with the Preservation Principles delineated in Stipulation 1.a, and the overall historic character of the campus.
    2. Ensuring that parking lot elements, such as curbs, lighting, paving, and landscape elements are consistent with the campus as a whole and with the Preservation Principles outlined in Stipulation I.a.

V. Residences (Buildings 12-17)

a. Prior to changing the uses of Buildings 12-17 (Residences) or demolishing any of these buildings, VAMC Chillicothe will:
    1. Explore options for adaptive use, in consultation with the other parties to this PA and the VA Office of Asset Enterprise Management. Adaptive use must be consistent with the mission of the VAMC, and may include but is not limited to:
        - Use by private developer identified locally or by the VA Office of Asset Enterprise Management;
        - Leasing under Section 111 of NHPA;
        - Use by NPS, local Veterans Service Organizations, and/or Camp Sherman, Inc.; and/or
        - Use as non-residences in support of the VAMC Chillicothe including but not limited to a department or support services, museum, genealogy center, or other repository for historical materials.
    2. VAMC Chillicothe may seek avenues for adaptive reuse by means including, but not limited to, newspaper advertisements; public meetings and/or notices; social media;

letters to Consulting Parties and/or business interests in the local community; and, speaking to local educational institutions.

3. VAMC Chillicothe will provide documentation of these and previous efforts to find adaptive uses for the Residences to all Consulting Parties in the annual reports described in Stipulation XV.e.

b. Should such exploration not produce a feasible alternative use that is in keeping with the VAMC's mission for one or all Residences within 24 months after the initiation of such exploration, VAMC Chillicothe may demolish such Residence(s). In preparing for such demolition, VAMC Chillicothe will:
    1. Notify the Consulting Parties by email and SHPO by paper mail;
    2. Allow Consulting Parties 30 days to respond to its notification;
    3. Take into account all suggestions regarding the intent to demolish; and
    4. Document the building(s) to be demolished in accordance with Appendix F.
    5. While VA seeks funding for such demolitions, it will continue to consider, though not actively seek, offers for alternative uses.

VI. Engineering/Greenhouse Area (Buildings 19,20, 21, 22, 23, 25, 36, T-38, T-40, T-41, T-42, T-51, 52, 218, 259, T-233)

VAMC Chillicothe may demolish, modify, and replace buildings in the Engineering/Greenhouse Area without further review by the other parties to this PA, provided VAMC ensures that the Preservation Principles outlined in Stipulation I.a., the standards outlined in Appendix F, and the procedures outlined in Stipulation VIII (buried resources) are followed.

VII. History-Based Enhancements

a. In coordination with local groups such as Camp Sherman, Inc., Veterans Service Organizations, area historical societies, and local educational institutions, and with consideration to funding availabilities, VAMC Chillicothe will develop a program to memorialize the service of Veterans and the role of the VAMC Chillicothe campus in American history. This program may include, but is not limited to:
    1. Historic, cartographic, and photographic materials documenting both Camp Sherman and the construction of the VAMC campus.
    2. Oral history interviews, digitization of service records, and genealogical investigations.
    3. Archeological investigations and photo documentation.
    4. A website, and/or making materials available for posting on the VAMC Chillicothe Facebook page or in other social media. If selected as part of the enhancement program, this site will be active within 18 months of the first annual report.
    5. Notifying patients of the program at least annually.
    6. At least one public display for placement in the primary lobby of Buildings 9, 60, 211, or 252. This display will be installed by November 11, 2016.
    7. Publicizing the program in campus celebrations and public spaces. At a minimum, this will occur each November.

b. VAMC Chillicothe will outline the program in a letter to all Consulting Parties within six months of execution of this agreement. VAMC Chillicothe will invite comments from all Consulting Parties on the outline for a period not to exceed 30 days following distribution. VAMC Chillicothe will consider these comments prior to finalizing the outline. VAMC Chillicothe will update the outline and note progress made toward stipulation fulfillment in the first progress report to Consulting Parties as described in Stipulation XV.e, following execution of this PA. This

outline will include a schedule and points of contact for implementation of the program. Thereafter, VAMC Chillicothe will report program actions in each subsequent progress report.

c. VAMC Chillicothe will not demolish the Residences until the size, scope, and schedule for the program outline described in Stipulation VII has been reported to Consulting Parties and accepted by the VA FPO. VAMC Chillicothe will not reuse numeric campus designations of buildings that have been demolished.
d. VAMC Chillicothe will continue to design and construct pedestrian walkways to encourage appreciation for the historic pedestrian nature of the campus.

VIII. Buried Resources

a. VAMC Chillicothe will undertake a complete study of the VAMC Chillicothe campus greenspace that has not previously been archeologically surveyed to identify the presence or absence of buried historic resources, including but not limited to Native American earthworks, residential and burial sites, any remnants of Camp Sherman, and any remnants of earlier occupation and use of the land.
    1. Greenspace is understood to mean land that is not in use or covered by buildings or structures. The golf course, as noted above, is not under the control of VAMC Chillicothe, and is not subject to this stipulation.
    2. VAMC Chillicothe will notify all Consulting Parties and the Delaware Nation, who have requested notification of fieldwork, of archeological investigations at least three weeks prior to the initiation of fieldwork. This notification may occur by conference call, email, or paper mail.
    3. VAMC Chillicothe will initiate this study following execution of the PA and complete this study within five (5) years of execution of this PA.
b. VAMC Chillicothe will forward draft copies of the survey plans to all Consulting Parties for comment prior to fieldwork. VAMC Chillicothe will take comments from Consulting Parties for 30 days. VAMC Chillicothe will take into account all timely comments prior to finalizing the study. This study will include some combination of but not limited to the following elements:
    - Light Detection and Ranging (LIDAR)
    - Magnetometry
    - Other remote sensing
    - Field inspection in cooperation with Camp Sherman Inc. and interested veterans
    - Field investigations, including pedestrian survey and shovel testing
    - Preparation of appropriate reports.
c. VAMC Chillicothe will invite interested Consulting Parties to participate in field investigations to the extent feasible.
    1. Participants will be supervised by persons who meet the Secretary of the Interior's Professional Qualification Standards for Archaeology (http://www.cr.nps.gov/local-law/Prof_Qual_83.htm).
    2. VAMC Chillicothe will use interested Consulting Parties in field inspections and laboratory processes to the extent feasible, however, VAMC Chillicothe may proceed with field investigations without Consulting Party participation.
d. Recovered artifacts will be curated or repatriated.
    1. VAMC Chillicothe will comply with the Native American Graves Protection and Repatriation Act (NAGPRA) and its implementing regulations (43 CFR 10) or with a Plan

of Action developed by VAMC Chillicothe in consultation with the Eastern Shawnee Tribe of Oklahoma in accordance with 43 CFR 10.3(c).

2. VAMC Chillicothe will retain archaeological resources as defined in the Archaeological Resources Protection Act (ARPA) in federal ownership unless they are repatriated in accordance with paragraph 1 above, and will ensure that they are curated in accordance with 36 CFR Part 79.
3. Items associated with Camp Sherman will remain the property of VA and the Chillicothe VAMC; however, VAMC Chillicothe may loan such items to local educational and research organizations, including but not limited to Camp Sherman, Inc.

e. Following execution of this PA and until such study is complete, VAMC Chillicothe will undertake site-specific studies of any VAMC Chillicothe projects where ground disturbance is proposed. VAMC Chillicothe will ensure that such site-specific studies are consistent with research designs and scopes of work developed in accordance with Stipulation VIII.a.

f. If any buried historic resources will be disturbed by VAMC Chillicothe activities or the activities of any lessor or other party that has an agreement with VAMC Chillicothe to use the lands of VAMC Chillicothe, then in consultation with the parties to this agreement and subject to Stipulation XIV of this PA, VAMC Chillicothe will determine the appropriate treatment of such resources, in accordance with the requirements of Section 110(b) of the National Historic Preservation Act, the Archaeological and Historic Preservation Act (AHPA), and NAGPRA, and implement such treatment prior to and/or in coordination with such VAMC Chillicothe activities.

g. VAMC Chillicothe will draft results of fieldwork completed under this stipulation for publication, and will distribute the draft of this publication of the archeological survey within six (6) months of the end of all fieldwork. VAMC Chillicothe will accept comments on this publication for thirty (30) days from the date of distribution. If comments are received, VAMC Chillicothe will take them into consideration before finalizing this publication. VAMC Chillicothe will publish the results of archeological investigations within three (3) months of the end the comment period, while maintaining the confidential nature of site location.
    1. This publication may be in the local newspaper, www.chillicothe.va.gov, social media, Ohio Archaeology Month, or other means.
    2. SHPO will cooperate with VAMC Chillicothe in publishing archeological updates by jointly submitting manuscripts and information for posting on the Ohio Archaeological Council's digital journal, for use in preparing the Ohio Archaeological Month poster, recommending papers for presentation at the Ohio Archaeological Council meetings, or other practical measures that are reasonably within SHPO's capabilities.

IX. TREATMENT OF HUMAN REMAINS

a. If human remains are uncovered in the course of construction, landscaping, maintenance or other activities, VAMC Chillicothe will stop work immediately within 100 feet of the discovery.

b. VAMC Chillicothe will require that the ACHP's 2007 "Policy Statement Regarding Burial Sites, Human Remains, and Funerary Objects" or any subsequent Policy Statements that are issued after the execution of this PA are considered, and will comply with the relevant requirements of NAGPRA if the human remains appear to be Native American.

c. If human remains are uncovered and are determined to be non-Native American, VAMC Chillicothe generally will follow the procedures outlined in the Ohio State Historic Preservation Office's *Policy Statement on Treatment of Human Remains*. The local law enforcement officials will assess the nature and age of the human remains. If the coroner determines that the human remains are older than 50 years of age and are not a crime scene, the VAMC Chillicothe will

ensure that the notice of the discovery required by Ohio State Historic Preservation Office's *Policy Statement on Treatment of Human Remains* is given to the SHPO by contacting the Archaeological Reviews Manager at 614-298-2000 within 72 hours of the determination. Following the notification, VA will coordinate with SHPO to administer the remainder of the requirements of the law including but not limited to permits for excavation and disposition of the human remains.

X. PERSONNEL AND CONTRACTOR TRAINING

a. VAMC Chillicothe will ensure that key Engineering personnel including but not limited to the Chief Engineer and the Assistant Chief Engineer complete Section 106 training administered by the VA Federal Preservation Office, the SHPO, or the ACHP.
b. VAMC Chillicothe will develop a brief training program for contractors and lessees about the historic significance of the campus and the potential for buried resources at the campus.
    1. This training program will include:
        - Understanding and applying the principles set forth in Stipulation I.a;
        - Application of the Secretary of the Interior's *Guidelines and Standards for the Treatment of Historic Properties*;
        - Responsibilities for the identification and treatment of buried resources;
        - Responsibilities under the preservation plan and under the NHPA.
c. Once the program has been finalized, VAMC Chillicothe will ensure that all contractors and lessees participate in the training program prior to initiation of construction or ground disturbance. Following finalization of the training program, VAMC Chillicothe will conduct training for all contractors already at work on campus.
d. VAMC Chillicothe will include language as needed in job descriptions and contracts, delineating staff and contractor obligations on the following topics: the historical significance of the buildings, structures, and landscape elements of the campus; the presence of known archeological sites and the potential for additional sites; the types of archeological resources likely to be present on campus; and, the process to notify VAMC Chillicothe Engineering staff if historic resources are encountered unexpectedly.
e. Training conducted for contractors, personnel, and lessees will be reported in the annual progress report noted in Stipulation XV.e.

XI. FUTURE PLANNING

a. VAMC Chillicothe will invite the SHPO and all other Consulting Parties to this agreement to participate in future Master Planning processes at the campus; this future Master Planning may commence as soon as 2015.
    1. VAMC will ensure that future planning is guided by the principles outlined in Stipulation I.a and be consistent with the provisions of this PA, unless amended.
b. During VAMC's annual identification of needs/project requests for submission to Veterans Integrated Service Network 10 (VISN 10), VAMC Chillicothe will make available to Consulting Parties a preliminary list of such projects, and will take Consulting Party comments into account in finalizing its list of projects for submission to VISN 10.
    1. VAMC Chillicothe will provide a copy of the preliminary list to SHPO by paper mail.
c. Following the annual submission of projects needing funding to VISN 10, and prior to the submission of requests for funding to the United States Congress, VAMC Chillicothe will either

carry out the relevant requirements of this Programmatic Agreement or of 36 CFR 800 § 800.3 through 800.8, as applicable.

XII. POST-REVIEW DISCOVERIES

a. If possible historic properties are discovered or unanticipated effects on historic properties are found during construction, maintenance, landscaping or other activities, VAMC Chillicothe will follow the requirements of 36 CFR § 800.13 and, as applicable, NAGPRA.

XIII. DISPUTE RESOLUTION

a. Should any party to this PA object to the implementation of the provisions of this PA, it will notify in writing the VAMC Chillicothe, which will seek to resolve such objection through consultation.
b. If the dispute cannot be resolved through consultation within 60 days, the Parties will forward all documentation relevant to the dispute to the ACHP, including any proposed resolution identified during consultation. Within 30 days after receipt of all pertinent documentation, the ACHP may:
    1. Provide VAMC Chillicothe with recommendations to take into account in reaching a final decision regarding the dispute; or
    2. Notify VAMC Chillicothe that it will comment pursuant to 36 CFR §800.7(c) with reference to the subject of the dispute.
c. If the ACHP does not provide VAMC Chillicothe with recommendations within 30 days, VAMC Chillicothe may assume that the ACHP does not object to its recommended approach and will proceed accordingly.
d. Any recommendation provided by ACHP will pertain only to the subject of the dispute. The responsibilities of VAMC Chillicothe to fulfill all actions that are not subject of the dispute will remain unchanged.
e. Any dispute regarding NRHP eligibility that is not resolved pursuant to this stipulation will be resolved in accordance with 36 CFR §800.4(c)(2).

XIV. RESOLUTION OF OBJECTIONS BY THE PUBLIC

a. At any time during the implementation of this PA, should a member of the public raise an objection pertaining to any measure or its implementation, the VAMC Chillicothe will notify the parties of this PA and take the objection into account, consulting with the objector and, should the objector so request, with any of the parties to this PA to resolve the objection.
b. VAMC Chillicothe will notify SHPO by paper mail.

XV. ADMINISTRATION AND DURATION OF THIS PA

a. The Signatory and Consulting Parties will send and accept receipt of official notices, comments, requests for further information and documentation, and other communications as required by this PA by email unless otherwise noted in this PA.
b. Time designations shall be in calendar days. VAMC Chillicothe may proceed with its schedule if comments not received within the specified timeframes.
c. The VAMC Chillicothe Director shall designate a VAMC Chillicothe personnel position to serve as a Point of Contact for implementation of this Programmatic Agreement (POC). This person shall also serve as the Point of Contact for SHPO consultation. Contact information for this individual will be provided by email to the Consulting Parties and SHPO within 30 days of the execution of this PA and updated with every progress report as described in Stipulation XV.e.

d. This PA will become effective immediately upon signature by all Signatory Parties. A copy of the executed PA will be provided to all Signatory Parties and Consulting Parties.
e. VAMC Chillicothe shall provide progress reports to all Consulting Parties which will be submitted six months after this agreement is executed, then every 12 months from the date of execution of this PA. These reports will include a relative schedule of mitigation measures and updates on such subjects as locating adaptive reuses or lessees for Buildings 12-17; design decisions regarding the additions to buildings on the North Circle; planning decisions for parking areas; development of the preservation plan; development of programs to memorialize the history of the campus; progress of archeological investigations; and training for contractors, lessees, and new personnel; scheduling changes; and any comments and/or dispute resolutions.
    1. VAMC Chillicothe will submit the progress report by paper mail to SHPO.
    2. VAMC Chillicothe will contact SHPO within 30 days of the date the progress report is postmarked to discuss stipulation fulfillment.
f. VAMC Chillicothe will host a meeting between August 1 and August 15, 2016, to discuss implementation of the stipulations of this Programmatic Agreement. VAMC Chillicothe will invite all parties to the agreement to discuss the progress made to date. This meeting will not replace the need for a written annual report as described in XV.e. The Consulting Parties will decide at this meeting if future live meetings are necessary for implementation of the agreement.
g. This PA will remain in effect for 5 years from the date of execution, unless extended by written agreement negotiated by all Signatories. VAMC will consult with all Signatories 60 days before this agreement expires to discuss if an extension of the document is needed. Notice of Extension will be provided to all Consulting Parties.

XVI. AMENDMENT AND TERMINATION

a. Any of the Consulting Parties to this PA may request an amendment. The PA may be amended when such an amendment is agreed to in writing by all Signatory Parties. The amendment shall become effective immediately upon signature by all Signatory Parties and may be executed in counterparts. A copy of the amended PA will be provided to all Signatory and Consulting Parties.
b. The Signatory Parties may terminate the PA by providing a 30-day written notice to the other Signatory Parties provided that the parties consult during this 30 day time frame and seek amendments or other actions to prevent termination. Should consultation fail, the Signatory requesting the termination will notify the other Signatories in writing of the termination within 14 days of termination. Termination of the PA will require VAMC Chillicothe to comply with the regulations as defined by 36 CFR Part 800. This PA may be terminated without further consultation by the execution of a subsequent agreement that explicitly terminates or supersedes this PA.

Execution and Implementation of this PA evidences that VAMC Chillicothe has afforded ACHP a reasonable opportunity to comment on the Undertaking and its effects on historic properties, that VAMC Chillicothe has taken into account the effects of the Undertaking on historic properties, and, therefore that VAMC Chillicothe has satisfied its responsibilities under Section 106 of the National Historic Preservation Act of 1966, as amended, and applicable implementing regulations.

Appendices to this Programmatic Agreement:
A: Campus Master Plan Study
B: Revised Executive Summary

C: NRHP Nomination
D: Campus Areas Map
E: Draft VA Historic Preservation Plan Guidance
F: Documentation Standards

PROGRAMMATIC AGREEMENT
IMPLEMENTATION OF THE REVISED 2008 MASTER PLAN CHANGES OF THE VETERANS AFFAIRS MEDICAL CENTER CHILLICOTHE, OHIO

Signatory:

Advisory Council on Historic Preservation

for _____ Date: 8/24/15
John Fowler, Executive Director

PROGRAMMATIC AGREEMENT
IMPLEMENTATION OF THE REVISED 2008 MASTER PLAN CHANGES OF THE VETERANS AFFAIRS MEDICAL CENTER CHILLICOTHE, OHIO

Signatory:

U.S. Department of Veterans Affairs, Chillicothe VA Medical Center

Wendy J. Hepker, FACHE
Director

Date: 8/14/15

PROGRAMMATIC AGREEMENT
IMPLEMENTATION OF THE REVISED 2008 MASTER PLAN CHANGES OF THE VETERANS AFFAIRS MEDICAL CENTER CHILLICOTHE, OHIO

Signatory:

Ohio State Historic Preservation Officer

_____ Date: 8/21/15

Mark Epstein,
Deputy State Historic Preservation Officer
for Resource Protection and Review

PROGRAMMATIC AGREEMENT
IMPLEMENTATION OF THE REVISED 2008 MASTER PLAN CHANGES OF THE VETERANS AFFAIRS MEDICAL CENTER CHILLICOTHE, OHIO

Signatory:

Advisory Council on Historic Preservation

for _____ Date: 8/24/15
John Fowler, Executive Director

PROGRAMMATIC AGREEMENT
IMPLEMENTATION OF THE REVISED 2008 MASTER PLAN CHANGES OF THE VETERANS AFFAIRS MEDICAL CENTER CHILLICOTHE, OHIO

Concurring Party:

Hopewell Culture National Historical Park (NPS)

Dean K Alexander _____ Date: 8/19/15
Dean Alexander, Superintendent

FINAL

PROGRAMMATIC AGREEMENT
IMPLEMENTATION OF THE REVISED 2008 MASTER PLAN CHANGES OF THE VETERANS AFFAIRS MEDICAL CENTER CHILLICOTHE, OHIO

Concurring Party:

Veterans of Foreign Wars Post 108

Robert Leach _____ Date: Sep 10, 2015
Robert Leach, Post Commander

PROGRAMMATIC AGREEMENT
IMPLEMENTATION OF THE REVISED 2008 MASTER PLAN CHANGES OF THE VETERANS AFFAIRS MEDICAL CENTER CHILLICOTHE, OHIO

Concurring Party:

Camp Sherman, Inc.

_____ Date:_____
John Doerres, President

PROGRAMMATIC AGREEMENT
IMPLEMENTATION OF THE REVISED 2008 MASTER PLAN CHANGES OF THE VETERANS AFFAIRS MEDICAL CENTER CHILLICOTHE, OHIO

Concurring Party:

Ross County Veterans Council

_____ Date:_____
Neil Miller, Vice President

PROGRAMMATIC AGREEMENT
IMPLEMENTATION OF THE REVISED 2008 MASTER PLAN CHANGES OF THE VETERANS AFFAIRS MEDICAL CENTER CHILLICOTHE, OHIO

Concurring Party:

Veterans in Transition, Inc.

_____ Date:_____
Ray Pryor

PROGRAMMATIC AGREEMENT
IMPLEMENTATION OF THE REVISED 2008 MASTER PLAN CHANGES OF THE VETERANS AFFAIRS MEDICAL CENTER CHILLICOTHE, OHIO

Concurring Party:

Eastern Shawnee Tribe of Oklahoma

_____ Date:_____
Glenna Wallace, Chief

PROGRAMMATIC AGREEMENT
IMPLEMENTATION OF THE REVISED 2008 MASTER PLAN CHANGES OF THE VETERANS AFFAIRS MEDICAL CENTER CHILLICOTHE, OHIO

Concurring Party:

Delaware Nation

_____ Date:_____
Kerry Holton, President

PROGRAMMATIC AGREEMENT
IMPLEMENTATION OF THE REVISED 2008 MASTER PLAN CHANGES OF THE VETERANS AFFAIRS MEDICAL CENTER CHILLICOTHE, OHIO

Concurring Party:

Adena Core

_____ Date:_____
Geoffrey Sea

Appendix C

List of Potential Consulting Parties and/or Tribes

Title	First Name	Last Name	E-mail Address	Business Phone	Organization	Job Title	Address	City	State	ZIP	Web Page	Attachments	Notes
The Honorable	George	Blanchard	gblanchard@astribe.com		Absentee Shawnee Tribe of Indians of Oklahoma	Governor	2025 South Gordon Cooper	Shawnee	Oklahoma	74801		0	THPO vacant as of May 2011
Ms.	Henryetta	Ellis	hellis@astribe.com		Absentee Shawnee Tribe of Indians of Oklahoma	Director of Cultural Preservation	2025 South Gordon Cooper	Shawnee	Oklahoma	74801		0	
Mr.	Geoffrey	See	sargentspigeon@aol.com		Adena Core							0	
Mr.	John	McDonald			American Legion Post 62	Post Commander	53 West Main Street	Chillicothe	Ohio	45601		0	
	Lemuel	Carroll	ohiolegionpost757@yahoo.com	740-775-6933	American Legion Post 757	Post Commander	289 Cooks Hill Road	Chillicothe	Ohio	45601		0	
Mr.	John	Doerres	muse@campsherman.org		Camp Sherman, Inc.		P.O. Box 1914	Chillicothe	Ohio	45601	http://www.campsherman.org	1	
Ms.	Tammy	Francis	tfrancis@delawarenation.com		Delaware Nation	Cultural Preservation Director	P.O. Box 825	Anadarko	Oklahoma	73005		0	
The Honorable	Kerry	Holton	kholton@delawarenation.com		Delaware Nation	President	P.O. Box 825	Anadarko	Oklahoma	73005		0	
Mr.	Jason	Ross	jross@delawarenation.com		Delaware Nation	Museum Assistant/Section 106 Assistant	P.O. Box 825	Anadarko	Oklahoma	73005		0	
Ms.	Shirley	Moore	smoore@delawaretribe.org		Delaware Tribe of Indians	Administrative Assistant	170 NE Barbara	Bartlesville	Oklahoma	74006		0	
Dr.	Brice	Obermeyer, Ph.D.	bobermeyer@delawaretribe.org		Delaware Tribe of Indians	Director, Delaware THPO	Roosevelt Hall, Room 212, 1200 Commercial Street	Emporia	Kansas	66801		0	briceobermeyer@yahoo.com
The Honorable	Paula	Pechonick	smoore@delawaretribe.org		Delaware Tribe of Indians	Chief	170 NE Barbara	Bartlesville	Oklahoma	74006		0	
Ms.	Robin	Dushane	rdushane@estoo.net		Eastern Shawnee Tribe of Oklahoma	Cultural Preservation Director	127 West Oneida	Seneca	Missouri	64865		0	
The Honorable	Glenna	Wallace	chief@estoo.net		Eastern Shawnee Tribe of Oklahoma	Chief	P.O. Box 350	Seneca	Missouri	64865		0	
Mr.	Bret	Ruby	bret_j_ruby@nps.gov		Hopewell Culture National Historical Park (NPS)	Archeologist	16062 State Route 104	Chillicothe	Ohio	45601	http://www.nps.gov/hocu/index.htm	1	
The Honorable	Thomas	Gamble	tgamble@miamination.com		Miami Tribe of Oklahoma	Chief	P.O. Box 1326	Miami	Oklahoma	74355		0	
Mr.	George	Strack	gstrack@miamination.com		Miami Tribe of Oklahoma	THPO	202 S. Eight Tribes Trail	Miami	Oklahoma	74354		0	
Mr.	Jack	Lyons	jlyons@naivc.org	330-596-2482	Native American Indian & Veterans Center, Inc.	Executive Director	211 Third Street, N.W., Suite A	Barberton	Ohio	44203	http://naivc.org	0	Brian Darst listed as Chillicothe "Head Veteran"
The Honorable	John	Ballard			Ottawa Tribe of Oklahoma	Chief	P.O. Box 110	Miami	Oklahoma	74355		0	
Ms.	Rhonda	Dixon	dixon_rhonda@sbcglobal.net		Ottawa Tribe of Oklahoma	History, Archives, Librarian	P.O. Box 110	Miami	Oklahoma	74355		0	
	Commander				Post 108 Gen. Edwin F. Glenn Post, VFW		115 East Main Street	Chillicothe	Ohio	45601		0	
	Commander				Post 4, AMVETS		317 East Main Street	Chillicothe	Ohio	45601		0	
Mr.	Jim	Caldwell			Ross County Board of Commissioners	President	306 Fairway Avenue	Chillicothe	Ohio	45601		0	
Mr.	Bob	Nelson	info@rosscountyhistorical.org		Ross County Historical Society	President	45 West Fifth Street	Chillicothe	Ohio	45601	http://www.rosscountyhistorical.org/ http://www.rosscountyhistorical.org/	0	
Mr.	Neil	Miller			Ross County Veterans Council	Council President	P.O. Box 6078	Chillicothe	Ohio	45601		0	
Mr.	David	Wrightsel			Ross County VSOs		475 Western Avenue, Suite C	Chillicothe	Ohio	45601		0	with Robert Stack
Mr.	Paul	Barton	pbarton@sctribe.com	918-787-7979	Seneca-Cayuga Nation	THPO	P.O. Box 765	Quapaw	Oklahoma	74363-0765		0	
The Honorable	Ron	Sparkman	shawneetribe@shawnee-tribe.com		Shawnee Tribe	Chairman	P.O. Box 189 29 Highway 69A	Miami	Oklahoma	74355		0	formerly the Loyal Shawnee Tribe of Oklahoma
Mr.	Ray	Pryor	raypryor@roadrunner.com		Veterans In Transition, Inc.		263 Rozelle Creek Road	Chillicothe	Ohio	45601		1	
The Honorable	Leaford	Bearskin	teads@wyandotte-nation.org		Wyandotte Nation of Oklahoma	Chief	64700 E. Highway 60	Wyandotte	Oklahoma	74370		0	
Ms.	Sherri	Clemons	sclemons@wyandotte-nation.org		Wyandotte Nation of Oklahoma	THPO, Director Nation Tribal Heritage Dept.	P.O. Box 250	Wyandotte	Oklahoma	74730		0	

Appendix D

Text of Relevant Laws

36 CFR PART 800 -- PROTECTION OF HISTORIC PROPERTIES (incorporating amendments effective August 5, 2004)

Subpart A -- Purposes and Participants

Sec.
800.1 Purposes.
800.2 Participants in the Section 106 process.

Subpart B -- The Section 106 Process

800.3 Initiation of the section 106 process.
800.4 Identification of historic properties.
800.5 Assessment of adverse effects.
800.6 Resolution of adverse effects.
800.7 Failure to resolve adverse effects.
800.8 Coordination with the National Environmental Policy act.
800.9 Council review of Section 106 compliance.
800.10 Special requirements for protecting National Historic Landmarks.
800.11 Documentation standards.
800.12 Emergency situations.
800.13 Post-review discoveries.

Subpart C -- Program Alternatives

800.14 Federal agency program alternatives.
800.15 Tribal, State and Local Program Alternatives. (Reserved)
800.16 Definitions.
Appendix A – Criteria for Council involvement in reviewing individual section 106 cases

Authority: 16 U.S.C. 470s.

Subpart A-Purposes and Participants

§ 800.1 Purposes.

(a) *Purposes of the section 106 process*. Section 106 of the National Historic Preservation Act requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the Council a reasonable opportunity to comment on such undertakings. The procedures in this part define how Federal agencies meet these statutory responsibilities. The section 106 process seeks to accommodate historic preservation concerns with the needs of Federal undertakings through consultation among the agency official and other parties with an interest in the effects of the undertaking on historic properties, commencing at the early stages of project planning. The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties.

(b) *Relation to other provisions of the act*. Section 106 is related to other provisions of the act designed to further the national policy of historic preservation. References to those provisions are included in this part to identify circumstances where they may affect actions taken to meet section 106 requirements. Such provisions may have their own implementing regulations or guidelines and are not intended to be implemented by the procedures in this part except insofar as they relate to the section 106 process. Guidelines, policies and procedures issued by other agencies, including the Secretary, have been cited in this part for ease of access and are not incorporated by reference.

(c) *Timing*. The agency official must complete the section 106 process "prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license." This does not prohibit agency official from conducting or authorizing nondestructive project planning activities before completing compliance with section 106, provided that such actions do not restrict the subsequent consideration of alternatives to avoid, minimize or mitigate the undertaking's adverse effects on historic properties. The agency official shall ensure that the section 106 process is initiated early in the undertaking's planning, so that a broad range of alternatives may be considered during the planning process for the undertaking.

§ 800.2 Participants in the Section 106 process.

(a) *Agency official*. It is the statutory obligation of the Federal agency to fulfill the requirements of section 106 and to ensure that an agency official with jurisdiction over an undertaking takes legal and financial responsibility for section 106 compliance in accordance with subpart B of this part. The agency official has approval authority for the undertaking and can commit the Federal agency to take appropriate action for a specific undertaking as a result of section 106 compliance. For the purposes of subpart C of this part, the agency official has the authority to commit the Federal agency to any obligation it may assume in the implementation of a program alternative. The agency official may be a State, local, or tribal government official who has been delegated legal responsibility for compliance with section 106 in accordance with Federal law.

(1) *Professional standards*. Section 112(a)(1)(A) of the act requires each Federal agency responsible for the protection of historic resources, including archeological resources, to ensure that all actions taken by employees or contractors of the agency shall meet professional standards under regulations developed by the Secretary.

(2) *Lead Federal agency*. If more than one Federal agency is involved in an undertaking, some or all the agencies may designate a lead Federal agency, which shall identify the appropriate official to serve as the agency official who shall act on their behalf, fulfilling their collective responsibilities under section 106. Those Federal agencies that do not designate a lead Federal agency remain individually responsible for their compliance with this part.

(3) *Use of contractors*. Consistent with applicable conflict of interest laws, the agency official may use the services of applicants, consultants, or designees to prepare information, analyses and recommendations under this part. The agency official remains legally responsible for all required findings and determinations. If a document or study is prepared by a non-Federal party, the agency official is responsible for ensuring that its content meets applicable standards and guidelines.

(4) *Consultation*. The agency official shall involve the consulting parties described in paragraph (c) of this section in findings and determinations made during the section 106 process. The agency official should plan consultations appropriate to the scale of the undertaking and the scope of Federal involvement and coordinated with other requirements of other statutes, as applicable, such as the National Environmental Policy Act, the Native American Graves Protection and Repatriation Act, the American Indian Religious Freedom Act, the Archeological Resources Protection Act and agency-specific legislation. The Council encourages the agency official to use to the extent possible existing agency procedures and mechanisms to fulfill the consultation requirements of this part.

(b) *Council*. The Council issues regulations to implement section 106,

provides guidance and advice on the application of the procedures in this part, and generally oversees the operation of the section 106 process. The Council also consults with and comments to agency officials on individual undertakings and programs that affect historic properties.

(1) *Council entry into the section 106 process*. When the Council determines that its involvement is necessary to ensure that the purposes of section 106 and the act are met, the Council may enter the section 106 process. Criteria guiding Council decisions to enter the section 106 process are found in appendix A to this part. The Council will document that the criteria have been met and notify the parties to the section 106 process as required by this part.

(2) *Council assistance*. Participants in the section 106 process may seek advice, guidance and assistance from the Council on the application of this part to specific undertakings, including the resolution of disagreements, whether or not the Council is formally involved in the review of the undertaking. If questions arise regarding the conduct of the section 106 process, participants are encouraged to obtain the Council's advice on completing the process.

(c) *Consulting parties*. The following parties have consultative roles in the section 106 process.

(1) *State historic preservation officer*.

(i) The State historic preservation officer (SHPO) reflects the interests of the State and its citizens in the preservation of their cultural heritage. In accordance with section 101(b)(3) of the act, the SHPO advises and assists Federal agencies in carrying out their section 106 responsibilities and cooperates with such agencies, local governments and organizations and individuals to ensure that historic properties are taking into consideration at all levels of planning and development.

(ii) If an Indian tribe has assumed the functions of the SHPO in the section 106 process for undertakings on tribal lands, the SHPO shall participate as a consulting party if the undertaking takes place on tribal lands but affects historic properties off tribal lands, if requested in accordance with § 800.3(c)(1), or if the Indian tribe agrees to include the SHPO pursuant to § 800.3(f)(3).

(2) *Indian tribes and Native Hawaiian organizations*.

(i) *Consultation on tribal lands*.

(A) *Tribal historic preservation officer*. For a tribe that has assumed the responsibilities of the SHPO for section 106 on tribal lands under section 101(d)(2) of the act, the tribal historic preservation officer (THPO) appointed or designated in accordance with the act is the official representative for the purposes of section 106. The agency official shall consult with the THPO in lieu of the SHPO regarding undertakings occurring on or affecting historic properties on tribal lands.

(B) *Tribes that have not assumed SHPO functions*. When an Indian tribe has not assumed the responsibilities of the SHPO for section 106 on tribal lands under section 101(d)(2) of the act, the agency official shall consult with a representative designated by such Indian tribe in addition to the SHPO regarding undertakings occurring on or affecting historic properties on its tribal lands. Such Indian tribes have the same rights of consultation and concurrence that the THPOs are given throughout subpart B of this part, except that such consultations shall be in addition to and on the same basis as consultation with the SHPO.

(ii) *Consultation on historic properties of significance to Indian tribes and Native Hawaiian organizations*. Section 101(d)(6)(B) of the act requires the agency official to consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to historic properties that may be affected by an undertaking. This requirement applies regardless of the location of the historic property. Such Indian tribe or Native Hawaiian organization shall be a consulting party.

(A) The agency official shall ensure that consultation in the section 106 process provides the Indian tribe or Native Hawaiian organization a reasonable opportunity to identify its concerns about historic properties, advise on the identification and evaluation of historic properties, including those of traditional religious and cultural importance, articulate its views on the undertaking's effects on such properties, and participate in the resolution of adverse effects. It is the responsibility of the agency official to make a reasonable and good faith effort to identify Indian tribes and Native Hawaiian organizations that shall be consulted in the section 106 process. Consultation should commence early in the planning process, in order to identify and discuss relevant preservation issues and resolve concerns about the confidentiality of information on historic properties.

(B) The Federal Government has a unique legal relationship with Indian tribes set forth in the Constitution of the United States, treaties, statutes, and court decisions. Consultation with Indian tribes should be conducted in a sensitive manner respectful of tribal sovereignty. Nothing in this part alters, amends, repeals, interprets or modifies tribal sovereignty, any treaty rights, or other rights of an Indian tribe, or preempts, modifies or limits the exercise of any such rights.

(C) Consultation with an Indian tribe must recognize the government-to-government relationship between the Federal Government and Indian tribes. The agency official shall consult with representatives designated or identified by the tribal government or the governing body of a Native Hawaiian organization. Consultation with Indian tribes and Native Hawaiian organizations should be conducted in a manner sensitive to the concerns and needs of the Indian tribe or Native Hawaiian organization.

(D) When Indian tribes and Native Hawaiian organizations attach religious and cultural significance to historic properties off tribal lands, section 101(d)(6)(B) of the act requires Federal agencies to consult with such Indian tribes and Native Hawaiian organizations in the section 106 process. Federal agencies should be aware that frequently historic properties of religious and cultural significance are located on ancestral, aboriginal, or ceded lands of Indian tribes and Native Hawaiian organizations and should consider that when complying with the procedures in this part.

(E) An Indian tribe or a Native Hawaiian organization may enter into an agreement with an agency official that specifies how they will carry out responsibilities under this part, including concerns over the confidentiality of information. An agreement may cover all aspects of tribal participation in the section 106 process, provided that no modification may be made in the roles of other parties to the section 106 process without their consent. An agreement may grant the Indian tribe or Native Hawaiian organization additional rights to participate or concur in agency decisions in the section 106 process beyond those specified in subpart B of this part. The agency official shall

provide a copy of any such agreement to the Council and the appropriate SHPOs.

(F) An Indian tribe that has not assumed the responsibilities of the SHPO for section 106 on tribal lands under section 101(d)(2) of the act may notify the agency official in writing that it is waiving its rights under § 800.6(c)(1) to execute a memorandum of agreement.

(3) *Representatives of local governments*. A representative of a local government with jurisdiction over the area in which the effects of an undertaking may occur is entitled to participate as a consulting party. Under other provisions of Federal law, the local government may be authorized to act as the agency official for purposes of section 106.

(4) *Applicants for Federal assistance, permits, licenses and other approvals*. An applicant for Federal assistance or for a Federal permit, license or other approval is entitled to participate as a consulting party as defined in this part. The agency official may authorize an applicant or group of applicants to initiate consultation with the SHPO/THPO and others, but remains legally responsible for all findings and determinations charged to the agency official. The agency official shall notify the SHPO/THPO when an applicant or group of applicants is so authorized. A Federal agency may authorize all applicants in a specific program pursuant to this section by providing notice to all SHPO/THPOs. Federal agencies that provide authorizations to applicants remain responsible for their government to government relationships with Indian tribes.

(5) *Additional consulting parties*. Certain individuals and organizations with a demonstrated interest in the undertaking may participate as consulting parties due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties.

(d) *The public*.

(1) *Nature of involvement*. The views of the public are essential to informed Federal decisionmaking in the section 106 process. The agency official shall seek and consider the views of the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties, the likely interest of the public in the effects on historic properties, confidentiality concerns of private individuals and businesses, and the relationship of the Federal involvement to the undertaking.

(2) *Providing notice and information*. The agency official must, except where appropriate to protect confidentiality concerns of affected parties, provide the public with information about an undertaking and its effects on historic properties and seek public comment and input. Members of the public may also provide views on their own initiative for the agency official to consider in decisionmaking.

(3) *Use of agency procedures*. The agency official may use the agency's procedures for public involvement under the National Environmental Policy Act or other program requirements in lieu of public involvement requirements in subpart B of this part, if they provide adequate opportunities for public involvement consistent with this subpart.

Subpart B-The section 106 Process

§ 800.3 Initiation of the section 106 process.

(a) *Establish undertaking*. The agency official shall determine whether the proposed Federal action is an undertaking as defined in § 800.16(y) and, if so, whether it is a type of activity that has the potential to cause effects on historic properties.

(1) *No potential to cause effects*. If the undertaking is a type of activity that does not have the potential to cause effects on historic properties, assuming such historic properties were present, the agency official has no further obligations under section 106 or this part.

(2) *Program alternatives*. If the review of the undertaking is governed by a Federal agency program alternative established under § 800.14 or a programmatic agreement in existence before January 11, 2001, the agency official shall follow the program alternative.

(b) *Coordinate with other reviews*. The agency official should coordinate the steps of the section 106 process, as appropriate, with the overall planning schedule for the undertaking and with any reviews required under other authorities such as the National Environmental Policy Act, the Native American Graves Protection and Repatriation Act, the American Indian Religious Freedom Act, the Archeological Resources Protection Act and agency-specific legislation, such as section 4(f) of the Department of Transportation Act. Where consistent with the procedures in this subpart, the agency official may use information developed for other reviews under Federal, State or tribal law to meet the requirements of section 106.

(c) *Identify the appropriate SHPO and/or THPO*. As part of its initial planning, the agency official shall determine the appropriate SHPO or SHPOs to be involved in the section 106 process. The agency official shall also determine whether the undertaking may occur on or affect historic properties on any tribal lands and, if so, whether a THPO has assumed the duties of the SHPO. The agency official shall then initiate consultation with the appropriate officer or officers.

(1) *Tribal assumption of SHPO responsibilities*. Where an Indian tribe has assumed the section 106 responsibilities of the SHPO on tribal lands pursuant to section 101(d)(2) of the act, consultation for undertakings occurring on tribal land or for effects on tribal land is with the THPO for the Indian tribe in lieu of the SHPO. Section 101(d)(2)(D)(iii) of the act authorizes owners of properties on tribal lands which are neither owned by a member of the tribe nor held in trust by the Secretary for the benefit of the tribe to request the SHPO to participate in the section 106 process in addition to the THPO.

(2) *Undertakings involving more than one State*. If more than one State is involved in an undertaking, the involved SHPOs may agree to designate a lead SHPO to act on their behalf in the section 106 process, including taking actions that would conclude the section 106 process under this subpart.

(3) *Conducting consultation*. The agency official should consult with the SHPO/THPO in a manner appropriate to the agency planning process for the undertaking and to the nature of the undertaking and its effects on historic properties.

(4) *Failure of the SHPO/THPO to respond*. If the SHPO/THPO fails to respond within 30 days of receipt of a request for review of a finding or determination, the agency official may either proceed to the next step in the process based on the finding or determination or consult with the Council in lieu of the SHPO/THPO. If the SHPO/THPO re-enters the section 106 process, the agency official shall continue the consultation without being required to reconsider previous findings or determinations.

(d) *Consultation on tribal lands*. Where the Indian tribe has not assumed the responsibilities of the SHPO on tribal lands, consultation with the Indian tribe regarding undertakings occurring on such tribe's lands or effects on such tribal lands shall be in addition to and on the same basis as consultation with the SHPO. If the SHPO has withdrawn from the process, the agency official may complete the section 106 process with the Indian tribe and the Council, as appropriate. An Indian tribe may enter into an agreement with a SHPO or SHPOs specifying the SHPO's participation in the section 106 process for undertakings occurring on or affecting historic properties on tribal lands.

(e) *Plan to involve the public*. In consultation with the SHPO/THPO, the agency official shall plan for involving the public in the section 106 process. The agency official shall identify the appropriate points for seeking public input and for notifying the public of proposed actions, consistent with § 800.2(d).

(f) *Identify other consulting parties*. In consultation with the SHPO/THPO, the agency official shall identify any other parties entitled to be consulting parties and invite them to participate as such in the section 106 process. The agency official may invite others to participate as consulting parties as the section 106 process moves forward.

(1) *Involving local governments and applicants*. The agency official shall invite any local governments or applicants that are entitled to be consulting parties under § 800.2(c).

(2) *Involving Indian tribes and Native Hawaiian organizations*. The agency official shall make a reasonable and good faith effort to identify any Indian tribes or Native Hawaiian organizations that might attach religious and cultural significance to historic properties in the area of potential effects and invite them to be consulting parties. Such Indian tribe or Native Hawaiian organization that requests in writing to be a consulting party shall be one.

(3) *Requests to be consulting parties*. The agency official shall consider all written requests of individuals and organizations to participate as consulting parties and, in consultation with the SHPO/THPO and any Indian tribe upon whose tribal lands an undertaking occurs or affects historic properties, determine which should be consulting parties.

(g) *Expediting consultation*. A consultation by the agency official with the SHPO/THPO and other consulting parties may address multiple steps in §§ 800.3 through 800.6 where the agency official and the SHPO/THPO agree it is appropriate as long as the consulting parties and the public have an adequate opportunity to express their views as provided in § 800.2(d).

§ 800.4 Identification of historic properties.

(a) *Determine scope of identification efforts*. In consultation with the SHPO/THPO, the agency official shall:

(1) Determine and document the area of potential effects, as defined in § 800.16(d);

(2) Review existing information on historic properties within the area of potential effects, including any data concerning possible historic properties not yet identified;

(3) Seek information, as appropriate, from consulting parties, and other individuals and organizations likely to have knowledge of, or concerns with, historic properties in the area, and identify issues relating to the undertaking's potential effects on historic properties; and

(4) Gather information from any Indian tribe or Native Hawaiian organization identified pursuant to § 800.3(f) to assist in identifying properties, including those located off tribal lands, which may be of religious and cultural significance to them and may be eligible for the National Register, recognizing that an Indian tribe or Native Hawaiian organization may be reluctant to divulge specific information regarding the location, nature, and activities associated with such sites. The agency official should address concerns raised about confidentiality pursuant to § 800.11(c).

(b) *Identify historic properties*. Based on the information gathered under paragraph (a) of this section, and in consultation with the SHPO/THPO and any Indian tribe or Native Hawaiian organization that might attach religious and cultural significance to properties within the area of potential effects, the agency official shall take the steps necessary to identify historic properties within the area of potential effects.

(1) *Level of effort*. The agency official shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. The agency official shall take into account past planning, research and studies, the magnitude and nature of the undertaking and the degree of Federal involvement, the nature and extent of potential effects on historic properties, and the likely nature and location of historic properties within the area of potential effects. The Secretary's Standards and Guidelines for Identification provide guidance on this subject. The agency official should also consider other applicable professional, State, tribal and local laws, standards and guidelines. The agency official shall take into account any confidentiality concerns raised by Indian tribes or Native Hawaiian organizations during the identification process.

(2) *Phased identification and evaluation*. Where alternatives under consideration consist of corridors or large land areas, or where access to properties is restricted, the agency official may use a phased process to conduct identification and evaluation efforts. The agency official may also defer final identification and evaluation of historic properties if it is specifically provided for in a memorandum of agreement executed pursuant to § 800.6, a programmatic agreement executed pursuant to § 800.14 (b), or the documents used by an agency official to comply with the National Environmental Policy Act pursuant to § 800.8. The process should establish the likely presence of historic properties within the area of potential effects for each alternative or inaccessible area through background research, consultation and an appropriate level of field investigation, taking into account the number of alternatives under consideration, the magnitude of the undertaking and its likely effects, and the views of the SHPO/THPO and any other consulting parties. As specific aspects or locations of an alternative are refined or access is gained, the agency official shall proceed with the identification and evaluation of historic properties in accordance with paragraphs (b)(1) and (c) of this section.

(c) *Evaluate historic significance*.

(1) *Apply National Register criteria*. In consultation with the SHPO/THPO and any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to identified properties and guided by the Secretary's Standards and Guidelines for Evaluation, the agency official shall

apply the National Register criteria (36 CFR part 63) to properties identified within the area of potential effects that have not been previously evaluated for National Register eligibility. The passage of time, changing perceptions of significance, or incomplete prior evaluations may require the agency official to reevaluate properties previously determined eligible or ineligible. The agency official shall acknowledge that Indian tribes and Native Hawaiian organizations possess special expertise in assessing the eligibility of historic properties that may possess religious and cultural significance to them.

(2) *Determine whether a property is eligible*. If the agency official determines any of the National Register criteria are met and the SHPO/THPO agrees, the property shall be considered eligible for the National Register for section 106 purposes. If the agency official determines the criteria are not met and the SHPO/THPO agrees, the property shall be considered not eligible. If the agency official and the SHPO/THPO do not agree, or if the Council or the Secretary so request, the agency official shall obtain a determination of eligibility from the Secretary pursuant to 36 CFR part 63. If an Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to a property off tribal lands does not agree, it may ask the Council to request the agency official to obtain a determination of eligibility.

(d) *Results of identification and evaluation*.

(1) *No historic properties affected*. If the agency official finds that either there are no historic properties present or there are historic properties present but the undertaking will have no effect upon them as defined in § 800.16(i), the agency official shall provide documentation of this finding, as set forth in § 800.11(d), to the SHPO/THPO. The agency official shall notify all consulting parties, including Indian tribes and Native Hawaiian organizations, and make the documentation available for public inspection prior to approving the undertaking.

(i) If the SHPO/THPO, or the Council if it has entered the section 106 process, does not object within 30 days of receipt of an adequately documented finding, the agency official's responsibilities under section 106 are fulfilled.

(ii) If the SHPO/THPO objects within 30 days of receipt of an adequately documented finding, the agency official shall either consult with the objecting party to resolve the disagreement, or forward the finding and supporting documentation to the Council and request that the Council review the finding pursuant to paragraphs (d)(1)(iv)(A) through (d)(1)(iv)(C) of this section. When an agency official forwards such requests for review to the Council, the agency official shall concurrently notify all consulting parties that such a request has been made and make the request documentation available to the public.

(iii) During the SHPO/THPO 30 day review period, the Council may object to the finding and provide its opinion regarding the finding to the agency official and, if the Council determines the issue warrants it, the head of the agency. A Council decision to provide its opinion to the head of an agency shall be guided by the criteria in appendix A to this part. The agency shall then proceed according to paragraphs (d)(1)(iv)(B) and (d)(1)(iv)(C) of this section.

(iv)(A) Upon receipt of the request under paragraph (d)(1)(ii) of this section, the Council will have 30 days in which to review the finding and provide the agency official and, if the Council determines the issue warrants it, the head of the agency with the Council's opinion regarding the finding. A Council decision to provide its opinion to the head of an agency shall be guided by the criteria in appendix A to this part. If the Council does not respond within 30 days of receipt of the request, the agency official's responsibilities under section 106 are fulfilled.

(B) The person to whom the Council addresses its opinion (the agency official or the head of the agency) shall take into account the Council's opinion before the agency reaches a final decision on the finding.

(C) The person to whom the Council addresses its opinion (the agency official or the head of the agency) shall then prepare a summary of the decision that contains the rationale for the decision and evidence of consideration of the Council's opinion, and provide it to the Council, the SHPO/THPO, and the consulting parties. The head of the agency may delegate his or her duties under this paragraph to the agency's senior policy official. If the agency official's initial finding will be revised, the agency official shall proceed in accordance with the revised finding. If the final decision of the agency is to affirm the initial agency finding of no historic properties affected, once the summary of the decision has been sent to the Council, the SHPO/THPO, and the consulting parties, the agency official's responsibilities under section 106 are fulfilled.

(D) The Council shall retain a record of agency responses to Council opinions on their findings of no historic properties affected. The Council shall make this information available to the public.

(2) *Historic properties affected*. If the agency official finds that there are historic properties which may be affected by the undertaking, the agency official shall notify all consulting parties, including Indian tribes or Native Hawaiian organizations, invite their views on the effects and assess adverse effects, if any, in accordance with § 800.5.

§ 800.5 Assessment of adverse effects.

(a) *Apply criteria of adverse effect*. In consultation with the SHPO/THPO and any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to identified historic properties, the agency official shall apply the criteria of adverse effect to historic properties within the area of potential effects. The agency official shall consider any views concerning such effects which have been provided by consulting parties and the public.

(1) *Criteria of adverse effect*. An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.

(2) *Examples of adverse effects*. Adverse effects on historic properties include, but are not limited to:

(i) Physical destruction of or damage to all or part of the property;

(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;

(iii) Removal of the property from its historic location;

(iv) Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance;

(v) Introduction of visual, atmospheric or audible elements that diminish the integrity of the property's significant historic features;

(vi) Neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization; and

(vii) Transfer, lease, or sale of property out of Federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance.

(3) *Phased application of criteria*. Where alternatives under consideration consist of corridors or large land areas, or where access to properties is restricted, the agency official may use a phased process in applying the criteria of adverse effect consistent with phased identification and evaluation efforts conducted pursuant to § 800.4(b)(2).

(b) *Finding of no adverse effect*. The agency official, in consultation with the SHPO/THPO, may propose a finding of no adverse effect when the undertaking's effects do not meet the criteria of paragraph (a)(1) of this section or the undertaking is modified or conditions are imposed, such as the subsequent review of plans for rehabilitation by the SHPO/THPO to ensure consistency with the Secretary's Standards for the Treatment of Historic Properties (36 CFR part 68) and applicable guidelines, to avoid adverse effects.

(c) *Consulting party review*. If the agency official proposes a finding of no adverse effect, the agency official shall notify all consulting parties of the finding and provide them with the documentation specified in § 800.11(e). The SHPO/THPO shall have 30 days from receipt to review the finding.

(1) *Agreement with, or no objection to, finding*. Unless the Council is reviewing the finding pursuant to paragraph (c)(3) of this section, the agency official may proceed after the close of the 30 day review period if the SHPO/THPO has agreed with the finding or has not provided a response, and no consulting party has objected. The agency official shall then carry out the undertaking in accordance with paragraph (d)(1) of this section.

(2) *Disagreement with finding*.

(i) If within the 30 day review period the SHPO/THPO or any consulting party notifies the agency official in writing that it disagrees with the finding and specifies the reasons for the disagreement in the notification, the agency official shall either consult with the party to resolve the disagreement, or request the Council to review the finding pursuant to paragraphs (c)(3)(i) and (c)(3)(ii) of this section. The agency official shall include with such request the documentation specified in § 800.11(e). The agency official shall also concurrently notify all consulting parties that such a submission has been made and make the submission documentation available to the public.

(ii) If within the 30 day review period the Council provides the agency official and, if the Council determines the issue warrants it, the head of the agency, with a written opinion objecting to the finding, the agency shall then proceed according to paragraph (c)(3)(ii) of this section. A Council decision to provide its opinion to the head of an agency shall be guided by the criteria in appendix A to this part.

(iii) The agency official should seek the concurrence of any Indian tribe or Native Hawaiian organization that has made known to the agency official that it attaches religious and cultural significance to a historic property subject to the finding. If such Indian tribe or Native Hawaiian organization disagrees with the finding, it may within the 30 day review period specify the reasons for disagreeing with the finding and request the Council to review and object to the finding pursuant to paragraph (c)(2)(ii) of this section.

(3) *Council review of findings*.

(i) When a finding is submitted to the Council pursuant to paragraph (c)(2)(i) of this section, the Council shall review the finding and provide the agency official and, if the Council determines the issue warrants it, the head of the agency with its opinion as to whether the adverse effect criteria have been correctly applied. A Council decision to provide its opinion to the head of an agency shall be guided by the criteria in appendix A to this part. The Council will provide its opinion within 15 days of receiving the documented finding from the agency official. The Council at its discretion may extend that time period for 15 days, in which case it shall notify the agency of such extension prior to the end of the initial 15 day period. If the Council does not respond within the applicable time period, the agency official's responsibilities under section 106 are fulfilled.

(ii)(A) The person to whom the Council addresses its opinion (the agency official or the head of the agency) shall take into account the Council's opinion in reaching a final decision on the finding.

(B) The person to whom the Council addresses its opinion (the agency official or the head of the agency) shall prepare a summary of the decision that contains the rationale for the decision and evidence of consideration of the Council's opinion, and provide it to the Council, the SHPO/THPO, and the consulting parties. The head of the agency may delegate his or her duties under this paragraph to the agency's senior policy official. If the agency official's initial finding will be revised, the agency official shall proceed in accordance with the revised finding. If the final decision of the agency is to affirm the initial finding of no adverse effect, once the summary of the decision has been sent to the Council, the SHPO/THPO, and the consulting parties, the agency official's responsibilities under section 106 are fulfilled.

(C) The Council shall retain a record of agency responses to Council opinions on their findings of no adverse effects. The Council shall make this information available to the public.

(d) *Results of assessment*.

(1) *No adverse effect*. The agency official shall maintain a record of the finding and provide information on the finding to the public on request, consistent with the confidentiality provisions of § 800.11(c). Implementation of the undertaking in accordance with the finding as documented fulfills the agency official's responsibilities under section 106 and this part. If the agency official will not conduct the undertaking as proposed in the finding, the agency official shall reopen consultation under paragraph (a) of this section.

(2) *Adverse effect*. If an adverse effect is found, the agency official shall consult further to resolve the adverse effect pursuant to § 800.6.

§ 800.6 Resolution of adverse effects.

(a) *Continue consultation*. The agency official shall consult with the SHPO/THPO and other consulting parties, including Indian tribes and Native Hawaiian organizations, to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize or mitigate adverse effects on historic properties.

(1) *Notify the Council and determine Council participation*. The agency official shall notify the Council of the adverse effect finding by providing the documentation specified in § 800.11(e).

(i) The notice shall invite the Council to participate in the consultation when:

(A) The agency official wants the Council to participate;

(B) The undertaking has an adverse effect upon a National Historic Landmark; or

(C) A programmatic agreement under § 800.14(b) will be prepared;

(ii) The SHPO/THPO, an Indian tribe or Native Hawaiian organization, or any other consulting party may at any time independently request the Council to participate in the consultation.

(iii) The Council shall advise the agency official and all consulting parties whether it will participate within 15 days of receipt of notice or other request. Prior to entering the process, the Council shall provide written notice to the agency official and the consulting parties that its decision to participate meets the criteria set forth in appendix A to this part. The Council shall also advise the head of the agency of its decision to enter the process. Consultation with Council participation is conducted in accordance with paragraph (b)(2) of this section.

(iv) If the Council does not join the consultation, the agency official shall proceed with consultation in accordance with paragraph (b)(1) of this section.

(2) *Involve consulting parties*. In addition to the consulting parties identified under § 800.3(f), the agency official, the SHPO/THPO and the Council, if participating, may agree to invite other individuals or organizations to become consulting parties. The agency official shall invite any individual or organization that will assume a specific role or responsibility in a memorandum of agreement to participate as a consulting party.

(3) *Provide documentation*. The agency official shall provide to all consulting parties the documentation specified in § 800.11(e), subject to the confidentiality provisions of § 800.11(c), and such other documentation as may be developed during the consultation to resolve adverse effects.

(4) *Involve the public*. The agency official shall make information available to the public, including the documentation specified in § 800.11(e), subject to the confidentiality provisions of § 800.11(c). The agency official shall provide an opportunity for members of the public to express their views on resolving adverse effects of the undertaking. The agency official should use appropriate mechanisms, taking into account the magnitude of the undertaking and the nature of its effects upon historic properties, the likely effects on historic properties, and the relationship of the Federal involvement to the undertaking to ensure that the public's views are considered in the consultation. The agency official should also consider the extent of notice and information concerning historic preservation issues afforded the public at earlier steps in the section 106 process to determine the appropriate level of public involvement when resolving adverse effects so that the standards of § 800.2(d) are met.

(5) *Restrictions on disclosure of information*. Section 304 of the act and other authorities may limit the disclosure of information under paragraphs (a)(3) and (a)(4) of this section. If an Indian tribe or Native Hawaiian organization objects to the disclosure of information or if the agency official believes that there are other reasons to withhold information, the agency official shall comply with § 800.11(c) regarding the disclosure of such information.

(b) *Resolve adverse effects*.

(1) *Resolution without the Council*.

(i) The agency official shall consult with the SHPO/THPO and other consulting parties to seek ways to avoid, minimize or mitigate the adverse effects.

(ii) The agency official may use standard treatments established by the Council under § 800.14(d) as a basis for a memorandum of agreement.

(iii) If the Council decides to join the consultation, the agency official shall follow paragraph (b)(2) of this section.

(iv) If the agency official and the SHPO/THPO agree on how the adverse effects will be resolved, they shall execute a memorandum of agreement. The agency official must submit a copy of the executed memorandum of agreement, along with the documentation specified in § 800.11(f), to the Council prior to approving the undertaking in order to meet the requirements of section 106 and this subpart.

(v) If the agency official, and the SHPO/THPO fail to agree on the terms of a memorandum of agreement, the agency official shall request the Council to join the consultation and provide the Council with the documentation set forth in § 800.11(g). If the Council decides to join the consultation, the agency official shall proceed in accordance with paragraph (b)(2) of this section. If the Council decides not to join the consultation, the Council will notify the agency and proceed to comment in accordance with § 800.7(c).

(2) *Resolution with Council participation*. If the Council decides to participate in the consultation, the agency official shall consult with the SHPO/THPO, the Council, and other consulting parties, including Indian tribes and Native Hawaiian organizations under § 800.2(c)(3), to seek ways to avoid, minimize or mitigate the adverse effects. If the agency official, the SHPO/THPO, and the Council agree on how the adverse effects will be resolved, they shall execute a memorandum of agreement.

(c) *Memorandum of agreement*. A memorandum of agreement executed and implemented pursuant to this section evidences the agency official's compliance with section 106 and this part and shall govern the undertaking and all of its parts. The agency official shall ensure that the undertaking is carried out in accordance with the memorandum of agreement.

(1) *Signatories*. The signatories have sole authority to execute, amend or terminate the agreement in accordance with this subpart.

(i) The agency official and the SHPO/THPO are the signatories to a memorandum of agreement executed pursuant to paragraph (b)(1) of this section.

(ii) The agency official, the SHPO/THPO, and the Council are the signatories to a memorandum of agreement executed pursuant to paragraph (b)(2) of this section.

(iii) The agency official and the Council are signatories to a

memorandum of agreement executed pursuant to § 800.7(a)(2).

(2) *Invited signatories*.

(i) The agency official may invite additional parties to be signatories to a memorandum of agreement. Any such party that signs the memorandum of agreement shall have the same rights with regard to seeking amendment or termination of the memorandum of agreement as other signatories.

(ii) The agency official may invite an Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to historic properties located off tribal lands to be a signatory to a memorandum of agreement concerning such properties.

(iii) The agency official should invite any party that assumes a responsibility under a memorandum of agreement to be a signatory.

(iv) The refusal of any party invited to become a signatory to a memorandum of agreement pursuant to paragraph (c)(2) of this section does not invalidate the memorandum of agreement.

(3) *Concurrence by others*. The agency official may invite all consulting parties to concur in the memorandum of agreement. The signatories may agree to invite others to concur. The refusal of any party invited to concur in the memorandum of agreement does not invalidate the memorandum of agreement.

(4) *Reports on implementation*. Where the signatories agree it is appropriate, a memorandum of agreement shall include a provision for monitoring and reporting on its implementation.

(5) *Duration*. A memorandum of agreement shall include provisions for termination and for reconsideration of terms if the undertaking has not been implemented within a specified time.

(6) *Discoveries*. Where the signatories agree it is appropriate, a memorandum of agreement shall include provisions to deal with the subsequent discovery or identification of additional historic properties affected by the undertaking.

(7) *Amendments*. The signatories to a memorandum of agreement may amend it. If the Council was not a signatory to the original agreement and the signatories execute an amended agreement, the agency official shall file it with the Council.

(8) *Termination*. If any signatory determines that the terms of a memorandum of agreement cannot be or are not being carried out, the signatories shall consult to seek amendment of the agreement. If the agreement is not amended, any signatory may terminate it. The agency official shall either execute a memorandum of agreement with signatories under paragraph (c)(1) of this section or request the comments of the Council under § 800.7(a).

(9) *Copies*. The agency official shall provide each consulting party with a copy of any memorandum of agreement executed pursuant to this subpart.

§ 800.7 Failure to resolve adverse effects.

(a) *Termination of consultation*. After consulting to resolve adverse effects pursuant to § 800.6(b)(2), the agency official, the SHPO/THPO, or the Council may determine that further consultation will not be productive and terminate consultation. Any party that terminates consultation shall notify the other consulting parties and provide them the reasons for terminating in writing.

(1) If the agency official terminates consultation, the head of the agency or an Assistant Secretary or other officer with major department-wide or agency-wide responsibilities shall request that the Council comment pursuant to paragraph (c) of this section and shall notify all consulting parties of the request.

(2) If the SHPO terminates consultation, the agency official and the Council may execute a memorandum of agreement without the SHPO's involvement.

(3) If a THPO terminates consultation regarding an undertaking occurring on or affecting historic properties on its tribal lands, the Council shall comment pursuant to paragraph (c) of this section.

(4) If the Council terminates consultation, the Council shall notify the agency official, the agency's Federal preservation officer and all consulting parties of the termination and comment under paragraph (c) of this section. The Council may consult with the agency's Federal preservation officer prior to terminating consultation to seek to resolve issues concerning the undertaking and its effects on historic properties.

(b) *Comments without termination*. The Council may determine that it is appropriate to provide additional advisory comments upon an undertaking for which a memorandum of agreement will be executed. The Council shall provide them to the agency official when it executes the memorandum of agreement.

(c) *Comments by the Council*.

(1) *Preparation*. The Council shall provide an opportunity for the agency official, all consulting parties, and the public to provide their views within the time frame for developing its comments. Upon request of the Council, the agency official shall provide additional existing information concerning the undertaking and assist the Council in arranging an onsite inspection and an opportunity for public participation.

(2) *Timing*. The Council shall transmit its comments within 45 days of receipt of a request under paragraph (a)(1) or (a)(3) of this section or § 800.8(c)(3), or termination by the Council under § 800.6(b)(1)(v) or paragraph (a)(4) of this section, unless otherwise agreed to by the agency official.

(3) *Transmittal*. The Council shall provide its comments to the head of the agency requesting comment with copies to the agency official, the agency's Federal preservation officer, all consulting parties, and others as appropriate.

(4) *Response to Council comment*. The head of the agency shall take into account the Council's comments in reaching a final decision on the undertaking. Section 110(l) of the act directs that the head of the agency shall document this decision and may not delegate his or her responsibilities pursuant to section 106. Documenting the agency head's decision shall include:

(i) Preparing a summary of the decision that contains the rationale for the decision and evidence of consideration of the Council's comments and providing it to the Council prior to approval of the undertaking;

(ii) Providing a copy of the summary to all consulting parties; and

(iii) Notifying the public and making the record available for public inspection.

§ 800.8 Coordination With the National Environmental Policy Act.

(a) *General principles*.

(1) *Early coordination*. Federal agencies are encouraged to coordinate compliance with section 106 and the procedures in this part with any steps taken to meet the requirements of the National Environmental Policy Act (NEPA). Agencies should consider their section 106 responsibilities as early as possible in the NEPA process, and plan

their public participation, analysis, and review in such a way that they can meet the purposes and requirements of both statutes in a timely and efficient manner. The determination of whether an undertaking is a "major Federal action significantly affecting the quality of the human environment," and therefore requires preparation of an environmental impact statement (EIS) under NEPA, should include consideration of the undertaking's likely effects on historic properties. A finding of adverse effect on a historic property does not necessarily require an EIS under NEPA.

(2) *Consulting party roles*. SHPO/THPOs, Indian tribes and Native Hawaiian organizations, other consulting parties, and organizations and individuals who may be concerned with the possible effects of an agency action on historic properties should be prepared to consult with agencies early in the NEPA process, when the purpose of and need for the proposed action as well as the widest possible range of alternatives are under consideration.

(3) *Inclusion of historic preservation issues*. Agency officials should ensure that preparation of an environmental assessment (EA) and finding of no significant impact (FONSI) or an EIS and record of decision (ROD) includes appropriate scoping, identification of historic properties, assessment of effects upon them, and consultation leading to resolution of any adverse effects.

(b) A*ctions categorically excluded under NEPA*. If a project, activity or program is categorically excluded from NEPA review under an agency's NEPA procedures, the agency official shall determine if it still qualifies as an undertaking requiring review under section 106 pursuant to § 800.3(a). If so, the agency official shall proceed with section 106 review in accordance with the procedures in this subpart.

(c) *Use of the NEPA process for section 106 purposes*. An agency official may use the process and documentation required for the preparation of an EA/FONSI or an EIS/ROD to comply with section 106 in lieu of the procedures set forth in §§ 800.3 through 800.6 if the agency official has notified in advance the SHPO/THPO and the Council that it intends to do so and the following standards are met.

(1) *Standards for developing environmental documents to comply with Section 106*. During preparation of the EA or draft EIS (DEIS) the agency official shall:

(i) Identify consulting parties either pursuant to § 800.3(f) or through the NEPA scoping process with results consistent with § 800.3(f);

(ii) Identify historic properties and assess the effects of the undertaking on such properties in a manner consistent with the standards and criteria of §§ 800.4 through 800.5, provided that the scope and timing of these steps may be phased to reflect the agency official's consideration of project alternatives in the NEPA process and the effort is commensurate with the assessment of other environmental factors;

(iii) Consult regarding the effects of the undertaking on historic properties with the SHPO/THPO, Indian tribes and Native Hawaiian organizations that might attach religious and cultural significance to affected historic properties, other consulting parties, and the Council, where appropriate, during NEPA scoping, environmental analysis, and the preparation of NEPA documents;

(iv) Involve the public in accordance with the agency's published NEPA procedures; and

(v) Develop in consultation with identified consulting parties alternatives and proposed measures that might avoid, minimize or mitigate any adverse effects of the undertaking on historic properties and describe them in the EA or DEIS.

(2) *Review of environmental documents*.

(i) The agency official shall submit the EA, DEIS or EIS to the SHPO/THPO, Indian tribes and Native Hawaiian organizations that might attach religious and cultural significance to affected historic properties, and other consulting parties prior to or when making the document available for public comment. If the document being prepared is a DEIS or EIS, the agency official shall also submit it to the Council.

(ii) Prior to or within the time allowed for public comment on the document, a SHPO/THPO, an Indian tribe or Native Hawaiian organization, another consulting party or the Council may object to the agency official that preparation of the EA, DEIS or EIS has not met the standards set forth in paragraph (c)(1) of this section or that the substantive resolution of the effects on historic properties proposed in an EA, DEIS or EIS is inadequate. If the agency official receives such an objection, the agency official shall refer the matter to the Council.

(3) *Resolution of objections*. Within 30 days of the agency official's referral of an objection under paragraph (c)(2)(ii) of this section, the Council shall review the objection and notify the agency as to its opinion on the objection.

(i) If the Council agrees with the objection:

(A) The Council shall provide the agency official and, if the Council determines the issue warrants it, the head of the agency with the Council's opinion regarding the objection. A Council decision to provide its opinion to the head of an agency shall be guided by the criteria in appendix A to this part. The person to whom the Council addresses its opinion (the agency official or the head of the agency) shall take into account the Council's opinion in reaching a final decision on the issue of the objection.

(B) The person to whom the Council addresses its opinion (the agency official or the head of the agency) shall prepare a summary of the decision that contains the rationale for the decision and evidence of consideration of the Council's opinion, and provide it to the Council. The head of the agency may delegate his or her duties under this paragraph to the agency's senior Policy Official. If the agency official's initial decision regarding the matter that is the subject of the objection will be revised, the agency official shall proceed in accordance with the revised decision. If the final decision of the agency is to affirm the initial agency decision, once the summary of the final decision has been sent to the Council, the agency official shall continue its compliance with this section.

(ii) If the Council disagrees with the objection, the Council shall so notify the agency official, in which case the agency official shall continue its compliance with this section.

(iii) If the Council fails to respond to the objection within the 30 day period, the agency official shall continue its compliance with this section.

(4) *Approval of the undertaking*. If the agency official has found, during the preparation of an EA or EIS that the effects of an undertaking on historic properties are adverse, the agency official shall develop measures in the EA, DEIS, or EIS to avoid, minimize, or mitigate such effects in accordance with paragraph (c)(1)(v) of this section. The agency official's responsibilities under section 106 and the procedures in this

subpart shall then be satisfied when either:

(i) a binding commitment to such proposed measures is incorporated in

(A) the ROD, if such measures were proposed in a DEIS or EIS; or

(B) an MOA drafted in compliance with § 800.6(c); or

(ii) the Council has commented under § 800.7 and received the agency's response to such comments.

(5) *Modification of the undertaking*. If the undertaking is modified after approval of the FONSI or the ROD in a manner that changes the undertaking or alters its effects on historic properties, or if the agency official fails to ensure that the measures to avoid, minimize or mitigate adverse effects (as specified in either the FONSI or the ROD, or in the binding commitment adopted pursuant to paragraph (c)(4) of this section) are carried out, the agency official shall notify the Council and all consulting parties that supplemental environmental documents will be prepared in compliance with NEPA or that the procedures in §§ 800.3 through 800.6 will be followed as necessary.

§ 800.9 Council review of section 106 compliance.

(a) *Assessment of agency official compliance for individual undertakings*. The Council may provide to the agency official its advisory opinion regarding the substance of any finding, determination or decision or regarding the adequacy of the agency official's compliance with the procedures under this part. The Council may provide such advice at any time at the request of any individual, agency or organization or on its own initiative. The agency official shall consider the views of the Council in reaching a decision on the matter in question.

(b) *Agency foreclosure of the Council's opportunity to comment*. Where an agency official has failed to complete the requirements of section 106 in accordance with the procedures in this part prior to the approval of an undertaking, the Council's opportunity to comment may be foreclosed. The Council may review a case to determine whether a foreclosure has occurred. The Council shall notify the agency official and the agency's Federal preservation officer and allow 30 days for the agency official to provide information as to whether foreclosure has occurred. If the Council determines foreclosure has occurred, the Council shall transmit the determination to the agency official and the head of the agency. The Council shall also make the determination available to the public and any parties known to be interested in the undertaking and its effects upon historic properties.

(c) *Intentional adverse effects by applicants*.

(1) *Agency responsibility*. Section 110(k) of the act prohibits a Federal agency from granting a loan, loan guarantee, permit, license or other assistance to an applicant who, with intent to avoid the requirements of section 106, has intentionally significantly adversely affected a historic property to which the grant would relate, or having legal power to prevent it, has allowed such significant adverse effect to occur, unless the agency, after consultation with the Council, determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. Guidance issued by the Secretary pursuant to section 110 of the act governs its implementation.

(2) *Consultation with the Council*. When an agency official determines, based on the actions of an applicant, that section 110(k) is applicable and that circumstances may justify granting the assistance, the agency official shall notify the Council and provide documentation specifying the circumstances under which the adverse effects to the historic property occurred and the degree of damage to the integrity of the property. This documentation shall include any views obtained from the applicant, SHPO/THPO, an Indian tribe if the undertaking occurs on or affects historic properties on tribal lands, and other parties known to be interested in the undertaking.

(i) Within thirty days of receiving the agency official's notification, unless otherwise agreed to by the agency official, the Council shall provide the agency official with its opinion as to whether circumstances justify granting assistance to the applicant and any possible mitigation of the adverse effects.

(ii) The agency official shall consider the Council's opinion in making a decision on whether to grant assistance to the applicant, and shall notify the Council, the SHPO/THPO, and other parties known to be interested in the undertaking prior to granting the assistance.

(3) *Compliance with Section 106*. If an agency official, after consulting with the Council, determines to grant the assistance, the agency official shall comply with §§ 800.3 through 800.6 to take into account the effects of the undertaking on any historic properties.

(d) *Evaluation of Section 106 operations*. The Council may evaluate the operation of the section 106 process by periodic reviews of how participants have fulfilled their legal responsibilities and how effectively the outcomes reached advance the purposes of the act.

(1) *Information from participants*. Section 203 of the act authorizes the Council to obtain information from Federal agencies necessary to conduct evaluation of the section 106 process. The agency official shall make documentation of agency policies, operating procedures and actions taken to comply with section 106 available to the Council upon request. The Council may request available information and documentation from other participants in the section 106 process.

(2) *Improving the operation of section 106*. Based upon any evaluation of the section 106 process, the Council may make recommendations to participants, the heads of Federal agencies, and the Secretary of actions to improve the efficiency and effectiveness of the process. Where the Council determines that an agency official or a SHPO/THPO has failed to properly carry out the responsibilities assigned under the process in this part, the Council may participate in individual case reviews conducted under such process in addition to the SHPO/THPO for such period that it determines is necessary to improve performance or correct deficiencies. If the Council finds a pattern of failure by a Federal agency in carrying out its responsibilities under section 106, the Council may review the policies and programs of the agency related to historic preservation pursuant to section 202(a)(6) of the act and recommend methods to improve the effectiveness, coordination, and consistency of those policies and programs with section 106.

§ 800.10 Special requirements for protecting National Historic Landmarks.

(a) *Statutory requirement*. Section 110(f) of the act requires that the agency official, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to any National Historic Landmark that may be directly and adversely affected by an undertaking. When

commenting on such undertakings, the Council shall use the process set forth in §§ 800.6 through 800.7 and give special consideration to protecting National Historic Landmarks as specified in this section.

(b) *Resolution of adverse effects*. The agency official shall request the Council to participate in any consultation to resolve adverse effects on National Historic Landmarks conducted under § 800.6.

(c) *Involvement of the Secretary*. The agency official shall notify the Secretary of any consultation involving a National Historic Landmark and invite the Secretary to participate in the consultation where there may be an adverse effect. The Council may request a report from the Secretary under section 213 of the act to assist in the consultation.

(d) *Report of outcome*. When the Council participates in consultation under this section, it shall report the outcome of the section 106 process, providing its written comments or any memoranda of agreement to which it is a signatory, to the Secretary and the head of the agency responsible for the undertaking.

§ 800.11 Documentation standards.

(a) *Adequacy of documentation*. The agency official shall ensure that a determination, finding, or agreement under the procedures in this subpart is supported by sufficient documentation to enable any reviewing parties to understand its basis. The agency official shall provide such documentation to the extent permitted by law and within available funds. When an agency official is conducting phased identification or evaluation under this subpart, the documentation standards regarding description of historic properties may be applied flexibly. If the Council, or the SHPO/THPO when the Council is not involved, determines the applicable documentation standards are not met, the Council or the SHPO/THPO, as appropriate, shall notify the agency official and specify the information needed to meet the standard. At the request of the agency official or any of the consulting parties, the Council shall review any disputes over whether documentation standards are met and provide its views to the agency official and the consulting parties.

(b) *Format*. The agency official may use documentation prepared to comply with other laws to fulfill the requirements of the procedures in this subpart, if that documentation meets the standards of this section.

(c) *Confidentiality*.

(1) *Authority to withhold information*. Section 304 of the act provides that the head of a Federal agency or other public official receiving grant assistance pursuant to the act, after consultation with the Secretary, shall withhold from public disclosure information about the location, character, or ownership of a historic property when disclosure may cause a significant invasion of privacy; risk harm to the historic property; or impede the use of a traditional religious site by practitioners. When the head of a Federal agency or other public official has determined that information should be withheld from the public pursuant to these criteria, the Secretary, in consultation with such Federal agency head or official, shall determine who may have access to the information for the purposes of carrying out the act.

(2) *Consultation with the Council*. When the information in question has been developed in the course of an agency's compliance with this part, the Secretary shall consult with the Council in reaching determinations on the withholding and release of information. The Federal agency shall provide the Council with available information, including views of the SHPO/THPO, Indian tribes and Native Hawaiian organizations, related to the confidentiality concern. The Council shall advise the Secretary and the Federal agency within 30 days of receipt of adequate documentation.

(3) *Other authorities affecting confidentiality*. Other Federal laws and program requirements may limit public access to information concerning an undertaking and its effects on historic properties. Where applicable, those authorities shall govern public access to information developed in the section 106 process and may authorize the agency official to protect the privacy of non-governmental applicants.

(d) *Finding of no historic properties affected*. Documentation shall include:

(1) A description of the undertaking, specifying the Federal involvement, and its area of potential effects, including photographs, maps, drawings, as necessary;

(2) A description of the steps taken to identify historic properties, including, as appropriate, efforts to seek information pursuant to § 800.4(b); and

(3) The basis for determining that no historic properties are present or affected.

(e) *Finding of no adverse effect or adverse effect*. Documentation shall include:

(1) A description of the undertaking, specifying the Federal involvement, and its area of potential effects, including photographs, maps, and drawings, as necessary;

(2) A description of the steps taken to identify historic properties;

(3) A description of the affected historic properties, including information on the characteristics that qualify them for the National Register;

(4) A description of the undertaking's effects on historic properties;

(5) An explanation of why the criteria of adverse effect were found applicable or inapplicable, including any conditions or future actions to avoid, minimize or mitigate adverse effects; and

(6) Copies or summaries of any views provided by consulting parties and the public.

(f) *Memorandum of agreement*. When a memorandum of agreement is filed with the Council, the documentation shall include, any substantive revisions or additions to the documentation provided the Council pursuant to § 800.6(a)(1), an evaluation of any measures considered to avoid or minimize the undertaking's adverse effects and a summary of the views of consulting parties and the public.

(g) *Requests for comment without a memorandum of agreement*. Documentation shall include:

(1) A description and evaluation of any alternatives or mitigation measures that the agency official proposes to resolve the undertaking's adverse effects;

(2) A description of any reasonable alternatives or mitigation measures that were considered but not chosen, and the reasons for their rejection;

(3) Copies or summaries of any views submitted to the agency official concerning the adverse effects of the undertaking on historic properties and alternatives to reduce or avoid those effects; and

(4) Any substantive revisions or additions to the documentation provided the Council pursuant to § 800.6(a)(1).

§ 800.12 Emergency situations.

(a) *Agency procedures*. The agency official, in consultation with the appropriate SHPOs/THPOs, affected Indian tribes and Native Hawaiian organizations, and the Council, is encouraged to develop procedures for taking historic properties into account during operations which respond to a disaster or emergency declared by the President, a tribal government, or the Governor of a State or which respond to other immediate threats to life or property. If approved by the Council, the procedures shall govern the agency's historic preservation responsibilities during any disaster or emergency in lieu of §§ 800.3 through 800.6.

(b) *Alternatives to agency procedures*. In the event an agency official proposes an emergency undertaking as an essential and immediate response to a disaster or emergency declared by the President, a tribal government, or the Governor of a State or another immediate threat to life or property, and the agency has not developed procedures pursuant to paragraph (a) of this section, the agency official may comply with section 106 by:

(1) Following a programmatic agreement developed pursuant to § 800.14(b) that contains specific provisions for dealing with historic properties in emergency situations; or

(2) Notifying the Council, the appropriate SHPO/THPO and any Indian tribe or Native Hawaiian organization that may attach religious and cultural significance to historic properties likely to be affected prior to the undertaking and affording them an opportunity to comment within seven days of notification. If the agency official determines that circumstances do not permit seven days for comment, the agency official shall notify the Council, the SHPO/THPO and the Indian tribe or Native Hawaiian organization and invite any comments within the time available.

(c) *Local governments responsible for section 106 compliance*. When a local government official serves as the agency official for section 106 compliance, paragraphs (a) and (b) of this section also apply to an imminent threat to public health or safety as a result of a natural disaster or emergency declared by a local government's chief executive officer or legislative body, provided that if the Council or SHPO/THPO objects to the proposed action within seven days, the agency official shall comply with §§ 800.3 through 800.6.

(d) *Applicability*. This section applies only to undertakings that will be implemented within 30 days after the disaster or emergency has been formally declared by the appropriate authority. An agency may request an extension of the period of applicability from the Council prior to the expiration of the 30 days. Immediate rescue and salvage operations conducted to preserve life or property are exempt from the provisions of section 106 and this part.

§ 800.13 Post-review discoveries.

(a) *Planning for subsequent discoveries*.

(1) *Using a programmatic agreement*. An agency official may develop a programmatic agreement pursuant to § 800.14(b) to govern the actions to be taken when historic properties are discovered during the implementation of an undertaking.

(2) *Using agreement documents*. When the agency official's identification efforts in accordance with § 800.4 indicate that historic properties are likely to be discovered during implementation of an undertaking and no programmatic agreement has been developed pursuant to paragraph (a)(1) of this section, the agency official shall include in any finding of no adverse effect or memorandum of agreement a process to resolve any adverse effects upon such properties. Actions in conformance with the process satisfy the agency official's responsibilities under section 106 and this part.

(b) *Discoveries without prior planning*. If historic properties are discovered or unanticipated effects on historic properties found after the agency official has completed the section 106 process without establishing a process under paragraph (a) of this section, the agency official shall make reasonable efforts to avoid, minimize or mitigate adverse effects to such properties and:

(1) If the agency official has not approved the undertaking or if construction on an approved undertaking has not commenced, consult to resolve adverse effects pursuant to § 800.6; or

(2) If the agency official, the SHPO/THPO and any Indian tribe or Native Hawaiian organization that might attach religious and cultural significance to the affected property agree that such property is of value solely for its scientific, prehistoric, historic or archeological data, the agency official may comply with the Archeological and Historic Preservation Act instead of the procedures in this part and provide the Council, the SHPO/THPO, and the Indian tribe or Native Hawaiian organization with a report on the actions within a reasonable time after they are completed; or

(3) If the agency official has approved the undertaking and construction has commenced, determine actions that the agency official can take to resolve adverse effects, and notify the SHPO/THPO, any Indian tribe or Native Hawaiian organization that might attach religious and cultural significance to the affected property, and the Council within 48 hours of the discovery. The notification shall describe the agency official's assessment of National Register eligibility of the property and proposed actions to resolve the adverse effects. The SHPO/THPO, the Indian tribe or Native Hawaiian organization and the Council shall respond within 48 hours of the notification. The agency official shall take into account their recommendations regarding National Register eligibility and proposed actions, and then carry out appropriate actions. The agency official shall provide the SHPO/THPO, the Indian tribe or Native Hawaiian organization and the Council a report of the actions when they are completed.

(c) *Eligibility of properties*. The agency official, in consultation with the SHPO/THPO, may assume a newly-discovered property to be eligible for the National Register for purposes of section 106. The agency official shall specify the National Register criteria used to assume the property's eligibility so that information can be used in the resolution of adverse effects.

(d) *Discoveries on tribal lands*. If historic properties are discovered on tribal lands, or there are unanticipated effects on historic properties found on tribal lands, after the agency official has completed the section 106 process without establishing a process under paragraph (a) of this section and construction has commenced, the agency official shall comply with applicable tribal regulations and procedures and obtain the concurrence of the Indian tribe on the proposed action.

Subpart C-Program Alternatives

§ 800.14 Federal agency program alternatives.

(a) *Alternate procedures*. An agency official may develop procedures to implement section 106 and substitute them for all or part of subpart B of this part if they are consistent with the Council's regulations pursuant to section 110(a)(2)(E) of the act.

(1) *Development of procedures*. The agency official shall consult with the Council, the National Conference of State Historic Preservation Officers or individual SHPO/THPOs, as appropriate, and Indian tribes and Native Hawaiian organizations, as specified in paragraph (f) of this section, in the development of alternate procedures, publish notice of the availability of proposed alternate procedures in the Federal Register and take other appropriate steps to seek public input during the development of alternate procedures.

(2) *Council review*. The agency official shall submit the proposed alternate procedures to the Council for a 60-day review period. If the Council finds the procedures to be consistent with this part, it shall notify the agency official and the agency official may adopt them as final alternate procedures.

(3) *Notice*. The agency official shall notify the parties with which it has consulted and publish notice of final alternate procedures in the Federal Register.

(4) *Legal effect*. Alternate procedures adopted pursuant to this subpart substitute for the Council's regulations for the purposes of the agency's compliance with section 106, except that where an Indian tribe has entered into an agreement with the Council to substitute tribal historic preservation regulations for the Council's regulations under section 101(d)(5) of the act, the agency shall follow those regulations in lieu of the agency's procedures regarding undertakings on tribal lands. Prior to the Council entering into such agreements, the Council will provide Federal agencies notice and opportunity to comment on the proposed substitute tribal regulations.

(b) *Programmatic agreements*. The Council and the agency official may negotiate a programmatic agreement to govern the implementation of a particular program or the resolution of adverse effects from certain complex project situations or multiple undertakings.

(1) *Use of programmatic agreements*. A programmatic agreement may be used:

(i) When effects on historic properties are similar and repetitive or are multi-State or regional in scope;

(ii) When effects on historic properties cannot be fully determined prior to approval of an undertaking;

(iii) When nonfederal parties are delegated major decisionmaking responsibilities;

(iv) Where routine management activities are undertaken at Federal installations, facilities, or other land-management units; or

(v) Where other circumstances warrant a departure from the normal section 106 process.

(2) *Developing programmatic agreements for agency programs*.

(i) The consultation shall involve, as appropriate, SHPO/THPOs, the National Conference of State Historic Preservation Officers (NCSHPO), Indian tribes and Native Hawaiian organizations, other Federal agencies, and members of the public. If the programmatic agreement has the potential to affect historic properties on tribal lands or historic properties of religious and cultural significance to an Indian tribe or Native Hawaiian organization, the agency official shall also follow paragraph (f) of this section.

(ii) *Public Participation*. The agency official shall arrange for public participation appropriate to the subject matter and the scope of the program and in accordance with subpart A of this part. The agency official shall consider the nature of the program and its likely effects on historic properties and take steps to involve the individuals, organizations and entities likely to be interested.

(iii) *Effect*. The programmatic agreement shall take effect when executed by the Council, the agency official and the appropriate SHPOs/THPOs when the programmatic agreement concerns a specific region or the president of NCSHPO when NCSHPO has participated in the consultation. A programmatic agreement shall take effect on tribal lands only when the THPO, Indian tribe or a designated representative of the tribe is a signatory to the agreement. Compliance with the procedures established by an approved programmatic agreement satisfies the agency's section 106 responsibilities for all individual undertakings of the program covered by the agreement until it expires or is terminated by the agency, the president of NCSHPO when a signatory, or the Council. Termination by an individual SHPO/THPO shall only terminate the application of a regional programmatic agreement within the jurisdiction of the SHPO/THPO. If a THPO assumes the responsibilities of a SHPO pursuant to section 101(d)(2) of the act and the SHPO is signatory to programmatic agreement, the THPO assumes the role of a signatory, including the right to terminate a regional programmatic agreement on lands under the jurisdiction of the tribe.

(iv) *Notice*. The agency official shall notify the parties with which it has consulted that a programmatic agreement has been executed under paragraph (b) of this section, provide appropriate public notice before it takes effect, and make any internal agency procedures implementing the agreement readily available to the Council, SHPO/THPOs, and the public.

(v) If the Council determines that the terms of a programmatic agreement are not being carried out, or if such an agreement is terminated, the agency official shall comply with subpart B of this part with regard to individual undertakings of the program covered by the agreement.

(3) *Developing programmatic agreements for complex or multiple undertakings*. Consultation to develop a programmatic agreement for dealing with the potential adverse effects of complex projects or multiple undertakings shall follow § 800.6. If consultation pertains to an activity involving multiple undertakings and the parties fail to reach agreement, then the agency official shall comply with the provisions of subpart B of this part for each individual undertaking.

(4) *Prototype programmatic agreements*. The Council may designate an agreement document as a prototype programmatic agreement that may be used for the same type of program or undertaking in more than one case or area. When an agency official uses such a prototype programmatic agreement, the agency official may develop and execute the agreement with the appropriate SHPO/THPO and the agreement shall become final without need for Council participation in consultation or Council signature.

(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 act.

(2) *Public participation*. The proponent of the exemption shall arrange for public participation appropriate to the subject matter and the scope of the exemption and in accordance with the standards in subpart A of this part. The proponent of the exemption shall consider the nature of the exemption and its likely effects on historic properties and take steps to involve individuals, organizations and entities likely to be interested.

(3) *Consultation with SHPOs/THPOs*. The proponent of the exemption shall notify and consider the views of the SHPOs/THPOs on the exemption.

(4) *Consultation with Indian tribes and Native Hawaiian organizations*. If the exempted program or category of undertakings has the potential to affect historic properties on tribal lands or historic properties of religious and cultural significance to an Indian tribe or Native Hawaiian organization, the Council shall follow the requirements for the agency official set forth in paragraph (f) of this section.

(5) *Council review of proposed exemptions*. The Council shall review an exemption proposal that is supported by documentation describing the program or category for which the exemption is sought, demonstrating that the criteria of paragraph (c)(1) of this section have been met, describing the methods used to seek the views of the public, and summarizing any views submitted by the SHPO/THPOs, the public, and any others consulted. Unless it requests further information, the Council shall approve or reject the proposed exemption within 30 days of receipt, and thereafter notify the relevant agency official and SHPO/THPOs of the decision. The decision shall be based on the consistency of the exemption with the purposes of the act, taking into consideration the magnitude of the exempted undertaking or program and the likelihood of impairment of historic properties in accordance with section 214 of the act.

(6) *Legal consequences*. Any undertaking that falls within an approved exempted program or category shall require no further review pursuant to subpart B of this part, unless the agency official or the Council determines that there are circumstances under which the normally excluded undertaking should be reviewed under subpart B of this part.

(7) *Termination*. The Council may terminate an exemption at the request of the agency official or when the Council determines that the exemption no longer meets the criteria of paragraph (c)(1) of this section. The Council shall notify the agency official 30 days before termination becomes effective.

(8) *Notice*. The proponent of the exemption shall publish notice of any approved exemption in the Federal Register.

(d) *Standard treatments*.

(1) *Establishment*. The Council, on its own initiative or at the request of another party, may establish standard methods for the treatment of a category of historic properties, a category of undertakings, or a category of effects on historic properties to assist Federal agencies in satisfying the requirements of subpart B of this part. The Council shall publish notice of standard treatments in the Federal Register.

(2) *Public participation*. The Council shall arrange for public participation appropriate to the subject matter and the scope of the standard treatment and consistent with subpart A of this part. The Council shall consider the nature of the standard treatment and its likely effects on historic properties and the individuals, organizations and entities likely to be interested. Where an agency official has proposed a standard treatment, the Council may request the agency official to arrange for public involvement.

(3) *Consultation with SHPOs/THPOs*. The Council shall notify and consider the views of SHPOs/THPOs on the proposed standard treatment.

(4) *Consultation with Indian tribes and Native Hawaiian organizations*. If the proposed standard treatment has the potential to affect historic properties on tribal lands or historic properties of religious and cultural significance to an Indian tribe or Native Hawaiian organization, the Council shall follow the requirements for the agency official set forth in paragraph (f) of this section.

(5) *Termination*. The Council may terminate a standard treatment by publication of a notice in the Federal Register 30 days before the termination takes effect.

(e) *Program comments*. An agency official may request the Council to comment on a category of undertakings in lieu of conducting individual reviews under §§ 800.4 through 800.6. The Council may provide program comments at its own initiative.

(1) *Agency request*. The agency official shall identify the category of undertakings, specify the likely effects on historic properties, specify the steps the agency official will take to ensure that the effects are taken into account, identify the time period for which the comment is requested and summarize any views submitted by the public.

(2) *Public participation*. The agency official shall arrange for public participation appropriate to the subject matter and the scope of the category and in accordance with the standards in subpart A of this part. The agency official shall consider the nature of the undertakings and their likely effects on historic properties and the individuals, organizations and entities likely to be interested.

(3) *Consultation with SHPOs/THPOs*. The Council shall notify and consider the views of SHPOs/THPOs on the proposed program comment.

(4) *Consultation with Indian tribes and Native Hawaiian organizations*. If the program comment has the potential to affect historic properties on tribal lands or historic properties of religious and cultural significance to an Indian tribe or Native Hawaiian organization, the Council shall follow the requirements for the agency official set forth in paragraph (f) of this section.

(5) *Council action*. Unless the Council requests additional documentation, notifies the agency official that it will decline to comment, or obtains the consent of the agency official to extend the period for providing comment, the Council shall comment to the agency official within 45 days of the request.

(i) If the Council comments, the agency official shall take into account the comments of the Council in carrying out the undertakings within the category and publish notice in the Federal Register of the Council's comments and steps the agency will take to ensure that effects to historic properties are taken into account.

(ii) If the Council declines to comment, the agency official shall continue to comply with the requirements of §§ 800.3 through 800.6 for the individual undertakings.

(6) *Withdrawal of comment.* If the Council determines that the consideration of historic properties is not being carried out in a manner consistent with the program comment, the Council may withdraw the comment and the agency official shall comply with the requirements of §§ 800.3 through 800.6 for the individual undertakings.

(f) *Consultation with Indian tribes and Native Hawaiian organizations when developing program alternatives.* Whenever an agency official proposes a program alternative pursuant to paragraphs (a) through (e) of this section, the agency official shall ensure that development of the program alternative includes appropriate government-to-government consultation with affected Indian tribes and consultation with affected Native Hawaiian organizations.

(1) *Identifying affected Indian tribes and Native Hawaiian organizations.* If any undertaking covered by a proposed program alternative has the potential to affect historic properties on tribal lands, the agency official shall identify and consult with the Indian tribes having jurisdiction over such lands. If a proposed program alternative has the potential to affect historic properties of religious and cultural significance to an Indian tribe or a Native Hawaiian organization which are located off tribal lands, the agency official shall identify those Indian tribes and Native Hawaiian organizations that might attach religious and cultural significance to such properties and consult with them. When a proposed program alternative has nationwide applicability, the agency official shall identify an appropriate government to government consultation with Indian tribes and consult with Native Hawaiian organizations in accordance with existing Executive orders, Presidential memoranda and applicable provisions of law.

(2) *Results of consultation.* The agency official shall provide summaries of the views, along with copies of any written comments, provided by affected Indian tribes and Native Hawaiian organizations to the Council as part of the documentation for the proposed program alternative. The agency official and the Council shall take those views into account in reaching a final decision on the proposed program alternative.

§ 800.15 Tribal, State, and local program alternatives. (Reserved)

§ 800.16 Definitions.

(a) *Act* means the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470-470w-6.

(b) *Agency* means agency as defined in 5 U.S.C. 551.

(c) *Approval of the expenditure of funds* means any final agency decision authorizing or permitting the expenditure of Federal funds or financial assistance on an undertaking, including any agency decision that may be subject to an administrative appeal.

(d) *Area of potential effects* means the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.

(e) *Comment* means the findings and recommendations of the Council formally provided in writing to the head of a Federal agency under section 106.

(f) *Consultation* means the process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the section 106 process. The Secretary's "Standards and Guidelines for Federal Agency Preservation Programs pursuant to the National Historic Preservation Act" provide further guidance on consultation.

(g) *Council* means the Advisory Council on Historic Preservation or a Council member or employee designated to act for the Council.

(h) *Day* or *days* means calendar days.

(i) *Effect* means alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register.

(j) *Foreclosure* means an action taken by an agency official that effectively precludes the Council from providing comments which the agency official can meaningfully consider prior to the approval of the undertaking.

(k) *Head of the agency* means the chief official of the Federal agency responsible for all aspects of the agency's actions. If a State, local or tribal government has assumed or has been delegated responsibility for section 106 compliance, the head of that unit of government shall be considered the head of the agency.

(l)(1) *Historic property* means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.

(2) The term *eligible for inclusion in the National Register* includes both properties formally determined as such in accordance with regulations of the Secretary of the Interior and all other properties that meet the National Register criteria.

(m) *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), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(n) *Local government* means a city, county, parish, township, municipality, borough, or other general purpose political subdivision of a State.

(o) *Memorandum of agreement* means the document that records the terms and conditions agreed upon to resolve the adverse effects of an undertaking upon historic properties.

(p) *National Historic Landmark* means a historic property that the Secretary of the Interior has designated a National Historic Landmark.

(q) *National Register* means the National Register of Historic Places maintained by the Secretary of the Interior.

(r) *National Register criteria* means the criteria established by the Secretary of the Interior for use in evaluating the eligibility of properties for the National Register (36 CFR part 60).

(s)(1)*Native Hawaiian organization* means any organization which serves and represents the interests of Native Hawaiians; has as a primary and stated purpose the provision of services to Native Hawaiians; and has demonstrated expertise in aspects of

historic preservation that are significant to Native Hawaiians.

(2) *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 the State of Hawaii.

(t) *Programmatic agreement* means a document that records the terms and conditions agreed upon to resolve the potential adverse effects of a Federal agency program, complex undertaking or other situations in accordance with § 800.14(b).

(u) *Secretary* means the Secretary of the Interior acting through the Director of the National Park Service except where otherwise specified.

(v) *State Historic Preservation Officer (SHPO)* means the official appointed or designated pursuant to section 101(b)(1) of the act to administer the State historic preservation program or a representative designated to act for the State historic preservation officer.

(w) *Tribal Historic Preservation Officer (THPO)*means the tribal official appointed by the tribe's chief governing authority or designated by a tribal ordinance or preservation program who has assumed the responsibilities of the SHPO for purposes of section 106 compliance on tribal lands in accordance with section 101(d)(2) of the act.

(x) *Tribal lands* means all lands within the exterior boundaries of any Indian reservation and all dependent Indian communities.

(y) *Undertaking* means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval.

(z) *Senior policy official* means the senior policy level official designated by the head of the agency pursuant to section 3(e) of Executive Order 13287.

Appendix A to Part 800 -- Criteria for Council Involvement in Reviewing Individual section 106 Cases

(a) *Introduction*. This appendix sets forth the criteria that will be used by the Council to determine whether to enter an individual section 106 review that it normally would not be involved in.

(b) *General policy*. The Council may choose to exercise its authorities under the section 106 regulations to participate in an individual project pursuant to the following criteria. However, the Council will not always elect to participate even though one or more of the criteria may be met.

(c) *Specific criteria*. The Council is likely to enter the section 106 process at the steps specified in the regulations in this part when an undertaking:

(1) *Has substantial impacts on important historic properties*. This may include adverse effects on properties that possess a national level of significance or on properties that are of unusual or noteworthy importance or are a rare property type; or adverse effects to large numbers of historic properties, such as impacts to multiple properties within a historic district.

(2) *Presents important questions of policy or interpretation*. This may include questions about how the Council's regulations are being applied or interpreted, including possible foreclosure or anticipatory demolition situations; situations where the outcome will set a precedent affecting Council policies or program goals; or the development of programmatic agreements that alter the way the section 106 process is applied to a group or type of undertakings.

(3) *Has the potential for presenting procedural problems*. This may include cases with substantial public controversy that is related to historic preservation issues; with disputes among or about consulting parties which the Council's involvement could help resolve; that are involved or likely to be involved in litigation on the basis of section 106; or carried out by a Federal agency, in a State or locality, or on tribal lands where the Council has previously identified problems with section 106 compliance pursuant to § 800.9(d)(2).

(4) *Presents issues of concern to Indian tribes or Native Hawaiian organizations*. This may include cases where there have been concerns raised about the identification of, evaluation of or assessment of effects on historic properties to which an Indian tribe or Native Hawaiian organization attaches religious and cultural significance; where an Indian tribe or Native Hawaiian organization has requested Council involvement to assist in the resolution of adverse effects; or where there are questions relating to policy, interpretation or precedent under section 106 or its relation to other authorities, such as the Native American Graves Protection and Repatriation Act.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Protecting Historic Properties:

A CITIZEN'S GUIDE TO SECTION 106 REVIEW

WWW.ACHP.GOV

Preserving America's Heritage

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COVER PHOTOS:

Clockwise, from top left: Historic Downtown Louisville, Kentucky; Section 106 consultation at Medicine Lake, California; bighorn sheep petroglyph in Nine Mile Canyon, Utah (photo courtesy Jerry D. Spangler); Worthington Farm, Monocacy Battlefield National Historic Landmark, Maryland (photo courtesy Maryland State Highway Administration).

About the ACHP

The mission of the Advisory Council on Historic Preservation (ACHP) is to promote the preservation, enhancement, and productive use of the nation's historic resources and advise the President and Congress on national historic preservation policy.

The ACHP, an independent federal agency, 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 Preserve America program.

The 23-member council is supported by a professional staff in Washington, D.C. For more information contact:

Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW, Suite 803
Washington, D.C. 20004
(202) 606-8503
www.achp.gov

Introduction

Proud of your heritage? Value the places that reflect your community's history? You should know about Section 106 review, an important tool you can use to influence federal decisions regarding historic properties. By law, you have a voice when a project involving federal action, approval, or funding may affect properties that qualify for the National Register of Historic Places, the nation's official list of historic properties.

This guide from the Advisory Council on Historic Preservation (ACHP), the agency charged with historic preservation leadership within federal government, explains how your voice can be heard.

Each year, the federal government is involved with many projects that affect historic properties. For example, the Federal Highway Administration works with states on road improvements, the Department of Housing and Urban Development grants funds to cities to rebuild communities, and the General Services Administration builds and leases federal office space.

Agencies like the Forest Service, the National Park Service, the Bureau of Land Management, the Department of Veterans Affairs, and the Department of Defense make decisions daily about the management of federal buildings, parks, forests, and lands. These decisions may affect historic properties, including those that are of traditional religious and cultural significance to federally recognized Indian tribes and Native Hawaiian organizations.

Projects with less obvious federal involvement can also have repercussions on historic properties. For example, the construction of a boat dock or a housing development that affects wetlands may also impact fragile archaeological sites and require a U.S. Army Corps of Engineers permit. Likewise, the construction of a cellular tower may require a license from the Federal Communications Commission and might compromise historic or culturally significant landscapes or properties valued by Indian tribes or Native Hawaiian organizations for traditional religious and cultural practices.

These and other projects with federal involvement can harm historic properties. The Section 106 review process gives you the opportunity to alert the federal government to the historic properties you value and influence decisions about projects that affect them.

Public Involvement Matters

Dust from vehicles may affect historic sites in Nine Mile Canyon, Utah. (photo courtesy Jerry D. Spangler, Colorado Plateau Archaeological Alliance)

What is Section 106 Review?

In the National Historic Preservation Act of 1966 (NHPA), Congress established a comprehensive program to preserve the historical and cultural foundations of the nation as a living part of community life. Section 106 of the NHPA is crucial to that program because it requires consideration of historic preservation in the multitude of projects with federal involvement that take place across the nation every day.

Section 106 requires federal agencies to consider the effects of projects they carry out, approve, or fund on historic properties. Additionally, federal agencies must provide the ACHP an opportunity to comment on such projects prior to the agency's decision on them.

Section 106 review encourages, but does not mandate, preservation. Sometimes there is no way for a needed project to proceed without harming historic properties. Section 106 review does ensure that preservation values are factored into federal agency planning and decisions. Because of Section 106, federal agencies must assume responsibility for the consequences of the projects they carry out, approve, or fund on historic properties and be publicly accountable for their decisions.

Conservation

The National Soldiers Monument (1877) at Dayton (Ohio) National Cemetery was cleaned and conserved in 2009 as part of a program funded by the American Recovery and Reinvestment Act. (photo courtesy Department of Veterans Affairs)

Understanding Section 106 Review

Regulations issued by the ACHP spell out the Section 106 review process, specifying actions federal agencies must take to meet their legal obligations. The regulations are published in the Code of Federal Regulations at 36 CFR Part 800, "Protection of Historic Properties," and can be found on the ACHP's Web site at **www.achp.gov**.

Federal agencies are responsible for initiating Section 106 review, most of which takes place between the agency and state and tribal or Native Hawaiian organization officials. Appointed by the governor, the State Historic Preservation Officer (SHPO) coordinates the state's historic preservation program and consults with agencies during Section 106 review.

Agencies also consult with officials of federally recognized Indian tribes when the projects have the potential to affect historic properties on tribal lands or historic properties of significance to such tribes located off tribal lands. Some tribes have officially designated Tribal Historic Preservation Officers (THPOs), while others designate representatives to consult with agencies as needed. In Hawaii, agencies consult with Native Hawaiian organizations (NHOs) when historic properties of religious and cultural significance to them may be affected.

To successfully complete Section 106 review, federal agencies must do the following:

- gather information to decide which properties in the area that may be affected by the project are listed, or are eligible for listing, in the National Register of Historic Places (referred to as "historic properties");
- determine how those historic properties might be affected;
- explore measures to avoid or reduce harm ("adverse effect") to historic properties; and
- reach agreement with the SHPO/THPO (and the ACHP in some cases) on such measures to resolve any adverse effects or, failing that, obtain advisory comments from the ACHP, which are sent to the head of the agency.

What are Historic Properties?

In the Section 106 process, a historic property is a prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places. This term includes artifacts, records, and remains that are related to and located within these National Register properties. The term also includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization, so long as that property also meets the criteria for listing in the National Register.

The National Register of Historic Places

The National Register of Historic Places is the nation's official list of properties recognized for their significance in American history, architecture, archaeology, engineering, and culture. It is administered by the National Park Service, which is part of the Department of the Interior. The Secretary of the Interior has established the criteria for evaluating the eligibility of properties for the National Register. In short, the property must be significant, be of a certain age, and have integrity:

- **Significance.** Is the property associated with events, activities, or developments that were important in the past? With the lives of people who were historically important? With distinctive architectural history, landscape history, or engineering achievements? Does it have the potential to yield important information through archaeological investigation about our past?
- **Age and Integrity**. Is the property old enough to be considered historic (generally at least 50 years old) and does it still look much the way it did in the past?

During a Section 106 review, the federal agency evaluates properties against the National Register criteria and seeks the consensus of the SHPO/THPO/tribe regarding eligibility. A historic property need not be formally listed in the National Register in order to be considered under the Section 106 process. Simply coming to a consensus determination that a property is eligible for listing is adequate to move forward with Section 106 review. (For more information, visit the National Register Web site at **www.cr.nps.gov/nr**).

When historic properties may be harmed, Section 106 review usually ends with a legally binding agreement that establishes how the federal agency will avoid, minimize, or mitigate the adverse effects. In the very few cases where this does not occur, the ACHP issues advisory comments to the head of the agency who must then consider these comments in making a final decision about whether the project will proceed.

Section 106 reviews ensure federal agencies fully consider historic preservation issues and the views of the public during project planning. Section 106 reviews do not mandate the approval or denial of projects.

SECTION 106: WHAT IS AN ADVERSE EFFECT?

If a project may alter characteristics that qualify a specific property for inclusion in the National Register in a manner that would diminish the integrity of the property, that project is considered to have an adverse effect. Integrity is the ability of a property to convey its significance, based on its location, design, setting, materials, workmanship, feeling, and association.

Adverse effects can be direct or indirect and include the following:

- physical destruction or damage
- alteration inconsistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties
- relocation of the property
- change in the character of the property's use or setting
- introduction of incompatible visual, atmospheric, or audible elements
- neglect and deterioration
- transfer, lease, or sale of a historic property out of federal control without adequate preservation restrictions

Determining Federal Involvement

If you are concerned about a proposed project and wondering whether Section 106 applies, you should first determine whether the federal government is involved. Will a federal agency fund or carry out the project? Is a federal permit, license, or approval needed? Section 106 applies only if a federal agency is carrying out the project, approving it, or funding it, so confirming federal involvement is critical.

Historic

Falls of Clyde, in Honolulu, Hawaii, is the last surviving iron-hulled, four-masted full rigged ship, and the only remaining sail-driven oil tanker. (photo courtesy Bishop Museum Maritime Center)

IS THERE FEDERAL INVOLVEMENT? CONSIDER THE POSSIBILITIES:

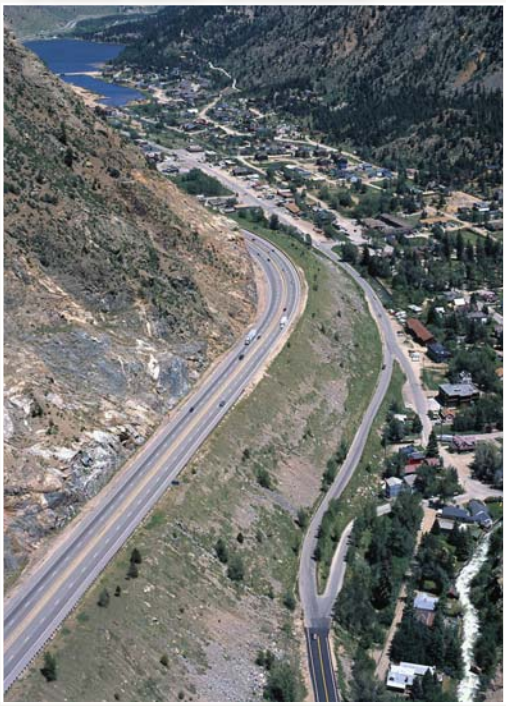
Is a federally owned or federally controlled property involved, such as a military base, park, forest, office building, post office, or courthouse? Is the agency proposing a project on its land, or would it have to provide a right-of-way or other approval to a private company for a project such as a pipeline or mine?

Is the project receiving federal funds, grants, or loans? If it is a transportation project, frequent sources of funds are the Federal Highway Administration, the Federal Transit Administration, and the Federal Railroad Administration. Many local government projects receive funds from the Department of Housing and Urban Development. The Federal Emergency Management Agency provides funds for disaster relief.

Does the project require a federal permit, license, or other approval? Often housing developments impact wetlands, so a U.S. Army Corps of Engineers permit may be required. Airport projects frequently require approvals from the Federal Aviation Administration.

Many communications activities, including cellular tower construction, are licensed by the Federal Communications Commission. Hydropower and pipeline development requires approval from the Federal Energy Regulatory Commission. Creation of new bank branches must be approved by the Federal Deposit Insurance Corporation.

Federal Funds



Interstate 70 at the Georgetown-Silver Plume National Historic Landmark, Colorado (photo courtesy J.F. Sato & Associates)

Sometimes federal involvement is obvious. Often, involvement is not immediately apparent. If you have a question, contact the project sponsor to obtain additional information and to inquire about federal involvement. All federal agencies have Web sites. Many list regional or local contacts and information on major projects. The SHPO/THPO/tribe, state or local planning commissions, or statewide historic preservation organizations may also have project information.

Once you have identified the responsible federal agency, write to the agency to request a project description and inquire about the status of project planning. Ask how the agency plans to comply with Section 106, and voice your concerns. Keep the SHPO/THPO/tribe advised of your interest and contacts with the federal agency.

MONITORING FEDERAL ACTIONS

The sooner you learn about proposed projects with federal involvement, the greater your chance of influencing the outcome of Section 106 review.

Learn more about the history of your neighborhood, city, or state. Join a local or statewide preservation, historical, or archaeological organization. These organizations are often the ones first contacted by federal agencies when projects commence.

If there is a clearinghouse that distributes information about local, state, tribal, and federal projects, make sure you or your organization is on its mailing list.

Make the SHPO/THPO/tribe aware of your interest.

Become more involved in state and local decision making. Ask about the applicability of Section 106 to projects under state, tribal, or local review. Does your state, tribe, or community have preservation laws in place? If so, become knowledgeable about and active in the implementation of these laws.

Review the local newspaper for notices about projects being reviewed under other federal statutes, especially the National Environmental Policy Act (NEPA). Under NEPA, a federal agency must determine if its proposed major actions will significantly impact the environment. Usually, if an agency is preparing an Environmental Impact Statement under NEPA, it must also complete a Section 106 review for the project.

Working with Federal Agencies

Throughout the Section 106 review process, federal agencies must consider the views of the public. This is particularly important when an agency is trying to identify historic properties that might be affected by a project and is considering ways to avoid, minimize, or mitigate harm to them.

Agencies must give the public a chance to learn about the project and provide their views. How agencies publicize projects depends on the nature and complexity of the particular project and the agency's public involvement procedures.

Public meetings are often noted in local newspapers and on television and radio. A daily government publication, the *Federal Register* (available at many public libraries and online at **www.gpoaccess.gov/fr/index.html**), has notices concerning projects, including those being reviewed under NEPA. Federal agencies often use NEPA for purposes of public outreach under Section 106 review.

Federal agencies also frequently contact local museums and historical societies directly to learn about historic properties and community concerns. In addition, organizations like the National Trust for Historic Preservation (NTHP) are actively engaged in a number of Section 106 consultations on projects around the country. The NTHP is a private, non-profit membership organization dedicated to saving historic places and revitalizing America's communities. Organizations like the NTHP and your state and local historical societies and preservation interest groups can be valuable sources of information. Let them know of your interest.

When the agency provides you with information, let the agency know if you disagree with its findings regarding what properties are eligible for the National Register of Historic Places or how the proposed project may affect them. Tell the agency—in writing—about any important properties that you think have been overlooked or incorrectly evaluated. Be sure to provide documentation to support your views.

When the federal agency releases information about project alternatives under consideration, make it aware of the options you believe would be most beneficial. To support alternatives that would preserve historic properties, be prepared to discuss costs and how well your preferred alternatives would meet project needs. Sharing success stories about the treatment or reuse of similar resources can also be helpful.

Applicants for federal assistance or permits, and their consultants, often undertake research and analyses on behalf of a federal agency. Be prepared to make your interests and views known to them, as well. But remember the federal agency is ultimately responsible for completing Section 106 review, so make sure you also convey your concerns directly to it.

Learn About the Project

Hangar 1, a historic dirigible hangar at Moffett Field at NASA Ames Research Center, California

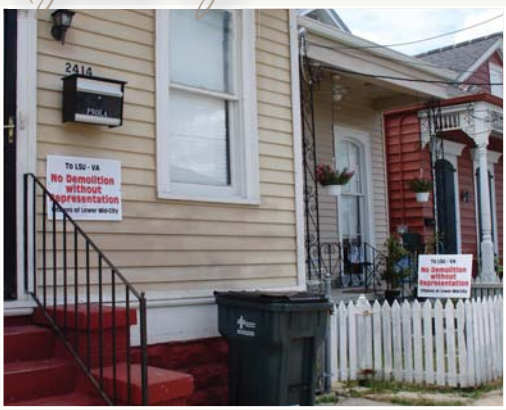
Influencing Project Outcomes

In addition to seeking the views of the public, federal agencies must actively consult with certain organizations and individuals during review. This interactive consultation is at the heart of Section 106 review.

Consultation does not mandate a specific outcome. Rather, it is the process of seeking, discussing, and considering the views of consulting parties about how project effects on historic properties should be handled.

To influence project outcomes, you may work through the consulting parties, particularly those who represent your interests. For instance, if you live within the local jurisdiction where a project is taking place, make sure to express your views on historic preservation issues to the local government officials who participate in consultation.

Speak Up



Residents in the Lower Mid-City Historic District in New Orleans express their opinions about the proposed acquisition and demolition of their properties for the planned new Department of Veterans Affairs and Louisiana State University medical centers which would replace the facilities damaged as a result of Hurricane Katrina.

You or your organization may want to take a more active role in Section 106 review, especially if you have a legal or economic interest in the project or the affected properties. You might also have an interest in the effects of the project as an individual, a business owner, or a member of a neighborhood association, preservation group, or other organization. Under these circumstances, you or your organization may write to the federal agency asking to become a consulting party.

WHO ARE CONSULTING PARTIES?

The following parties are entitled to participate as consulting parties during Section 106 review:

- Advisory Council on Historic Preservation;
- State Historic Preservation Officers;
- Federally recognized Indian tribes/THPOs;
- Native Hawaiian organizations;
- Local governments; and
- Applicants for federal assistance, permits, licenses, and other approvals.

Other individuals and organizations with a demonstrated interest in the project may participate in Section 106 review as consulting parties "due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties." Their participation is subject to approval by the responsible federal agency.

When requesting consulting party status, explain in a letter to the federal agency why you believe your participation would be important to successful resolution. Since the SHPO/THPO or tribe will assist the federal agency in deciding who will participate in the consultation, be sure to provide the SHPO/THPO or tribe with a copy of your letter. Make sure to emphasize your relationship with the project and demonstrate how your connection will inform the agency's decision making.

If you are denied consulting party status, you may ask the ACHP to review the denial and make recommendations to the federal agency regarding your participation. However, the federal agency makes the ultimate decision on the matter.

Consulting party status entitles you to share your views, receive and review pertinent information, offer ideas, and consider possible solutions together with the federal agency and other consulting parties. It is up to you to decide how actively you want to participate in consultation.

Get Involved

Section 106 consultation with an Indian tribe

MAKING THE MOST OF CONSULTATION

Consultation will vary depending on the federal agency's planning process and the nature of the project and its effects.

Often consultation involves participants with a wide variety of concerns and goals. While the focus of some may be preservation, the focus of others may be time, cost, and the purpose to be served by the project.

Effective consultation occurs when you:

- keep an open mind;
- state your interests clearly;
- acknowledge that others have legitimate interests, and seek to understand and accommodate them;
- consider a wide range of options;
- identify shared goals and seek options that allow mutual gain; and
- bring forward solutions that meet the agency's needs.

Creative ideas about alternatives—not complaints—are the hallmarks of effective consultation.

How the ACHP Can Help

Under Section 106 review, most harmful effects are addressed successfully by the federal agency and the consulting parties without participation by the ACHP. So, your first points of contact should always be the federal agency and/or the SHPO/THPO.

When there is significant public controversy, or if the project will have substantial effects on important historic properties, the ACHP may elect to participate directly in the consultation. The ACHP may also get involved if important policy questions are raised, procedural problems arise, or if there are issues of concern to Indian tribes or Native Hawaiian organizations.

Whether or not the ACHP becomes involved in consultation, you may contact the ACHP to express your views or to request guidance, advice, or technical assistance. Regardless of the scale of the project or the magnitude of its effects, the ACHP is available to assist with dispute resolution and advise on the Section 106 review process.

If you cannot resolve disagreements with the federal agency regarding which historic properties are affected by a project or how they will be impacted, contact the ACHP. The ACHP may then advise the federal agency to reconsider its findings.

Collecting Comments

A panel of ACHP members listen to comments during a public meeting.

CONTACTING THE ACHP: A CHECKLIST

When you contact the ACHP, try to have the following information available:

- the name of the responsible federal agency and how it is involved;
- a description of the project;
- the historic properties involved; and
- a clear statement of your concerns about the project and its effect on historic properties.

If you suspect federal involvement but have been unable to verify it, or if you believe the federal agency or one of the other participants in review has not fulfilled its responsibilities under the Section 106 regulations, you can ask the ACHP to investigate. In either case, be as specific as possible.

When Agencies Don't Follow the Rules

A federal agency must conclude Section 106 review before making a decision to approve a project, or fund or issue a permit that may affect a historic property. Agencies should not make obligations or take other actions that would preclude consideration of the full range of alternatives to avoid or minimize harm to historic properties before Section 106 review is complete.

If the agency acts without properly completing Section 106 review, the ACHP can issue a finding that the agency has prevented meaningful review of the project. This means that, in the ACHP's opinion, the agency has failed to comply with Section 106 and therefore has not met the requirements of federal law.

A vigilant public helps ensure federal agencies comply fully with Section 106. In response to requests, the ACHP can investigate questionable actions and advise agencies to take corrective action. As a last resort, preservation groups or individuals can litigate in order to enforce Section 106.

If you are involved in a project and it seems to be getting off track, contact the agency to voice your concern. Call the SHPO or THPO to make sure they understand the issue. Call the ACHP if you feel your concerns have not been heard.

Following Through

Stay Informed

Milton Madison Bridge over the Ohio River between Kentucky and Indiana (photo courtesy Wilbur Smith Associates/Michael Baker Engineers)

After agreements are signed, the public may still play a role in the Section 106 process by keeping abreast of the agreements that were signed and making sure they are properly carried out. The public may also request status reports from the agency.

Designed to accommodate project needs and historic values, Section 106 review relies on strong public participation. Section 106 review provides the public with an opportunity to influence how projects with federal involvement affect historic properties. By keeping informed of federal involvement, participating in consultation, and knowing when and whom to ask for help, you can play an active role in deciding the future of historic properties in your community.

Section 106 review gives you a chance to weigh in when projects with federal involvement may affect historic properties you care about. Seize that chance, and make a difference!

Contact Information

Advisory Council on Historic Preservation

Office of Federal Agency Programs
1100 Pennsylvania Avenue, NW, Suite 803
Washington, D.C. 20004
Phone: (202) 606-8503
Fax: (202) 606-8647
E-mail: achp@achp.gov
Web site: www.achp.gov

The ACHP's Web site includes more information about working with Section 106 and contact information for federal agencies, SHPOs, and THPOs.

National Association of Tribal Historic Preservation Officers

P.O. Box 19189
Washington, D.C. 20036-9189
Phone: (202) 628-8476
Fax: (202) 628-2241
E-mail: info@nathpo.org
Web site: www.nathpo.org

National Conference of State Historic Preservation Officers

444 North Capitol Street, NW, Suite 342
Washington, D.C. 20001
Phone: (202) 624-5465
Fax: (202) 624-5419
Web site: www.ncshpo.org
For the SHPO in your state, see www.ncshpo.org/find/index.htm

National Park Service

Heritage Preservation Services
1849 C Street, NW (2255)
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Beneath the Surface

Ohio Department of Transportation workers made an unanticipated archaeological discovery while working just north of Chillicothe along state Route 104. It is a remnant of an Ohio & Erie Canal viaduct. (photo courtesy Bruce W. Aument, Staff Archaeologist, ODOT/Office of Environmental Services)

TO LEARN MORE

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American Indian Religious Freedom Act

PORTION, AS AMENDED

This Act became law on August 11, 1978 (Public Law 95-341, 42 U.S.C. 1996 and 1996a) and has been amended once. The description of the Act, as amended, tracks the language of the United States Code except that (following common usage) we refer to the "Act" (meaning the Act, as amended) rather than to the "subchapter" or the "title" of the Code.

42 U.S.C. 1996, Protection and preservation of traditional religions of Native Americans

Section 1

On and after August 11, 1978, it shall be the policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites.

42 U.S.C. 1996 note, Federal implementation of protective and preservation functions relating to Native American religious cultural rights and practices; Presidential report to Congress

Section 2

The President shall direct the various Federal departments, agencies, and other instrumentalities responsible for administering relevant laws to evaluate their policies and procedures in consultation with native traditional religious leaders in order to determine appropriate changes necessary to protect and preserve Native American religious cultural rights and practices. Twelve months after August 11, 1978, the President shall report back to Congress the results of his evaluation, including any changes* which were made in administrative policies and procedures, and any recommendations he may have for legislative action.

*One of the changes in administrative policy and procedure was Executive Order 13007, Indian Sacred Sites.

Antiquities Act of 1906

AS AMENDED

This Act became law on June 8, 1906 (34 Stat. 225, 16 U.S.C. 431-433) and has been amended once. This description of the Act, as amended, tracks the language of the United States Code except that (following common usage) we refer to the "Act" (meaning the Act, as amended) rather than to the "subchapter" or the "title" of the Code.

16 U.S.C. 433, Penalties for damage, destruction, etc. of antiquities

Section 1

Any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States, without the permission of the Secretary of the Department of the Government having jurisdiction over the lands on which said antiquities are situated, shall, upon conviction, be fined in a sum of not more than five hundred dollars or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court.

16 U.S.C. 431, Proclamation of national monuments, reservation of lands, etc.

Section 2

The President of the United States is authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with proper care and management of the objects to be protected. When such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is hereby authorized to accept the relinquishment of such tracts in [sic] behalf of the Government of the United States.

16 U.S.C. 431a, Limitation on more national monuments in Wyoming

No further extension or establishment of national monuments in Wyoming may be undertaken except by express authorization of Congress.

16 U.S.C. 432,
Permits for excavation, etc.

Section 3

Permits for the examination of ruins, the excavation of archaeological sites, and the gathering of objects of antiquity upon the lands under their respective jurisdictions may be granted by the Secretaries of the Interior, Agriculture, and Army to institutions which they may deem properly qualified to conduct such examination, excavation, or gathering, subject to such rules and regulation as they may prescribe: *Provided,* That the examinations, excavations, and gatherings are undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and that the gatherings shall be made for permanent preservation in public museums.

16 U.S.C. 432,
Rules and regulations

Section 4

The Secretaries of the departments aforesaid shall make and publish from time to time uniform rules and regulations for the purpose of carrying out the provisions of this Act.

Archeological and Historic Preservation Act

AS AMENDED

This Act became law on June 27, 1960 (Public Law 86-523, 16 U.S.C. 469-469c-2) and has been amended six times. The description of the Act, as amended, tracks the language of the United States Code except that (following common usage) we refer to the "Act" (meaning the Act, as amended) rather than to the "subchapter" or the "title" of the Code. The Act was originally known as the "Reservoir Salvage Act" when the initial legislation was enacted in 1960. With broadening amendments, the Act became known as the "Moss-Bennett Act" (after an early amendment) or the "Archeological Recovery Act."

16 U.S.C. 469, Purpose

Section 1

It is the purpose of this Act [16 U.S.C. 469-469c-1] to further the policy set forth in the Act entitled, "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes," approved August 21, 1935 [Historic Sites Act, as amended, 16 U.S.C. 461-467] by specifically providing for the preservation of historical and archeological data (including relics and specimens) which might otherwise be irreparably lost or destroyed as the result of (1) flooding, the building of access roads, the erection of workmen's communities, the relocation of railroads and highways, and other alterations of the terrain caused by the construction of a dam by any agency of the United States, or by any private person or corporation holding a license issued by any such agency or (2) any alteration of the terrain caused as a result of any Federal construction project or federally licensed activity or program.

16 U.S.C. 469(a), Notice of dam construction to be given Secretary of the Interior

Section 2

Before any agency of the United States shall undertake the construction of a dam, or issue a license to any private individual or corporation for the construction of a dam, it shall give written notice to the Secretary of the Interior (hereafter referred to as the Secretary) setting forth the site of the proposed dam and the approximate area to be flooded and otherwise changed if such construction is undertaken: *Provided,* That with respect to any floodwater retarding dam which provides less than five thousand acre-feet of detention capacity and with respect to any other type of dam which creates a reservoir of less than forty surface acres the provisions of this section shall apply only when the constructing agency, in its preliminary surveys, finds,

or is presented with evidence that historical or archeological materials exist or may be present in the proposed reservoir area.

16 U.S.C. 469a-1, Threat of loss or destruction of significant data by Federal construction projects

Section 3

16 U.S.C. 469a-1(a), Notification and request for preservation of data

(a) Whenever any Federal agency finds, or is notified, in writing, by an appropriate historical or archeological authority, that its activities in connection with any Federal construction project or federally licensed project, activity, or program may cause irreparable loss or destruction of significant scientific, prehistorical, historical, or archeological data, such agency shall notify the Secretary, in writing, and shall provide the Secretary with appropriate information concerning the project, program, or activity. Such agency may request the Secretary to undertake the recovery, protection, and preservation of such data (including preliminary survey, or other investigation as needed, and analysis and publication of the reports resulting from such investigation), or it may, with funds appropriated for such project, program, or activity, undertake such activities. Copies of reports of any investigations made pursuant to this section shall be submitted to the Secretary, who shall make them available to the public for inspection and review.

16 U.S.C. 469a-1(b), Survey of sites, preservation of data, compensation

(b) Whenever any Federal agency provides financial assistance by loan, grant, or otherwise to any private person, association, or public entity, the Secretary, if he determines that significant scientific, prehistorical, historical, or archeological data might be irrevocably lost or destroyed, may with funds appropriated expressly for this purpose conduct, with the consent of all persons, associations, or public entities having a legal interest in the property involved, a survey of the affected site and undertake the recovery, protection, and preservation of such data (including analysis and publication). The Secretary shall, unless otherwise mutually agreed to in writing, compensate any person, association, or public entity damaged as a result of delays in construction or as a result of the temporary loss of the use of private or any nonfederally owned lands.

16 U.S.C. 469a-2, Survey, data recovery, and compensation

16 U.S.C. 469 a-2(a), Survey conducted, preservation of data

Section 4

(a) The Secretary, upon notification, in writing, by any Federal or State agency or appropriate historical or archeological authority that scientific, prehistorical, historical, or archeological data is being or may be irrevocably lost or destroyed by any Federal or federally assisted or licensed project, activity, or program, shall, if he determines that such data is significant and is being or may be irrevocably lost or destroyed and after reasonable notice to the agency responsible for funding or licensing such project, activity, or program, conduct or cause to be conducted a survey and other investigation of the areas which are or may be affected and recover and preserve such data (including analysis and publication) which, in his opinion, are not being, but should be, recovered and preserved in the public interest.

16 U.S.C. 469a-2(b), Emergency projects

(b) No survey or recovery work shall be required pursuant to this section which, in the determination of the head of the responsible agency, would impede Federal or federally assisted or licensed projects or activities undertaken in connection with any emergency, including projects or activities undertaken in anticipation of, or as a result of, a natural disaster.

16 U.S.C. 469a-2(c), Initiation of survey

(c) The Secretary shall initiate the survey or recovery effort within sixty days after notification to him pursuant to subsection (a) of this section or within such time as may be agreed upon with the head of the agency responsible for funding or licensing the project, activity, or program in all other cases.

16 U.S.C. 469a-2(d), Compensation by Secretary as a result of delay

(d) The Secretary shall, unless otherwise mutually agreed to in writing, compensate any person, association, or public entity damaged as a result of delays in construction or as a result of the temporary loss of the use of private or nonfederally owned land.

16 U.S.C. 469a-3, Progress reports, disposition of relics, and coordination

Section 5

16 U.S.C. 469a-3(a), Progress reports

(a) The Secretary shall keep the agency responsible for funding or licensing the project notified at all times of the progress of any survey made under sections 1 to 7 of this Act [16 U.S.C. 469-469c] or of any work undertaken as a result of such survey, in order that there will be as little disruption or delay as possible in the carrying out of the functions of such agency and the survey and recovery programs shall terminate at a time mutually agreed upon by the Secretary and the head of such agency unless extended by mutual agreement.

16 U.S.C. 469a-3(b), Repositories for relics and specimens

(b) The Secretary shall consult with any interested Federal and State agencies, educational and scientific organizations, and private institutions and qualified individuals, with a view to determining the ownership of and the most appropriate repository for any relics and specimens recovered as a result of any work performed as provided for in this section.

16 U.S.C. 469a-3(c), Coordination of activities

(c) The Secretary shall coordinate all Federal survey and recovery activities authorized under sections 1 to 7 of this Act [16 U.S.C. 469-469c-1].

16 U.S.C. 469b, Administration issues

Section 6

In the administration of sections 1 to 8 of this Act [16 U.S.C. 469-469c-1], the Secretary may—

(1) enter into contracts or make cooperative agreements with any Federal or State agency, any educational or scientific organization, or any institution, corporation, association, or qualified individual; and

(2) obtain the services of experts and consultants or organizations thereof in accordance with section 3109 of title 5 [of the United States Code]; and

(3) accept and utilize funds made available for salvage archeological purposes by any private person or corporation or transferred to him by any Federal agency.

16 U.S.C. 469c, Use of project funds and authorization of appropriation

16 U.S.C. 469c(a), Assistance of Federal agencies, 1% limit

Section 7

(a) To carry out the purposes of sections 1 to 8 of this Act [16 U.S.C. 469-469c-1], any Federal agency responsible for a construction project may assist the Secretary and/or it may transfer to him such funds as may be agreed upon, but not more than 1 per centum of the total amount authorized to be appropriated for such project, except that the 1 per centum limitation of this section shall not apply in the event that the project involves $50,000 or less: *Provided*, That the costs of such survey, recovery, analysis, and publication shall be considered nonreimbursable project costs.

(16 U.S.C. 469c(b), Appropriation authorization for data preservation, omitted)

(16 U.S.C. 469c(c), Appropriation authorization for surveys and investigations text, omitted)

16 U.S.C. 469c(d), Appropriation availability

(d) Beginning fiscal year 1979, sums appropriated for purposes of this section shall remain available until expended.

16 U.S.C. 469c-1, "State" defined

Section 8

As used in sections 1 to 8 of this Act [16 U.S.C. 469-469c-1], the term **"State"** includes the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

Addendum

Addendum to the Archeological and Historic Preservation Act of 1974, as amended, from section 208 of the National Historic Preservation Act Amendments of 1980 [Public Law 96-515], as amended.

16 U.S.C. 469c-2, Costs for identification, surveys, evaluation, and data recovery

Section 208

Notwithstanding section 7(a) of this Act [16 U.S.C. 469c], or any other provision of law to the contrary—

Planning, not mitigation costs

(1) identification, surveys, and evaluation carried out with respect to historic properties within project areas may be treated for purposes of any law or rule of law as planning costs of the project and not as costs of mitigation;

Costs chargeable to licensees and permittees

(2) reasonable costs for identification, surveys, evaluation, and data recovery carried out with respect to historic properties within project areas may be charged to Federal licensees and permittees as a condition to the issuance of such license or permit; and

Waiver of 1% limit

(3) Federal agencies, with the concurrence of the Secretary and after notification of the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, are authorized to waive, in appropriate cases, the 1 per centum limitation contained in section 7 of this Act [16 U.S.C. 469c(a)].

Archaeological Resources Protection Act of 1979

AS AMENDED

This Act became law on October 31, 1979 (Public Law 96-95; 16 U.S.C. 470aa-mm), and has been amended four times. This description of the Act, as amended, tracks the language of the United States Code except that (following common usage) we refer to the "Act" (meaning the Act, as amended) rather than to the "subchapter" or the "title" of the Code.

16 U.S.C. 470aa, Findings and purpose

Section 2

(a) The Congress finds that—

(1) archaeological resources on public lands and Indian lands are an accessible and irreplaceable part of the Nation's heritage;

(2) these resources are increasingly endangered because of their commercial attractiveness;

(3) existing Federal laws do not provide adequate protection to prevent the loss and destruction of these archaeological resources and sites resulting from uncontrolled excavations and pillage; and

(4) there is a wealth of archaeological information which has been legally obtained by private individuals for noncommercial purposes and which could voluntarily be made available to professional archaeologists and institutions.

(b) The purpose of this Act is to secure, for the present and future benefit of the American people, the protection of archaeological resources and sites which are on public lands and Indian lands, and to foster increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals having collections of archaeological resources and data which were obtained before October 31, 1979 [the date of the enactment of this Act].

16 U.S.C. 470bb, Definitions

Section 3

As used in this Act—

(1) the term **"archaeological resource"** means any material remains of past human life or activities which are of archaeological interest, as determined under uniform regulations promulgated pursuant to this Act. Such regulations containing such determination shall include, but not

be limited to: pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any portion or piece of any of the foregoing items. Nonfossilized and fossilized paleontological specimens, or any portion or piece thereof, shall not be considered archaeological resources, under the regulations under this paragraph, unless found in an archaeological context. No item shall be treated as an archaeological resource under regulations under this paragraph unless such item is at least 100 years of age.

(2) The term "**Federal land manager**" means, with respect to any public lands, the Secretary of the department, or the head of any other agency or instrumentality of the United States, having primary management authority over such lands. In the case of any public lands or Indian lands with respect to which no department, agency, or instrumentality has primary management authority, such term means the Secretary of the Interior. If the Secretary of the Interior consents, the responsibilities (in whole or in part) under this Act of the Secretary of any department (other than the Department of the Interior) or the head of any other agency or instrumentality may be delegated to the Secretary of the Interior with respect to any land managed by such other Secretary or agency head, and in any such case, the term "Federal land manager" means the Secretary of the Interior.

(3) The term "**public lands**" means—

(A) lands which are owned and administered by the United States as part of—

(i) the national park system,

(ii) the national wildlife refuge system, or

(iii) the national forest system; and

(B) all other lands the fee title to which is held by the United States, other than lands on the Outer Continental Shelf and lands which are under the jurisdiction of the Smithsonian Institution.

(4) The term "**Indian lands**" means lands of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States, except for any subsurface interests in lands not owned or controlled by an Indian tribe or an Indian individual.

(5) The term "**Indian tribe**" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (85 Stat. 688, 43 U.S.C. 1601 et seq.).

(6) The term "**person**" means an individual, corporation, partnership, trust, institution, association, or any other private entity or any officer, employee, agent, department, or instrumentality of the United States, of any Indian tribe, or of any State or political subdivision thereof.

(7) The term "**State**" means any of the fifty States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

16 U.S.C. 470cc, Excavation and removal

Section 4

16 U.S.C. 470cc(a), Application for permit

(a) Any person may apply to the Federal land manager for a permit to excavate or remove any archaeological resource located on public lands or Indian lands and to carry out activities associated with such excavation or removal. The application shall be required, under uniform regulations under this Act, to contain such information as the Federal land manager deems necessary, including information concerning the time, scope, and location and specific purpose of the proposed work.

16 U.S.C. 470cc(b), Determinations by Federal land manager prerequisite to issuance of permit

(b) A permit may be issued pursuant to an application under subsection (a) of this section if the Federal land manager determines, pursuant to uniform regulations under this Act, that—

(1) the applicant is qualified, to carry out the permitted activity,

(2) the activity is undertaken for the purpose of furthering archaeological knowledge in the public interest,

(3) the archaeological resources which are excavated or removed from public lands will remain the property of the United States, and such resources and copies of associated archaeological records and data will be preserved by a suitable university, museum, or other scientific or educational institution, and

(4) the activity pursuant to such permit is not inconsistent with any management plan applicable to the public lands concerned.

16 U.S.C. 470cc(c), Notification to Indian tribes of possible harm to or destruction of sites having religious or cultural importance

(c) If a permit issued under this section may result in harm to, or destruction of, any religious or cultural site, as determined by the Federal land manager, before issuing such permit, the Federal land manager shall notify any Indian tribe which may consider the site as having religious or cultural importance. Such notice shall not be deemed a disclosure to the public for purposes of section 9 of this Act.

16 U.S.C. 470cc(d), Terms and conditions of permit

(d) Any permit under this section shall contain such terms and conditions, pursuant to uniform regulations promulgated under this Act, as the Federal land manager concerned deems necessary to carry out the purposes of this Act.

16 U.S.C. 470cc(e), Identification of individuals responsible for complying with permit terms and conditions and other applicable laws

(e) Each permit under this section shall identify the individual who shall be responsible for carrying out the terms and conditions of the permit and for otherwise complying with this Act and other law applicable to the permitted activity.

16 U.S.C. 470cc(f), Suspension or revocation of permits, grounds

(f) Any permit issued under this section may be suspended by the Federal land manager upon his determination that the permittee has violated any provision of subsection (a), (b), or (c) of section 6 of this Act. Any such permit may be revoked by such Federal land manager upon assessment of a civil penalty under section 7 of this Act against the permittee or upon the permittee's conviction under section 6 of this Act.

16 U.S.C. 470cc(g), Excavation or removal by Indian tribes or tribe members, excavation or removal of resources located on Indian lands

(g)(1) No permit shall be required under this section or under the Act of June 8, 1906 (16 U.S.C. 431), for the excavation or removal by any Indian tribe or member thereof of any archaeological resource located on Indian lands of such Indian tribe, except that in the absence of tribal law regulating the excavation or removal of archaeological resources on Indian lands, an individual tribal member shall be required to obtain permit under this section.

(2) In the case of any permits for the excavation or removal of any archaeological resource located on Indian lands, the permit may be granted only after obtaining the consent of the Indian or Indian tribe owning or having jurisdiction over such lands. The permit shall include such terms and conditions as may be requested by such Indian or Indian tribe.

16 U.S.C. 470cc(h), Permits issued under Antiquities Act of 1906

(h)(1) No permit or other permission shall be required under the Act of June 8, 1906 (16 U.S.C. 431-433), for any activity for which a permit is issued under this section.

(2) Any permit issued under the Act of June 8, 1906 [16 U.S.C. 431-433], shall remain in effect according to its terms and conditions following the enactment of this Act. No permit under this Act shall be required to carry out any activity under a permit issued under the Act of June 8, 1906, before October 31, 1979 [the date of the enactment of this Act] which remains in effect as provided in this paragraph, and nothing in this Act shall modify or affect any such permit.

16 U.S.C. 470cc(i), Compliance with provisions relating to undertakings on properties listed in National Register not required

(i) Issuance of a permit in accordance with this section and applicable regulations shall not require compliance with section 106 of the National Historic Preservation Act, as amended [16 U.S.C. 470f].

16 U.S.C. 470cc(j), Issuance of permits to State governors for archaeological activities on behalf of States or their educational institutions

(j) Upon the written request of the Governor of any State, the Federal land manager shall issue a permit, subject to the provisions of subsections (b)(3), (b)(4), (c), (e), (f), (g), (h), and (i) of this section for the purpose of conducting archaeological research, excavation, removal, and curation, on behalf of the State or its educational institutions, to such Governor or to such designee as the Governor deems qualified to carry out the intent of this Act.

16 U.S.C. 470dd, Custody of archaeological resources

Section 5

The Secretary of the Interior may promulgate regulations providing for—

(1) the exchange, where appropriate, between suitable universities, museums, or other scientific or educational institutions, of archaeological resources removed from public lands and Indian lands pursuant to this Act, and

(2) the ultimate disposition of such resources and other resources removed pursuant to the Act of June 27, 1960 [the Reservoir Salvage Act, as amended, also known as the Archeological and Historic Preservation Act of 1974 [16 U.S.C. 469-469c-1] or the Act of June 8, 1906 [the Antiquity Act of 1906, as amended, 16 U.S.C. 431-433].

Any exchange or ultimate disposition under such regulation of archaeological resources excavated or removed from Indian lands shall be subject to the consent of the Indian or Indian tribe which owns or has jurisdiction over such lands. Following promulgation of regulations under this section, notwithstanding any other provision of law, such regulations shall govern the disposition of archaeological resources removed from public lands and Indian lands pursuant to this Act.

16 U.S.C. 470ee, Prohibited acts and criminal penalties

Section 6

16 U.S.C. 470 ee(a), Unauthorized excavation, removal, damage, alternation, or defacement of archaeological resources

(a) No person may excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any archaeological resource located on public lands or Indian lands unless such activity is pursuant to a permit issued under section 4 of this Act, a permit referred to in section 4(h)(2) of this Act, or the exemption contained in section 4(g)(1) of this Act.

16 U.S.C. 470ee(b), Trafficking in archaeological resources: Federal law

(b) No person may sell, purchase, exchange, transport, receive, or offer to sell, purchase, or exchange any archaeological resource if such resource was excavated or removed from public lands or Indian lands in violation of—

(1) the prohibition contained in subsection (a) of this section, or

(2) any provision, rule, regulation, ordinance, or permit in effect under any other provision of Federal law.

16 U.S.C. 470ee(c), Trafficking in illegal interstate or foreign commerce in archaeological resources: State or local law

(c) No person may sell, purchase, exchange, transport, receive, or offer to sell, purchase, or exchange, in interstate of foreign commerce, any archaeological resource excavated, removed, sold, purchased, exchanged, transported, or received in violation of any provision, rule, regulation, ordinance, or permit in effect under State or local law.

16 U.S.C. 470ee(d), Penalities

(d) Any person who knowingly violates, or counsels, procures, solicits, or employs any other person to violate, any prohibition contained in subsection (a), (b), or (c) of this section shall, upon conviction, be fined not more than $10,000 or imprisoned not more than one year, or both: *Provided, however,* That if the commercial or archaeological value of the archaeological resources involved and the cost of restoration and repair of such resources exceeds the sum of $500, such person shall be fined not more than $20,000 or imprisoned not more than two years, or both. In the case of a second or subsequent such violation upon conviction such person shall be fined not more than $100,000, or imprisoned not more than five years, or both.

16 U.S.C. 470ee(e), Effective date

(e) The prohibitions contained in this section shall take effect on October 31, 1979 [the date of the enactment of this Act].

16 U.S.C. 470ee(f), Prospective application

(f) Nothing in subsection (b)(1) of this section shall be deemed applicable to any person with respect to any archaeological resource which was in the lawful possession of such person prior to October 31, 1979.

16 U.S.C. 470ee(g), Removal of arrowheads located on ground surface

(g) Nothing in subsection (d) of this section shall be deemed applicable to any person with respect to the removal of arrowheads located on the surface of the ground.

16 U.S.C. 470ff, Civil penalties

Section 7

16 U.S.C. 470ff(a), Assessment by Federal land managers

(a)(1) Any person who violates any prohibition contained in an applicable regulation or permit issued under this Act may be assessed a civil penalty by the Federal land manager concerned. No penalty may be assessed under this subsection unless such person is given notice and opportunity for a hearing with respect to such violation. Each violation shall be a separate offense. Any such civil penalty may be remitted or mitigated by the Federal land manager concerned.

(2) The amount of such penalty shall be determined under regulations promulgated pursuant to this Act, taking into account, in addition to other factors—

(A) the archaeological or commercial value of the archaeological resource involved, and

(B) the cost of restoration and repair of the resource and the archaeological site involved.

Such regulations shall provide that, in the case of a second or subsequent violation by any person, the amount of such civil penalty may be double the amount which would have been assessed if such violation were the first violation by such person. The amount of any penalty assessed under this subsection for any violation shall not exceed any amount equal to double the cost of restoration and repair of resources and archaeological sites damaged and double the fair market value of resources destroyed or not recovered.

(3) No penalty shall be assessed under this section for the removal of arrowheads located on the surface of the ground.

16 U.S.C. 470ff(b), Judicial review of assessed penalties, collection of unpaid assessments

(b)(1) Any person aggrieved by an order assessing a civil penalty under subsection (a) of this section may file a petition for judicial review of such order with the United States District Court for the District of Columbia or for any other district in which such person resides or transacts business. Such a petition may only be filed within the 30-day period beginning on the date the order making such assessment was issued. The court shall hear such action on the record made before the Federal land manager and shall sustain his action if it is supported by substantial evidence on the record considered as a whole.

(2) If any person fails to pay an assessment of a civil penalty—

(A) after the order making the assessment has become a final order and such person has not filed a petition for judicial review of the order in accordance with paragraph (1), or

(B) after a court in an action brought under paragraph (1) has entered a final judgment upholding the assessment of a civil penalty, the Federal land managers may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide

any such action. In such action, the validity and amount of such penalty shall not be subject to review.

16 U.S.C. 470ff(c), Hearings

(c) Hearings held during proceedings for the assessment of civil penalties authorized by subsection (a) of this section shall be conducted in accordance with section 554 of title 5 [of the United States Code].

Subpoenas

The Federal land manager may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths.

Witness fees

Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpoena served upon any person pursuant to this paragraph, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Federal land manager or to appear and produce documents before the Federal land manager, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

16 U.S.C. 470gg, Enforcement

Section 8

16 U.S.C. 470gg(a), Rewards

(a) Upon the certification of the Federal land manager concerned, the Secretary of the Treasury is directed to pay from penalties and fines collected under section 6 and 7 of this Act an amount equal to one-half of such penalty or fine, but not to exceed $500, to any person who furnishes information which leads to the findings of a civil violation, or the conviction of criminal violation, with respect to which such penalty or fine was paid. If several persons provided such information, such amount shall be divided among such persons. No officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall be eligible for payment under this subsection.

16 U.S.C. 470gg(b), Forfeitures

(b) All archaeological resources with respect to which a violation of subsection (a), (b), or (c) of section 6 of this Act occurred and which are in the possession of any person, and all vehicles and equipment of any person which were used in connection with such violation, may be (in the discretion of the court or administrative law judge, as the case may be) subject to forfeiture to the United States upon—

(1) such person's conviction of such violation under section 6 of this Act,

(2) assessment of a civil penalty against such person under section 7 of this Act with respect to such violation, or

(3) a determination by any court that such archaeological resources, vehicles, or equipment were involved in such violation.

16 U.S.C. 470gg(c), Disposition of penalties collected and items forfeited in cases involving archaeological resources excavated or removed from Indian lands

(c) In cases in which a violation of the prohibition contained in subsection (a), (b), or (c) of section 6 of this Act involve archaeological resources excavated or removed from Indian lands, the Federal land manager or the court, as the case may be, shall provide for the payment to the Indian or Indian tribe involved of all penalties collected pursuant to section 7 of this Act and for the transfer to such Indian or Indian tribe of all items forfeited under this section.

16 U.S.C. 470hh, Confidentiality of information concerning nature and location of archaeological resources

Section 9

16 U.S.C. 470hh(a), Disclosure of information

(a) Information concerning the nature and location of any archaeological resource for which the excavation or removal requires a permit or other permission under this Act or under any other provision of Federal law may not be made available to the public under subchapter II of chapter 5 of title 5 [of the United States Code] or under any other provision of law unless the Federal land manager concerned determines that such disclosure would—

(1) further the purposes of this Act or the Act of June 27, 1960 [the Reservoir Salvage Act, as amended, 16 U.S.C. 469-469c-1] and

(2) not create a risk of harm to such resources or to the site at which such resources are located.

16 U.S.C. 470hh(b), Request for disclosure by Governors

(b) Notwithstanding the provisions of subsection (a) of this section, upon the written request of the Governor of any State, which request shall state—

(1) the specific site or area for which information is sought,

(2) the purpose for which such information is sought,

(3) a commitment by the Governor to adequately protect the confidentiality of such information to protect the resource from commercial exploitation,

the Federal land manager concerned shall provide to the Governor information concerning the nature and location of archaeological resources within the State of the requesting Governor.

16 U.S.C. 470ii, Rules and regulations, intergovernmental coordination

Section 10

16 U.S.C. 470ii(a), Promulgation, effective date

(a) The Secretaries of the Interior, Agriculture and Defense and the Chairman of the Board of the Tennessee Valley Authority, after consultation with other Federal land managers, Indian tribes, representatives of concerned State agencies, and after public notice and hearing, shall promulgate such uniform rules and regulations as may be appropriate to carry out the purposes of this Act. Such rules and regulations may be promulgated only after consideration of the provisions of the American Indian Religious Freedom Act (92 Stat.469; 42 U.S.C. 1996 and 1996a).

Submittal to congressional committees

Each uniform rule or regulation promulgated under this Act shall be submitted on the same calendar day to the Committee on Energy and Natural Resources of the United States Senate and to the Committee on Natural Resources of the United States House of Representatives, and no such uniform rule or regulation may take effect before the expiration of a period of ninety calendar days following the date of its submission to such Committees.

16 U.S.C. 470ii(b), Federal lands managers' rules

(b) Each Federal land manager shall promulgate such rules and regulations, consistent with the uniform rules and regulations under subsection (a) of this section, as may be appropriate for the carrying out of his functions and authorities under this Act.

16 U.S.C. 470ii(c), Federal land managers' public awareness program of archaeological resources

(c) Each Federal land manager shall establish a program to increase public awareness of the significance of the archaeological resources located on public lands and Indian lands and the need to protect such resources.

Section 11

16 U.S.C. 470jj, Cooperation with private individuals

The Secretary of the Interior shall take such action as may be necessary, consistent with the purposes of this Act, to foster and improve the communication, cooperation, and exchange of information between—

(1) private individuals having collections of archaeological resources and data which were obtained before October 31, 1979 [the date of the enactment of this Act], and

(2) Federal authorities responsible for the protection of archaeological resources on the public lands and Indian lands and professional archaeologists and associations of professional archaeologists.

In carrying out this section, the Secretary shall, to the extent practicable and consistent with the provisions of this Act, make efforts to expand the archaeological data base for the archaeological resources of the United States through increased cooperation between private individuals referred to in paragraph (1) and professional archaeologists and archaeological organizations.

Section 12

16 U.S.C. 470kk, Savings provisions

16 U.S.C. 470kk(a), Mining, mineral leasing, reclamation, and other multiple uses

(a) Nothing in this Act shall be construed to repeal, modify, or impose additional restrictions on the activities permitted under existing laws and authorities relating to mining, mineral leasing, reclamation, and other multiple uses of the public lands.

16 U.S.C. 470kk(b), Private collections

(b) Nothing in this Act applies to, or requires a permit for, the collection for private purposes of any rock, coin, bullet, or mineral which is not an archaeological resource, as determined under uniform regulations promulgated under section 3(1) of this Act.

16 U.S.C. 470kk(c), Lands within Act

(c) Nothing in this Act shall be construed to affect any land other than public land or Indian land or to affect the lawful recovery, collection, or sale of archaeological resources from land other than public land or Indian land.

16 U.S.C. 470ll, Annual report to Congress

Section 13

As part of the annual report required to be submitted by the specified committees of the Congress pursuant to section 5(c) of the Act of June 17, 1960 [the Reservoir Salvage Act, as amended, 74 Stat. 220; 16 U.S.C. 469a-3(c)], the Secretary of the Interior shall comprehensively report as a separate component on the activities carried out under the provisions of this Act, and he shall make such recommendations as he deems appropriate as to changes or improvements needed in the provisions of this Act. Such report shall include a brief summary of the actions undertaken by the Secretary under section 11 of this Act, relating to cooperation with private individuals.

16 U.S.C. 470mm, Surveying of lands, reporting of violations

Section 14

The Secretaries of the Interior, Agriculture, and Defense and the Chairman of the Board of the Tennessee Valley Authority shall—

(a) develop plans for surveying lands under their control to determine the nature and extent of archaeological resources on those lands;

(b) prepare a schedule for surveying lands that are likely to contain the most scientifically valuable archaeological resources; and

(c) develop documents for the reporting of suspected violations of this Act and establish when and how those documents are to be completed by officers, employees, and agents of their respective agencies.

Part 79--Curation of Federally-Owned and Administered Archeological Collections

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Appendix A to Part 79--Example of a Deed of Gift

Appendix B to Part 79--Example of a Memorandum of Understanding for Curatorial Services for a Federally-Owned Collection.

Appendix C to Part 79--Example of a Short-Term Loan Agreement for a Federally- Owned Collection
Corrections as Amended in 1990

Authority: 16 U.S.C. 470aa-mm, 16 U.S.C. 470 et seq.

s 79.1 Purpose.

(a) The regulations in this part establish definitions, standards, procedures and guidelines to be followed by Federal agencies to preserve collections of prehistoric and historic material remains, and associated records, recovered under the authority of the Antiquities Act (16 U.S.C. 431- 433), the Reservoir Salvage Act (16 U.S.C. 469-469c), section 110 of the National Historic Preservation Act (16 U.S.C. 470h-2) or the Archaeological Resources Protection Act (16 U.S.C. 470aa-mm). They establish:
(1) Procedures and guidelines to manage and preserve collections;
(2) Terms and conditions for Federal agencies to include in contracts, memoranda, agreements or other written instruments with repositories for curatorial services;
(3) Standards to determine when a repository has the capability to provide long-term curatorial services; and
(4) Guidelines to provide access to, loan and otherwise use collections.
(b) The regulations in this part contain three appendices that provide additional guidance for use by the Federal Agency Official.
(1) Appendix A to these regulations contains an example of an agreement between a Federal agency and a non-Federal owner of material remains who is donating the remains to the Federal agency.
(2) Appendix B to these regulations contains an example of a memorandum of understanding between a Federal agency and a repository for long-term curatorial services for a federally-owned collection.
(3) Appendix C to these regulations contains an example of an agreement between a repository and a third party for a short-term loan of a federally- owned collection (or a part thereof).
(4) The three appendices are meant to illustrate how such agreements might appear. They should be revised according to the:
(i) Needs of the Federal agency and any non-Federal owner;
(ii) Nature and content of the collection; and
(iii) Type of contract, memorandum, agreement or other written instrument being used.
(5) When a repository has preexisting standard forms (e.g., a short-term loan form) that are consistent with the regulations in this part, those forms may be used in lieu of developing new ones.

s 79.2 Authority.

(a) The regulations in this part are promulgated pursuant to section 101(a)(7)(A) of the National Historic Preservation Act (16 U.S.C. 470a) which requires that the Secretary of the Interior issue regulations ensuring that significant prehistoric and historic artifacts, and associated records, recovered under the authority of section 110 of that Act (16 U.S.C. 470h-2), the Reservoir Salvage Act (16 U.S.C. 469-469c) and the Archeological Resources Protection Act (16 U.S.C. 470aa-mm) are deposited in an institution with adequate long-term curatorial capabilities.
(b) In addition, the regulations in this part are promulgated pursuant to section 5 of the Archeological Resources Protection Act (16 U.S.C. 470dd) which gives the Secretary of the Interior discretionary authority to promulgate regulations for the:
(1) Exchange, where appropriate, between suitable universities, museums or other scientific or educational institutions, of archeological resources recovered from public and Indian lands under that Act; and
(2) Ultimate disposition of archeological resources recovered under that Act (16 U.S.C. 470aa-mm), the Antiquities Act (16 U.S.C. 431-433) or the Reservoir Salvage Act (16 U.S.C. 469-469c).
(3) It further states that any exchange or ultimate disposition of resources excavated or removed from Indian lands shall be subject to the consent of the Indian or Indian tribe that owns or has jurisdiction over such lands.

s 79.3 Applicability.

(a) The regulations in this part apply to collections, as defined in s 79.4 of this part, that are excavated or removed under the authority of the Antiquities Act (16 U.S.C. 431-433), the Reservoir Salvage Act (16 U.S.C. 469-469c), section 110 of the National Historic Preservation Act (16 U.S.C. 470h-2) or the Archeological Resources Protection Act (16 U.S.C. 470aa-mm). Such collections generally include those that are the result of a prehistoric or historic resource survey, excavation or other study conducted in connection with a Federal action, assistance, license or permit.

(1) Material remains, as defined in s 79.4 of this part, that are excavated or removed from a prehistoric or historic resource generally are the property of the landowner.
(2) Data that are generated as a result of a prehistoric or historic resource survey, excavation or other study are recorded in associated records, as defined in s 79.4 of this part. Associated records that are prepared or assembled in connection with a Federal or federally authorized prehistoric or historic resource survey, excavation or other study are the property of the U.S. Government, regardless of the location of the resource.
(b) The regulations in this part apply to preexisting and new collections that meet the requirements of paragraph (a) of this section. However, the regulations shall not be applied in a manner that would supersede or breach material terms and conditions in any contract, grant, license, permit, memorandum, or agreement entered into by or on behalf of a Federal agency prior to the effective date of this regulation.
(c) Collections that are excavated or removed pursuant to the Antiquities Act (16 U.S.C. 431-433) remain subject to that Act, the Act's implementing rule (43 CFR part 3), and the terms and conditions of the pertinent Antiquities Act permit or other approval.
(d) Collections that are excavated or removed pursuant to the Archaeological Resources Protection Act (16 U.S.C. 470aa-mm) remain subject to that Act, the Act's implementing rules (43 CFR part 7, 36 CFR part 296, 18 CFR part 1312, and 32 CFR part 229), and the terms and conditions of the pertinent Archaeological Resources Protection Act permit or other approval.
(e) Any repository that is providing curatorial services for a collection subject to the regulations in this part must possess the capability to provide adequate long-term curatorial services, as set forth in s 79.9 of this part, to safeguard and preserve the associated records and any material remains that are deposited in the repository.

s 79.4 Definitions.

As used for purposes of this part:
(a) Collection means material remains that are excavated or removed during a survey, excavation or other study of a prehistoric or historic resource, and associated records that are prepared or assembled in connection with the survey, excavation or other study.

(1) Material remains means artifacts, objects, specimens and other physical evidence that are excavated or removed in connection with efforts to locate, evaluate, document, study, preserve or recover a prehistoric or historic resource. Classes of material remains (and illustrative examples) that may be in a collection include, but are not limited to:
(i) Components of structures and features (such as houses, mills, piers, fortifications, raceways, earthworks and mounds);
(ii) Intact or fragmentary artifacts of human manufacture (such as tools, weapons, pottery, basketry and textiles);
(iii) Intact or fragmentary natural objects used by humans (such as rock crystals, feathers and pigments);
(iv) By-products, waste products or debris resulting from the manufacture or use of man-made or natural materials (such as slag, dumps, cores and debitage);
(v) Organic material (such as vegetable and animal remains, and coprolites);
(vi) Human remains (such as bone, teeth, mummified flesh, burials and cremations);
(vii) Components of petroglyphs, pictographs, intaglios or other works of artistic or symbolic representation;
(viii) Components of shipwrecks (such as pieces of the ship's hull, rigging, armaments, apparel, tackle, contents and cargo);
(ix) Environmental and chronometric specimens (such as pollen, seeds, wood, shell, bone, charcoal, tree core samples, soil, sediment cores, obsidian, volcanic ash, and baked clay); and
(x) Paleontological specimens that are found in direct physical relationship with a prehistoric or historic resource.
(2) Associated records means original records (or copies thereof) that are prepared, assembled and document efforts to locate, evaluate, record, study, preserve or recover a prehistoric or historic resource. Some records such as field notes, artifact inventories and oral histories may be originals that are prepared as a result of the field work, analysis and report preparation. Other records such as deeds, survey plats, historical maps and diaries may be copies of original public or archival documents that are assembled and studied as a result of historical research. Classes of associated records (and illustrative examples) that may be in a collection include, but are not limited to:
(i) Records relating to the identification, evaluation, documentation, study, preservation or recovery of a resource (such as site forms, field notes, drawings, maps, photographs, slides, negatives, films, video and audio cassette tapes, oral histories, artifact inventories, laboratory reports, computer cards and tapes, computer disks and diskettes, printouts of computerized data, manuscripts, reports, and accession, catalog and inventory records);

(ii) Records relating to the identification of a resource using remote sensing methods and equipment (such as satellite and aerial photography and imagery, side scan sonar, magnetometers, subbottom profilers, radar and fathometers);
(iii) Public records essential to understanding the resource (such as deeds, survey plats, military and census records, birth, marriage and death certificates, immigration and naturalization papers, tax forms and reports);
(iv) Archival records essential to understanding the resource (such as historical maps, drawings and photographs, manuscripts, architectural and landscape plans, correspondence, diaries, ledgers, catalogs and receipts); and
(v) Administrative records relating to the survey, excavation or other study of the resource (such as scopes of work, requests for proposals, research proposals, contracts, antiquities permits, reports, documents relating to compliance with section 106 of the National Historic Preservation Act (16 U.S.C. 470f), and National Register of Historic Places nomination and determination of eligibility forms).
(b) Curatorial services. Providing curatorial services means managing and preserving a collection according to professional museum and archival practices, including, but not limited to:
(1) Inventorying, accessioning, labeling and cataloging a collection;
(2) Identifying, evaluating and documenting a collection;
(3) Storing and maintaining a collection using appropriate methods and containers, and under appropriate environmental conditions and physically secure controls;
(4) Periodically inspecting a collection and taking such actions as may be necessary to preserve it;
(5) Providing access and facilities to study a collection; and
(6) Handling, cleaning, stabilizing and conserving a collection in such a manner to preserve it.

(c) Federal Agency Official means any officer, employee or agent officially representing the secretary of the department or the head of any other agency or instrumentality of the United States having primary management authority over a collection that is subject to this part.
(d) Indian lands has the same meaning as in s -.3(e) of uniform regulations 43 CFR part 7, 36 CFR part 296, 18 CFR part 1312, and 32 CFR part 229.
(e) Indian tribe has the same meaning as in s -.3(f) of uniform regulations 43 CFR part 7, 36 CFR part 296, 18 CFR part 1312, and 32 CFR part 229.
(f) Personal property has the same meaning as in 41 CFR 100-43.001-14. Collections, equipment (e.g., a specimen cabinet or exhibit case), materials and supplies are classes of personal property.
(g) Public lands has the same meaning as in s -.3(d) of uniform regulations 43 CFR part 7, 36 CFR part 296, 18 CFR part 1312, and 32 CFR part 229.
(h) Qualified museum professional means a person who possesses knowledge, experience and demonstrable competence in museum methods and techniques appropriate to the nature and content of the collection under the person's management and care, and commensurate with the person's duties and responsibilities. Standards that may be used, as appropriate, for classifying positions and for evaluating a person's qualifications include, but are not limited to, the following:
(1) The Office of Personnel Management's "Position Classification Standards for Positions under the General Schedule Classification System" (U.S. Government Printing Office, stock No. 906--028-00000-0 (1981)) are used by Federal agencies to determine appropriate occupational series and grade levels for positions in the Federal service. Occupational series most commonly associated with museum work are the museum curator series (GS/GM-1015) and the museum technician and specialist series (GS/GM-1016). Other scientific and professional series that may have collateral museum duties include, but are not limited to, the archivist series (GS/GM-1420), the archeologist series (GS/GM- 193), the anthropologist series (GS/GM-190), and the historian series (GS/GM- 170). In general, grades GS-9 and below are assistants and trainees while grades GS-11 and above are professionals at the full performance level. Grades GS-11 and above are determined according to the level of independent professional responsibility, degree of specialization and scholarship, and the nature, variety, complexity, type and scope of the work.
(2) The Office of Personnel Management's "Qualification Standards for Positions under the General Schedule (Handbook X-118)" (U.S. Government Printing Office, stock No. 906-030-00000-4 (1986)) establish educational, experience and training requirements for employment with the Federal Government under the various occupational series. A graduate degree in museum science or applicable subject matter, or equivalent training and experience, and three years of professional experience are required for museum positions at grades GS-11 and above.
(3) The "Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation" (48 FR 44716, Sept. 29, 1983) provide technical advice about archeological and historic preservation activities and methods for use by Federal, State and local Governments and others. One section presents qualification standards for a number of historic preservation professions. While no standards are presented for collections managers, museum curators or technicians, standards are presented for other professions (i.e., historians, archeologists, architectural historians, architects, and historic architects) that may have collateral museum duties.

(4) Copies of the Office of Personnel Management's standards, including subscriptions for subsequent updates, may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. Copies may be inspected at the Office of Personnel Management's Library, 1900 E Street NW., Washington, DC, at any regional or area office of the Office of Personnel Management, at any Federal Job Information Center, and at any personnel office of any Federal agency. Copies of the "Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation" are available at no charge from the Interagency Resources Division, National Park Service, P.O. Box 37127, Washington, DC 20013-7127.
(i) Religious remains means material remains that the Federal Agency Official has determined are of traditional religious or sacred importance to an Indian tribe or other group because of customary use in religious rituals or spiritual activities. The Federal Agency Official makes this determination in consultation with appropriate Indian tribes or other groups.
(j) Repository means a facility such as a museum, archeological center, laboratory or storage facility managed by a university, college, museum, other educational or scientific institution, a Federal, State of local Government agency or Indian tribe that can provide professional, systematic and accountable

curatorial services on a long-term basis.
(k) Repository Official means any officer, employee or agent officially representing the repository that is providing curatorial services for a collection that is subject to this part.
(l) Tribal Official means the chief executive officer or any officer, employee or agent officially representing the Indian tribe.

s 79.5 Management and preservation of collections.

The Federal Agency Official is responsible for the long-term management and preservation of preexisting and new collections subject to this part. Such collections shall be placed in a repository with adequate long-term curatorial capabilities, as set forth in s 79.9 of this part, appropriate to the nature and content of the collections.
(a) Preexisting collections. The Federal Agency Official is responsible for ensuring that preexisting collections, meaning those collections that are placed in repositories prior to the effective date of this rule, are being properly managed and preserved. The Federal Agency Official shall identify such repositories, and review and evaluate the curatorial services that are being provided to preexisting collections. When the Federal Agency Official determines that such a repository does not have the capability to provide adequate long-term curatorial services, as set forth in s 79.9 of this part, the Federal Agency Official may either:
(1) Enter into or amend an existing contract, memorandum, agreement or other appropriate written instrument for curatorial services for the purpose of:
(i) Identifying specific actions that shall be taken by the repository, the Federal agency or other appropriate party to eliminate the inadequacies;
(ii) Specifying a reasonable period of time and a schedule within which the actions shall be completed; and
(iii) Specifying any necessary funds or services that shall be provided by the repository, the Federal agency or other appropriate party to complete the actions; or
(2) Remove the collections from the repository and deposit them in another repository that can provide such services in accordance with the regulations in this part. Prior to moving any collection that is from Indian lands, the Federal Agency Official must obtain the written consent of the Indian landowner and the Indian tribe having jurisdiction over the lands.
(b) New collections. The Federal Agency Official shall deposit a collection in a repository upon determining that:
(1) The repository has the capability to provide adequate long-term curatorial services, as set forth in s 79.9 of this part;
(2) The repository's facilities, written curatorial policies and operating procedures are consistent with the regulations in this part;
(3) The repository has certified, in writing, that the collection shall be cared for, maintained and made accessible in accordance with the regulations in this part and any terms and conditions that are specified by the Federal Agency Official;
(4) When the collection is from Indian lands, written consent to the disposition has been obtained from the Indian landowner and the Indian tribe having jurisdiction over the lands; and
(5) The initial processing of the material remains (including appropriate cleaning, sorting, labeling, cataloging, stabilizing and packaging) has been completed, and associated records have been prepared and organized in accordance with the repository's processing and documentation procedures.
(c) Retention of records by Federal agencies. The Federal Agency Official shall maintain administrative records on the disposition of each collection including, but not limited to:

(1) The name and location of the repository where the collection is deposited;
(2) A copy of the contract, memorandum, agreement or other appropriate written instrument, and any subsequent amendments, between the Federal agency, the repository and any other party for curatorial services;
(3) A catalog list of the contents of the collection that is deposited in the repository;
(4) A list of any other Federal personal property that is furnished to the repository as a part of the contract, memorandum, agreement or other appropriate written instrument for curatorial services;
(5) Copies of reports documenting inspections, inventories and investigations of loss, damage or destruction that are conducted pursuant to s 79.11 of this part; and
(6) Any subsequent permanent transfer of the collection (or a part thereof) to another repository.

s 79.6 Methods to secure curatorial services.

(a) Federal agencies may secure curatorial services using a variety of methods, subject to Federal procurement and property management statutes, regulations, and any agency-specific statutes and regulations on the management of museum collections. Methods that may be used by Federal agencies to secure curatorial services include, but are not limited to:
(1) Placing the collection in a repository that is owned, leased or otherwise operated by the Federal agency;
(2) Entering into a contract or purchase order with a repository for curatorial services;
(3) Entering into a cooperative agreement, a memorandum of understanding, a memorandum of agreement or other agreement, as appropriate, with a State, local or Indian tribal repository, a university, museum or other scientific or educational institution that operates or manages a repository, for curatorial services;
(4) Entering an interagency agreement with another Federal agency for curatorial services;
(5) Transferring the collection to another Federal agency for preservation; and
(6) For archeological activities permitted on public or Indian lands under the Archaeological Resources Protection Act (16 U.S.C. 470 aa-mm), the Antiquities Act (16 U.S.C. 431-433) or other authority, requiring the archeological permittee to provide for curatorial services as a condition to the issuance of the archeological permit.
(b) Guidelines for selecting a repository. (1) When possible, the collection should be deposited in a repository that:
(i) Is in the State of origin;
(ii) Stores and maintains other collections from the same site or project location; or
(iii) Houses collections from a similar geographic region or cultural area.
(2) The collection should not be subdivided and stored at more than a single repository unless such subdivision is necessary to meet special storage, conservation or research needs.
(3) Except when non-federally-owned material remains are retained and disposed of by the owner, material remains and associated records should be deposited in the same repository to maintain the integrity and research value of the collection.
(c) Sources for technical assistance. The Federal Agency Official should consult with persons having expertise in the management and preservation of collections prior to preparing a scope of work or a request for proposals for curatorial services. This will help ensure that the resulting contract, memorandum, agreement or other written instrument meets the needs of the collection, including any special needs in regard to any religious remains. It also will aid the Federal Agency Official in evaluating the qualifications and appropriateness of a repository, and in determining whether the repository has the capability to provide adequate long-term curatorial services for a collection. Persons, agencies, institutions and organizations that may be able to provide technical assistance include, but are not limited to the:
(1) Federal agency's Historic Preservation Officer;

(2) State Historic Preservation Officer;
(3) Tribal Historic Preservation Officer;
(4) State Archeologist;
(5) Curators, collections managers, conservators, archivists, archeologists, historians and anthropologists in Federal and State Government agencies and Indian tribal museum;
(6) Indian tribal elders and religious leaders;
(7) Smithsonian Institution;
(8) American Association of Museums; and
(9) National Park Service.

s 79.7 Methods to fund curatorial services.

A variety of methods are used by Federal agencies to ensure that sufficient funds are available for adequate, long-term care and maintenance of collections. Those methods include, but are not limited to, the following:
(a) Federal agencies may fund a variety of curatorial activities using monies appropriated annually by the U.S. Congress, subject to any specific statutory authorities or limitations applicable to a particular agency. As appropriate, curatorial activities that may be funded by Federal agencies include, but are not limited to:
(1) Purchasing, constructing, leasing, renovating, upgrading, expanding, operating, and maintaining a

repository that has the capability to provide adequate long-term curatorial services as set forth in s 79.9 of this part;

(2) Entering into and maintaining on a cost-reimbursable or cost-sharing basis a contract, memorandum, agreement, or other appropriate written instrument with a repository that has the capability to provide adequate long-term curatorial services as set forth in s 79.9 of this part;
(3) As authorized under section 110(g) of the National Historic Preservation Act (16 U.S.C. 470h-2), reimbursing a grantee for curatorial costs paid by the grantee as a part of the grant project;
(4) As authorized under section 110(g) of the National Historic Preservation Act (16 U.S.C. 470h-2), reimbursing a State for curatorial costs paid by the State agency to carry out the historic preservation responsibilities of the Federal agency;
(5) Conducting inspections and inventories in accordance with s 79.11 of this part; and
(6) When a repository that is housing and maintaining a collection can no longer provide adequate long-term curatorial services, as set forth in s 79.9 of this part, either:
(i) Providing such funds or services as may be agreed upon pursuant to s 79.5(a)(1) of this part to assist the repository in eliminating the deficiencies; or
(ii) Removing the collection from the repository and depositing it in another repository that can provide curatorial services in accordance with the regulations in this part.
(b) As authorized under section 110(g) of the National Historic Preservation Act (16 U.S.C. 470h-2) and section 208(2) of the National Historic Preservation Act Amendments (16 U.S.C. 469c-2), for federally licensed or permitted projects or programs, Federal agencies may charge licensees and permittees reasonable costs for curatorial activities associated with identification, surveys, evaluation and data recovery as a condition to the issuance of a Federal license or permit.
(c) Federal agencies may deposit collections in a repository that agrees to provide curatorial services at no cost to the U.S. Government. This generally occurs when a collection is excavated or removed from public or Indian lands under a research permit issued pursuant to the Antiquities Act (16 U.S.C. 431- 433) or the Archaeological Resources Protection Act (16 U.S.C. 470aa-mm). A repository also may agree to provide curatorial services as a public service or as a means of ensuring direct access to a collection for long-term study and use. Federal agencies should ensure that a repository that agrees to provide curatorial services at no cost to the U.S. Government has sufficient financial resources to support its operations and any needed improvements.
(d) Funds provided to a repository for curatorial services should include costs for initially processing, cataloging and accessioning the collection as well as costs for storing, inspecting, inventorying, maintaining, and conserving the collection on a long-term basis.
(1) Funds to initially process, catalog and accession a collection to be generated during identification and evaluation surveys should be included in project planning budgets.
(2) Funds to initially process, catalog and accession a collection to be generated during data recovery operations should be included in project mitigation budgets.
(3) Funds to store, inspect, inventory, maintain and conserve a collection on a long-term basis should be included in annual operating budgets.
(e) When the Federal Agency Official determines that data recovery costs may exceed the one percent limitation contained in the Archeological and Historic Preservation Act (16 U.S.C. 469c), as authorized under section 208(3) of the National Historic Preservation Act Amendments (16 U.S.C. 469c-2), the limitation may be waived, in appropriate cases, after the Federal Agency Official has:
(1) Obtained the concurrence of the Secretary of the U.S. Department of the Interior by sending a written request to the Departmental Consulting Archeologist, National Park Service, P.O. Box 37127, Washington, DC 20013- 7127; and
(2) Notified the Committee on Energy and Natural Resources of the U.S. Senate and the Committee on Interior and Insular Affairs of the U.S. House of Representatives.

s 79.8 Terms and conditions to include in contracts, memoranda and agreements for curatorial services.

The Federal Agency Official shall ensure that any contract, memorandum, agreement or other appropriate written instrument for curatorial services that is entered into by or on behalf of that Official, a Repository Official and any other appropriate party contains the following:

(a) A statement that identifies the collection or group of collections to be covered and any other U.S. Government-owned personal property to be furnished to the repository;

(b) A statement that identifies who owns and has jurisdiction over the collection;
(c) A statement of work to be performed by the repository;
(d) A statement of the responsibilities of the Federal agency and any other appropriate party;
(e) When the collection is from Indian lands:
(1) A statement that the Indian landowner and the Indian tribe having jurisdiction over the lands consent to the disposition; and

(2) Such terms and conditions as may be requested by the Indian landowner and the Indian tribe having jurisdiction over the lands;
(f) When the collection is from a site on public lands that the Federal Agency Official has determined is of religious or cultural importance to any Indian tribe having aboriginal or historic ties to such lands, such terms and conditions as may have been developed pursuant to s -.7 of uniform regulations 43 CFR part 7, 36 CFR part 296, 18 CFR part 1312, and 32 CFR part 229;
(g) The term of the contract, memorandum or agreement; and procedures for modification, suspension, extension, and termination;
(h) A statement of costs associated with the contract, memorandum or agreement; the funds or services to be provided by the repository, the Federal agency and any other appropriate party; and the schedule for any payments;
(i) Any special procedures and restrictions for handling, storing, inspecting, inventorying, cleaning, conserving, and exhibiting the collection;
(j) Instructions and any terms and conditions for making the collection available for scientific, educational and religious uses, including procedures and criteria to be used by the Repository Official to review, approve or deny, and document actions taken in response to requests for study, laboratory analysis, loan, exhibition, use in religious rituals or spiritual activities, and other uses. When the Repository Official to approve consumptive uses, this should be specified; otherwise, the Federal Agency Official should review and approve consumptive uses. When the repository's existing operating procedures and criteria for evaluating requests to use collections are consistent with the regulations in this part, they may be used, after making any necessary modifications, in lieu of developing new ones;
(k) Instructions for restricting access to information relating to the nature, location and character of the prehistoric or historic resource from which the material remains are excavated or removed;
(l) A statement that copies of any publications resulting from study of the collection are to be provided to the Federal Agency Official and, when the collection is from Indian lands, to the Tribal Official and the Tribal Historic Preservation Officer, if any, of the Indian tribe that owns or has jurisdiction over such lands;
(m) A statement that specifies the frequency and methods for conducting and documenting the inspections and inventories stipulated in s 79.11 of this part;
(n) A statement that the Repository Official shall redirect any request for transfer or repatriation of a federally-owned collection (or any part thereof) to the Federal Agency Official, and redirect any request for transfer or repatriation of a federally administered collection (or any part thereof) to the Federal Agency Official and the owner;
(o) A statement that the Repository Official shall not transfer, repatriate or discard a federally-owned collection (or any part thereof) without the written permission of the Federal Agency Official, and not transfer, repatriate or discard a federally administered collection (or any part thereof) without the written permission of the Federal Agency Official and the owner;
(p) A statement that the Repository Official shall not sell the collection; and
(q) A statement that the repository shall provide curatorial services in accordance with the regulations in this part.

s 79.9 Standards to determine when a repository possesses the capability to provide adequate long-term curatorial services.

The Federal Agency Official shall determine that a repository has the capability to provide adequate long-term curatorial services when the repository is able to:
(a) Accession, label, catalog, store, maintain, inventory and conserve the particular collection on a long-

term basis using professional museum and archival practices; and
(b) Comply with the following, as appropriate to the nature and consent of the collection;
(1) Maintain complete and accurate records of the collection, including:
(i) Records on acquisitions;
(ii) Catalog and artifact inventory lists;
(iii) Descriptive information, including field notes, site forms and reports;
(iv) Photographs, negatives and slides;
(v) Locational information, including maps;
(vi) Information on the condition of the collection, including any completed conservation treatments;
(vii) Approved loans and other uses;
(viii) Inventory and inspection records, including any environmental monitoring records;
(ix) Records on lost, deteriorated, damaged or destroyed Government property; and
(x) Records on any deaccessions and subsequent transfers, repatriations or discards, as approved by the Federal Agency Official;
(2) Dedicate the requisite facilities, equipment and space in the physical plant to properly store, study and conserve the collection. Space used for storage, study, conservation and, if exhibited, any exhibition must not be used for non-curatorial purposes that would endanger or damage the collection;

(3) Keep the collection under physically secure conditions within storage, laboratory, study and any exhibition areas by:
(i) Having the physical plant meet local electrical, fire, building, health and safety codes;
(ii) Having an appropriate and operational fire detection and suppression system;
(iii) Having an appropriate and operational intrusion detection and deterrent system;
(iv) Having an adequate emergency management plan that establishes procedures for responding to fires, floods, natural disasters, civil unrest, acts of violence, structural failures and failures of mechanical systems within the physical plant;
(v) Providing fragile or valuable items in a collection with additional security such as locking the items in a safe, vault or museum specimen cabinet, as appropriate;
(vi) Limiting and controlling access to keys, the collection and the physical plant; and
(vii) Inspecting the physical plant in accordance with s 79.11 of this part for possible security weaknesses and environmental control problems, and taking necessary actions to maintain the integrity of the collection;
(4) Require staff and any consultants who are responsible for managing and preserving the collection to be qualified museum professionals;
(5) Handle, store, clean, conserve and, if exhibited, exhibit the collection in a manner that:
(i) Is appropriate to the nature of the material remains and associated records;
(ii) Protects them from breakage and possible deterioration from adverse temperature and relative humidity, visible light, ultraviolet radiation, dust, soot, gases, mold, fungus, insects, rodents and general neglect; and
(iii) Preserves data that may be studied in future laboratory analyses. When material remains in a collection are to be treated with chemical solutions or preservatives that will permanently alter the remains, when possible, retain untreated representative samples of each affected artifact type, environmental specimen or other category of material remains to be treated. Untreated samples should not be stabilized or conserved beyond dry brushing;
(6) Store site forms, field notes, artifacts inventory lists, computer disks and tapes, catalog forms and a copy of the final report in a manner that will protect them from theft and fire such as:
(i) Storing the records in an appropriate insulated, fire resistant, locking cabinet, safe, vault or other container, or in a location with a fire suppression system;
(ii) Storing a duplicate set of records in a separate location; or
(iii) Ensuring that records are maintained and accessible through another party. For example, copies of final reports and site forms frequently are maintained by the State Historic Preservation Officer, the State Archeologist or the State museum or universtiy. The Tribal Historic Preservation Officer and Indian tribal museum ordinarily maintain records on collections recovered from sites located on Indian lands. The National Technical Information Service and the Defense Technical Information Service maintain copies of final reports that have been deposited by Federal agencies. The National Archeological Database maintains summary information on archeological reports and projects, including information on the location of those reports.
(7) Inspect the collection in accordance with s 79.11 of this part for possible deterioration and damage, and

perform only those actions as are absolutely necessary to stabilize the collection and rid it of any agents of deterioration;
(8) Conduct inventories in accordance with s 79.11 of this part to verify the location of the material remains, associated records and any other Federal personal property that is furnished to the repository; and
(9) Provide access to the collection in accordance with s 79.10 of this part.

s 79.10 Use of collections.

(a) The Federal Agency Official shall ensure that the Repository Official makes the collection available for scientific, educational and religious uses, subject to such terms and conditions as are necessary to protect and preserve the condition, research potential, religious or sacred importance, and uniqueness of the collection.
(b) Scientific and educational uses. A collection shall be made available to qualified professionals for study, loan and use for such purposes as in-house and traveling exhibits, teaching, public interpretation, scientific analysis and scholarly research. Qualified professionals would include, but not be limited to, curators, conservators, collection managers, exhibitors, researchers, scholars, archeological contractors and educators. Students may use a collection when under the direction of a qualified professional. Any resulting exhibits and publications shall acknowledge the repository as the curatorial facility and the Federal agency as the owner or administrator, as appropriate. When the collection is from Indian lands and the Indian landowner and the Indian tribe having jurisdiction over the lands wish to be identified, those individuals and the Indian tribe shall also be acknowledged. Copies of any resulting publications shall be provided to the Repository Official and the Federal Agency Official. When Indian lands are involved, copies of such publications shall also be provided to the Tribal Offical and the Tribal Historic Preservation Officer, if any, of the Indian tribe that owns or has jurisdiction over such lands.

(c) Religious uses. Religious remains in a collection shall be made available to persons for use in religious rituals or spiritual activities. Religious remains generally are of interest to medicine men and women, and other religious practitioners and persons from Indian tribes, Alaskan Native corporations, Native Hawaiians, and other indigenous and immigrant ethnic, social and religious groups that have aboriginal or historic ties to the lands from which the remains are recovered, and have traditionally used the remains or class of remains in religious rituals or spiritual activities.
(d) Terms and conditions. (1) In accordance with section 9 of the Archaeological Resources Protection Act (16 U.S.C. 470hh) and section 304 of the National Historic Preservation Act (16 U.S.C. 470 w-3), the Federal Agency Official shall restrict access to associated records that contain information relating to the nature, location or character of a prehistoric or historic resource unless the Federal Agency Official determines that such disclosure would not create a risk of harm, theft or destruction to the resource or to the area or place where the resource is located.
(2) Section -.18(a)(2) of uniform regulations 43 CFR part 7, 36 CFR part 296, 18 CFR part 1312, and 32 CFR part 229 sets forth procedures whereby information relating to the nature, location or character of a prehistoric or historic resource may be made available to the Governor of any State. The Federal Agency Official may make information available to other persons who, following the procedures in s -.18(a)(2) of the referenced uniform regulations, demonstrate that the disclosure will not create a risk of harm, theft or destruction to the resource or to the area or place where the resource is located. Other persons generally would include, but not be limited to, archeological contractors, researchers, scholars, tribal representatives, Federal, State and local agency personnel, and other persons who are studying the resource or class or resources.
(3) When a collection is from Indian lands, the Federal Agency Official shall place such terms and conditions as may be requested by the Indian landowner and the Indian tribe having jurisdiction over the lands on:
(i) Scientific, educational or religious uses of material remains; and
(ii) Access to associated records that contain information relating to the nature, location or character of the resource.
(4) When a collection is from a site on public lands that the Federal Agency Official has determined is of religious or cultural importance to any Indian tribe having aboriginal or historic ties to such lands, the Federal Agency Official shall place such terms and conditions as may have been developed pursuant to s -.7 of uniform regulations 43 CFR part 7, 36 CFR part 296, 18 CFR part 1312, and 32 CFR part 229 on:

(i) Scientific, educational or religious uses of material remains; and
(ii) Access to associated records that contain information relating to the nature, location or character of the resource.
(5) The Federal Agency Official shall not allow uses that would alter, damage or destory an object in a collection unless the Federal Agency Official determines that such use is necessary for scientifc studies or public interpretation, and the potential gain in scientific or interpretive information outweighs the potential loss of the object. When possible, such use should be limited to unprovenienced, nonunique, nonfragile objects, or to a sample of objects drawn from a larger collection of similar objects.
(e) No collection (or a part thereof) shall be loaned to any person without a written agreement between the Repository Official and the borrower that specifies the terms and conditions of the loan. Appendix C to the regulations in this part contains an example of a short-term loan agreement for a federally-owned collection. At a minimum, a loan agreement shall specify:
(1) The collection or object being loaned;
(2) The purpose of the loan;
(3) The length of the loan;
(4) Any restrictions on scientific, educational or religious uses, including whether any object may be altered, damaged or destroyed;
(5) Except as provided in paragraph (e)(4) of this section, that the borrower shall handle the collection or object being borrowed during the term of the loan in accordance with this part so as not to damage or reduce its scentific, educational, religious or cultural value; and
(6) Any requirements for insuring the collection or object being borrowed for any loss, damage or destruction during transit and while in the borrower's possession.
(f) The Federal Agency Official shall ensure that the Repository Official maintains administrative records that document approved scentific, educational and religious uses of the collection.
(g) The Repository Official may charge persons who study, borrow or use a collection (or a part thereof) reasonable fees to cover costs for handling, packing, shipping and insuring material remains, for photocopying associated records, and for other related incidental costs.

s 79.11 Conduct of inspections and inventories.

(a) The inspections and inventories specified in this section shall be conducted periodically in accordance with the Federal Property and Administrative Services Act (40 U.S.C. 484), its implementing regulation (41 CFR part 101), any agency-specific regulations on the management of Federal property, and any agency-specific statutes and regulations on the management of museum collections.
(b) Consistent with paragraph (a) of this section, the Federal Agency Official shall ensure that the Repository Official:
(1) Provides the Federal Agency Official and, when the collection is from Indian lands, the Indian landowner and the Tribal Offical of the Indian tribe that has jurisdiction over the lands with a copy of the catalog list of the contents of the collection received and accessioned by the repository;
(2) Provides the Federal Agency Official will a list of any other U.S. Government-owned personal property received by the repository;
(3) Periodically inspects the physical plant for the purpose of monitoring the physical security and environmental control measures;
(4) Periodically inspects the collection for the purposes of assessing the condition of the material remains and associated records, and of monitoring those remains and records for possible deterioration and damage;
(5) Periodically inventories the collection by accession, lot or catalog record for the purpose of verifying the location of the material remains and associated records;
(6) Periodically inventories any other U.S. Government-owned personal property in the possession of the repository;
(7) Has qualified museum professionals conduct the inspections and inventories;
(8) Following each inspection and inventory, prepares and provides the Federal Agency Official with a written report of the results of the inspection and inventory, including the status of the collection, treatments completed and recommendations for additional treatments. When the collection is from Indian lands, the Indian landowner and the Tribal Official of the Indian tribe that has jurisdiction over the lands shall also be provided with a copy of the report;
(9) Within five (5) days of the discovery of any loss or theft of, deterioriation and damage to, or destruction

of the collection (or a part thereof) or any other U.S. Government-owned personal property, prepares and provides the Federal Agency Official with a written notification of the circumstances surrounding the loss, theft, deterioration, damage or destruction. When the collection is from Indian lands, the Indian landowner and the Tribal Official and the Indian tribe that has jurisdiction over the lands shall also be provided with a copy of the notification; and
(10) Makes the repository, the collection and any other U.S. Government-owned personal property available for periodic inspection by the:
(i) Federal Agency Official;
(ii) When the collection is from Indian lands, the Indian landowner and the Tribal Official of the Indian tribe that has jurisdiction over the lands; and
(iii) When the collection contains religious remains, the Indian tribal elders, religious leaders, and other officials representing the Indian tribe or other group for which the remains have religious or sacred importance.
(c) Consistent with paragraph (a) of this section, the Federal Agency Official shall have qualified Federal agency professionals:
(1) Investigate reports of a lost, stolen, deteriorated, damaged or destroyed collection (or a part thereof) or any other U.S. Government-owned personal property; and
(2) Periodically inspect the repository, the collection and any other U.S. Government-owned personal property for the purposes of:
(i) Determining whether the repository is in compliance with the minimum standards set forth in s 79.9 of this part; and
(ii) Evaluating the performance of the repository in providing curatorial services under any contract, memorandum, agreement or other appropriate written instrument.
(d) The frequency and methods for conducting and documenting inspections and inventories stipulated in this section shall be mutually agreed upon, in writing, by the Federal Agency Official and the Repository Official, and be appropriate to the nature and content of the collection:
(1) Collections from Indian lands shall be inspected and inventoried in accordance with such terms and conditions as may be requested by the Indian landowner and the Indian tribe having jurisdiction over the lands.
(2) Religious remains in collections from public lands shall be inspected and inventoried in accordance with such terms and conditions as may have been developed pursuant to s -.7 of uniform regulations 43 CFR part 7, 36 CFR part 296, 18 CFR part 1312, and 32 CFR part 229.
(3) Material remains and records of a fragile or perishable nature should be inspected for deterioration and damage on a more frequent basis than lithic or more stable remains or records.

(4) Because frequent handling will accelerate the breakdown of fragile materials, material remains and records should be viewed but handled as little as possible during inspections and inventories.
(5) Material remains and records of a valuable nature should be inventoried on a more frequent basis than other less valuable remains or records.
(6) Persons such as those listed in s 79.6(c) of this part who have expertise in the management and preservation of similar collections should be able to provide advice to the Federal Agency Official concerning the appropriate frequency and methods for conducting inspections and inventories of a particular collection.
(e) Consistent with the Single Audit Act (31 U.S.C. 75), when two or more Federal agencies deposit collections in the same repository, the Federal Agency Officials should enter into an interagency agreement for the purposes of:
(1) Requesting the Repository Official to coordinate the inspections and inventories, stipulated in paragraph (b) of this section, for each of the collections;
(2) Designating one or more qualified Federal agency professionals to:
(i) Conduct inspections, stipulated in paragraph (c)(2) of this section, on behalf of the other agencies; and
(ii) Following each inspection, prepare and distribute to each Federal Agency Official a written report of findings, including an evaluation of performance and recommendations to correct any deficiencies and resolve any problems that were identified. When the collection is from Indian lands, the Indian landowner and the Tribal Official of the Indian tribe that has jurisdiction over the lands shall also be provided with a copy of the report; and
(3) Ensuring consistency in the conduct of inspections and inventories conducted pursuant to this section.

Appendix A to Part 79--Example of a Deed of Gift

DEED OF GIFT TO THE

(Name of the Federal agency)

Whereas, the (name of the Federal agency), hereinafter called the Recipient, is dedicated to the preservation and protection of artifacts, specimens and associated records that are generated in connection with its projects and programs;
Whereas, certain artifacts and specimens, listed in Attachment A to this Deed of Gift, were recoverd from the (name of the prehistoric or historic resource) site in connection with the Recipient's (name of the Recipient's project) project;
Whereas, the (name of the prehistoric or historic resource) site is located on lands to which title is held by (name of the donor), hereinafter called the Donor, and that the Donor holds free and clear title to the artifacts and specimens; and
Whereas, the Donor is desirous of donating the artifacts and speciments to the Recipient to ensure their continued preservation and protection;
Now therefore, the Donor does hereby unconditionally donate to the Recipient, for unrestricted use, the artifacts and specimens listed in Attachment A to this Deed of Gift; and
The Recipient hereby gratefully acknowleges the receipt of the artifacts and speciments.
Signed: (signature of the Donor)
Date: (date)
Signed: (signature of the Federal Agency Official)
Date: (date)
Attachment A: Inventory of Artifacts and Specimens.

Appendix B to Part 79--Example of a Memorandum of Understanding for Curatorial Services for a Federally-Owned Collection

MEMORANDUM OF UNDERSTANDING FOR CURATORIAL SERVICES BETWEEN THE

(Name of the Federal agency)

AND THE

(Name of the Repository)

This Memorandum of Understanding is entered into this (day) day of (month and year), between the United States of America, acting by and through the (name of the Federal agency), hereinafter called the Depositor, and the (name of the Repository), hereinafter called the Repository, in the State of (name of the State).
The Parties do witnesseth that,

Whereas, the Depositor has the responsibility under Federal law to preserve for future use certain collections of archeological artifacts, specimens and associated records, herein called the Collection, listed in Attachment A which is attached hereto and made a part hereof, and is desirous of obtaining curatorial services; and
Whereas, the Repository is desirous of obtaining, housing and maintaining the Collection, and recognizes the benefits which will accrue to it, the public and scientific interests by housing and maintaining the Collection for study and other educational purposes; and
Whereas, the Parties hereto recognize the Federal Government's continued ownership and control over the Collection and any other U.S. Government-owned personal property, listed in Attachment B which is attached hereto and made a part hereof, provided to the Repository, and the Federal Government's responsibility to ensure that the Collection is suitably managed and preserved for the public good; and
Whereas, the Parties hereto recognize the mutual benefits to be derived by having the Collection suitably housed and maintained by the Repository;

Now Therefore, the Parties do mutually agree as follows:

1. The Repository shall:
a. Provide for the professional care and management of the Collection from the (names of the prehistoric and historic resources) sites, assigned (list site numbers) site numbers. The collections were recovered in connection with the (name of the Federal or federally-authorized project) project, located in (name of the nearest city or town), (name of the county) county, in the State of (name of the State).
b. Perform all work necessary to protect the Collection in accordance with the regulation 36 CFR part 79 for the curation of federally-owned and administered archeological collections and the terms and conditions stipulated in Attachment C to this Memorandum.
c. Assign as the Curator, the Collections Manager and the Conservator having responsibility for the work under this Memorandum, persons who are qualified museum professionals and whose expertise is appropriate to the nature and content of the Collection.
d. Begin all work on or about (month, date and year) and continue for a period of (number of years) years or until sooner terminated or revoked in accordance with the terms set forth herein.
e. Provide and maintain a repository facility having requisite equipment, space and adequate safeguards for the physical security and controlled environment for the Collection and any other U.S. Government-owned personal property in the possession of the Repository.
f. Not in any way adversely alter or deface any of the Collection except as may be absolutely necessary in the course of stabilization, conservation, scientific study, analysis and research. Any activity that will involve the intentional destruction of any of the Collection must be approved in advance and in writing by the Depositor.
g. Annually inspect the facilities, the Collection and any other U.S. Government-owned personal property. Every (number of years) years inventory the Collection and any other U.S. Government-owned personal property. Perform only those conservation treatments as are absolutely necessary to ensure the physical stability and integrity of the Collection, and report the results of inventories, inspections and treatments to the Depositor.
h. Within five (5) days of discovery, report all instances of and circumstances surrounding loss of, deterioration and damage to, or destruction of the Collection and any other U.S. Government-owned personal property to the Depositor, and those actions taken to stabilize the Collection and to correct any deficiencies in the physical plant or operating procedures that may have contributed to the loss, deterioration, damage or destruction. Any actions that will involve the repair and restoration of any of the Collection and any other U.S. Government-owned personal property must be approved in advance and in writing by the Depositor.
i. Review and approve or deny requests for access to or short-term loan of the Collection (or a part thereof) for scientific, educational or religious uses in accordance with the regulation 36 CFR part 79 for the curation of federally- owned and administered archeological collections and the terms and conditions stipulated in Attachment C of this Memorandum. In addition, refer requests for consumptive uses of the Collection (or a part thereof) to the Depositor for approval or denial.
j. Not mortgage, pledge, assign, repatriate, transfer, exchange, give, sublet, discard or part with possession of any of the Collection or any other U.S. Government-owned personal property in any manner to any third party either directly or in-directly without the prior written permission of the Depositor, and redirect any such request to the Depositor for response. In addition, not take any action whereby any of the Collection or any other U.S. Government- owned personal property shall or may be encumbered, seized, taken in execution, sold, attached, lost, stolen, destroyed or damaged.
2. The Depositor shall:
a. On or about (month, date and year), deliver or cause to be delivered to the Repository the Collection, as described in Attachment A, and any other U.S. Government-owned personal property, as described in Attachment B.
b. Assign as the Depositor's Representative having full authority with regard to this Memorandum, a person who meets pertinent professional qualifications.
c. Every (number of years) years, jointly with the Repository's designated representative, have the Depositor's Representative inspect and inventory the Collection and any other U.S. Government-owned personal property, and inspect the repository facility.
d. Review and approve or deny requests for consumptively using the Collection (or a part thereof).
3. Removal of all or any portion of the Collection from the premises of the Repository for scientific, educational or religious purposes may be allowed only in accordance with the regulation 36 CFR part 79 for the curation of federally-owned and administered archeological collections; the terms and conditions

stipulated in Attachment C to this Memorandum; any conditions for handling, packaging and transporting the Collection; and other conditions that may be specified by the Repository to prevent breakage, deterioration and contamination.

4. The Collection or portions thereof may be exhibited, photographed or otherwise reproduced and studied in accordance with the terms and conditions stipulated in Attachment C to this Memorandum. All exhibits, reproductions and studies shall credit the Depositor, and read as follows: "Courtesy of the (name of the Federal agency)." The Repository agrees to provide the Depositor with copies of any resulting publications.

5. The Repository shall maintain complete and accurate records of the Collection and any other U.S. Government-owned personal property, including information on the study, use, loan and location of said Collection which has been removed from the premises of the Repository.
6. Upon execution by both parties, this Memorandum of Understanding shall be effective on this (day) day of (month and year), and shall remain in effect for (number of years) years, at which time it will be reviewed, revised, as necessary, and reaffirmed or terminated. This Memorandum may be revised or extended by mutual consent of both parties, or by issuance of a written amendment signed and dated by both parties. Either party may terminate this Memorandum by providing 90 days written notice. Upon termination, the Repository shall return such Collection and any other U.S. Government-owned personal property to the destination directed by the Depositor and in such manner to preclude breakage, loss, deterioration and contamination during handling, packaging and shipping, and in accordance with other conditions specified in writing by the Depositor. If the Repository terminates, or is in default of, this Memorandum, the Repository shall fund the packaging and transportation costs. If the Depositor terminates this Memorandum, the Depositor shall fund the packaging and transportation costs.
7. Title to the Collection being cared for and maintained under this Memorandum lies with the Federal Government.
In witness whereof, the Parties hereto have executed this Memorandum.
Signed: (signature of the Federal Agency Official)
Date: (date)
Signed: (signature of the Repository Official)
Date: (date)
Attachment A: Inventory of the Collection
Attachment B: Inventory of any other U.S. Government-owned Personal Property
Attachment C: Terms and Conditions Required by the Depositor

Appendix C to Part 79--Example of a Short-Term Loan Agreement for a Federally- Owned Collection

SHORT-TERM LOAN AGREEMENT BETWEEN THE

(Name of the Repository)

AND THE

(Name of the Borrower)

The (name of the Repository), hereinafter called the Repository, agrees to loan to (name of the Borrower), hereinafter called the Borrower, certain artifacts, specimens and associated records, listed in Attachment A, which were collected from the (name of the prehistoric or historic resource) site which is assigned (list site number) site number. The collection was recovered in connection with the (name of the Federal or federally authorized project) project, located in (name of the nearest city or town), (name of the county) county in the State of (name of the State). The Collection is the property of the U.S. Government.
The artifacts, specimens and associated records are being loaned for the purpose of (cite the purpose of the loan), beginning on (month, day and year) and ending on (month, day and year).
During the term of the loan, the Borrower agrees to handle, package and ship or transport the Collection in a manner that protects it from breakage, loss, deterioration and contamination, in conformance with the regulation 36 CFR part 79 for the curation of federally-owned and administered archeological collections and the terms and conditions stipulated in Attachment B to this loan agreement.

The Borrower agrees to assume full responsibility for insuring the Collection or for providing funds for the repair or replacement of objects that are damaged or lost during transit and while in the Borrower's possession. Within five (5) days of discovery, the Borrower will notify the Repository of instances and circumstances surrounding any loss of, deterioration and damage to, or destruction of the Collection and will, at the direction of the Repository, take steps to conserve damaged materials.

The Borrower agrees to acknowledge and credit the U.S. Government and the Repository in any exhibits or publications resulting from the loan. The credit line shall read as follows: "Courtesy of the (names of the Federal agency and the Repository)." The Borrower agrees to provide the Repository and the (name of the Federal agency) with copies of any resulting publications.

Upon termination of this agreement, the Borrower agrees to properly package and ship or transport the Collection to the Repository.

Either party may terminate this agreement, effective not less than (number of days) days after receipt by the other party of written notice, without further liability to either party.

Signed: (signature of the Repository Official)
Date: (date)

Signed: (signature of the Borrower)
Date: (date)
Attachment A: Inventory of the Objects being Loaned.
Attachment B: Terms and Conditions of the Loan.

Executive Order 11593--Protection and enhancement of the cultural environment

Source: The provisions of Executive Order 11593 of May 13, 1971, appear at 36 FR 8921, 3 CFR, 1971-1975 Comp., p. 559, unless otherwise noted.

By virtue of the authority vested in me as President of the United States and in furtherance of the purposes and policies of the National Environmental Policy Act of 1969 (83 Stat. 852, 42 U.S.C. 4321*et seq*.), the National Historic Preservation Act of 1966 (80 Stat. 915, 16 U.S.C. 470 *et seq*.), the Historic Sites Act of 1935 (49 Stat. 666, 16 U.S.C. 461 *et seq*.), and the Antiquities Act of 1906 (34 Stat. 225, 16 U.S.C. 431 *et seq*.), it is ordered as follows:

Section 1. *Policy.* The Federal Government shall provide leadership in preserving, restoring and maintaining the historic and cultural environment of the Nation. Agencies of the executive branch of the Government (hereinafter referred to as "Federal agencies") shall (1) administer the cultural properties under their control in a spirit of stewardship and trusteeship for future generations, (2) initiate measures necessary to direct their policies, plans and programs in such a way that federally owned sites, structures, and objects of historical, architectural or archaeological significance are preserved, restored, and maintained for the inspiration and benefit of the people, and (3), in consultation with the Advisory Council on Historic Preservation (16 U.S.C. 470i), institute procedures to assure that Federal plans and programs contribute to the preservation and enhancement of non-federally owned sites, structures and objects of historical, architectural or archaeological significance.

Sec. 2. *Responsibilities of Federal agencies.* Consonant with the provisions of the acts cited in the first paragraph of this order, the heads of Federal agencies shall:
(a) no later than July 1, 1973, with the advice of the Secretary of the Interior, and in cooperation with the liaison officer for historic preservation for the State or territory involved, locate, inventory, and nominate to the Secretary of the Interior all sites, buildings, districts, and objects under their jurisdiction or control that appear to qualify for listing on the National Register of Historic Places.
(b) exercise caution during the interim period until inventories and evaluations required by subsection (a) are completed to assure that any federally owned property that might qualify for nomination is not inadvertently transferred, sold, demolished or substantially altered. The agency head shall refer any questionable actions to the Secretary of the Interior for an opinion respecting the property's eligibility for inclusion on the National Register of Historic Places. The Secretary shall consult with the liaison officer for historic preservation for the State or territory involved in arriving at his opinion. Where, after a reasonable period in which to review and evaluate the property, the Secretary determines that the property is likely to meet the criteria prescribed for listing on the

National Register of Historic Places, the Federal agency head shall reconsider the proposal in light of national environment and preservation policy. Where, after such reconsideration, the Federal agency head proposes to transfer, sell, demolish or substantially alter the property he shall not act with respect to the property until the Advisory Council on Historic Preservation shall have been provided an opportunity to comment on the proposal.

(c) initiate measures to assure that where as a result of Federal action or assistance a property listed on the National Register of Historic Places is to be substantially altered or demolished, timely steps be taken to make or have made records, including measured drawings, photographs and maps, of the property, and that copy of such records then be deposited in the Library of Congress as part of the Historic American Buildings Survey or Historic American Engineering Record for future use and reference. Agencies may call on the Department of the Interior for advice and technical assistance in the completion of the above records.

(d) initiate measures and procedures to provide for the maintenance, through preservation, rehabilitation, or restoration, of federally owned and registered sites at professional standards prescribed by the Secretary of the Interior.

(e) submit procedures required pursuant to subsection (d) to the Secretary of the Interior and to the Advisory Council on Historic Preservation no later than January 1, 1972, and annually thereafter, for review and comment.

(f) cooperate with purchasers and transferees of a property listed on the National Register of Historic Places in the development of viable plans to use such property in a manner compatible with preservation objectives and which does not result in an unreasonable economic burden to public or private interests.

Sec. 3. *Responsibilities of the Secretary of the Interior.* The Secretary of the Interior shall:

(a) encourage State and local historic preservation officials to evaluate and survey federally owned historic properties and, where appropriate, to nominate such properties for listing on the National Register of Historic Places.

(b) develop criteria and procedures to be applied by Federal agencies in the reviews and nominations required by section 2(a). Such criteria and procedures shall be developed in consultation with the affected agencies.

(c) expedite action upon nominations to the National Register of Historic Places concerning federally owned properties proposed for sale, transfer, demolition or substantial alteration.

(d) encourage State and Territorial liaison officers for historic preservation to furnish information upon request to Federal agencies regarding their properties which have been evaluated with respect to historic, architectural or archaeological significance and which as a result of such evaluations have not been found suitable for listing on the National Register of Historic Places.

(e) develop and make available to Federal agencies and State and local governments information concerning professional methods and techniques for preserving, improving, restoring and maintaining historic properties.
(f) advise Federal agencies in the evaluation, identification, preservation, improvement, restoration and maintenance of historic properties.
(g) review and evaluate the plans of transferees of surplus Federal properties transferred for historic monument purposes to assure that the historic character of such properties is preserved in rehabilitation, restoration, improvement, maintenance and repair of such properties.
(h) review and comment upon Federal agency procedures submitted pursuant to section 2(e) of this order.

Statement on Signing the Executive Order on Consultation and Coordination With Indian Tribal Governments

November 6, 2000

Today I am pleased to sign a revised Executive order on consultation with Indian tribal governments. This Executive order, itself based on consultation, will renew my administration's commitment to tribal sovereignty and our government-to-government relationship.

The first Americans hold a unique place in our history. Long before others came to our shores, the first Americans had established self-governing societies. Among their societies, democracy flourished long before the founding of our Nation. Our Nation entered into treaties with Indian nations, which acknowledged their right to self-government and protected their lands. The Constitution affirms the United States' government-to-government relationship with Indian tribes both in the Commerce Clause, which establishes that "the Congress shall have the Power To . . . regulate commerce . . . with the Indian Tribes," and in the Supremacy Clause, which ratifies the Indian treaties that the United States entered into prior to 1787.

Indian nations and tribes ceded lands, water, and mineral rights in exchange for peace, security, health care, and education. The Federal Government did not always live up to its end of the bargain. That was wrong, and I have worked hard to change that by recognizing the importance of tribal sovereignty and government-to-government relations. When I became the first President since James Monroe to invite the leaders of every tribe to the White House in April 1994, I vowed to honor and respect tribal sovereignty. At that historic meeting, I issued a memorandum directing all Federal agencies to consult with Indian tribes before making decisions on matters affecting American Indian and Alaska Native peoples.

Today, there is nothing more important in Federal-tribal relations than fostering true government-to-government relations to empower American Indians and Alaska Natives to improve their own lives, the lives of their children, and the generations to come. We must continue to engage in a partnership, so that the first Americans can reach their full potential. So, in our Nation's relations with Indian tribes, our first principle must be to respect the right of American Indians and Alaska Natives to self-determination. We must respect Native Americans' rights to choose for themselves their own way of life on their own lands according to their time honored cultures and traditions. We must also acknowledge that American Indians and Alaska Natives must have access to new technology and commerce to promote economic opportunity in their homelands.

Today, I reaffirm our commitment to tribal sovereignty, self-determination, and self-government by issuing this revised Executive order on consultation and coordination with Indian tribal governments. This Executive order builds on prior actions and strengthens our government-to-government relationship with Indian tribes. It will ensure that all Executive departments and agencies consult with Indian tribes and respect tribal sovereignty as they develop policy on issues that impact Indian communities.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

November 6, 2000

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to establish regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications, to strengthen the United States government-to-government relationships with Indian tribes, and to reduce the imposition of unfunded mandates upon Indian tribes; it is hereby ordered as follows:

Section 1. *Definitions.* For purposes of this order:

(a) "Policies that have tribal implications" refers to regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution

of power and responsibilities between the Federal Government and Indian tribes.

(b) "Indian tribe" means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a.

(c) "Agency" means any authority of the United States that is an "agency" under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(5).

(d) "Tribal officials" means elected or duly appointed officials of Indian tribal governments or authorized intertribal organizations.

Sec. 2. *Fundamental Principles.* In formulating or implementing policies that have tribal implications, agencies shall be guided by the following fundamental principles:

(a) The United States has a unique legal relationship with Indian tribal governments as set forth in the Constitution of the United States, treaties, statutes, Executive Orders, and court decisions. Since the formation of the Union, the United States has recognized Indian tribes as domestic dependent nations under its protection. The Federal Government has enacted numerous statutes and promulgated numerous regulations that establish and define a trust relationship with Indian tribes.

(b) Our Nation, under the law of the United States, in accordance with treaties, statutes, Executive Orders, and judicial decisions, has recognized the right of Indian tribes to self-government. As domestic dependent nations, Indian tribes exercise inherent sovereign powers over their members and territory. The United States continues to work with Indian tribes on a government-to-government basis to address issues concerning Indian tribal self-government, tribal trust resources, and Indian tribal treaty and other rights.

(c) The United States recognizes the right of Indian tribes to self-government and supports tribal sovereignty and self-determination.

Sec. 3. *Policymaking Criteria.* In addition to adhering to the fundamental principles set forth in section 2, agencies shall adhere, to the extent permitted by law, to the following criteria when formulating and implementing policies that have tribal implications:

(a) Agencies shall respect Indian tribal self-government and sovereignty, honor tribal treaty and other rights, and strive to meet the responsibilities that arise from the unique legal relationship between the Federal Government and Indian tribal governments.

(b) With respect to Federal statutes and regulations administered by Indian tribal governments, the Federal Government shall grant Indian tribal governments the maximum administrative discretion possible.

(c) When undertaking to formulate and implement policies that have tribal implications, agencies shall:

(1) encourage Indian tribes to develop their own policies to achieve program objectives;

(2) where possible, defer to Indian tribes to establish standards; and

(3) in determining whether to establish Federal standards, consult with tribal officials as to the need for Federal standards and any alternatives that would limit the scope of Federal standards or otherwise preserve the prerogatives and authority of Indian tribes.

Sec. 4. *Special Requirements for Legislative Proposals.* Agencies shall not submit to the Congress legislation that would be inconsistent with the policymaking criteria in Section 3.

Sec. 5. *Consultation.* (a) Each agency shall have an accountable process to ensure meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications. Within 30 days after the effective date of this order, the head of each agency shall designate an official with principal responsibility for the agency's implementation of this order. Within 60 days of the effective date of this order, the designated official shall submit to the Office of Management and Budget (OMB) a description of the agency's consultation process.

(b) To the extent practicable and permitted by law, no agency shall promulgate any regulation that has tribal implications, that imposes substantial direct compliance costs on Indian tribal governments, and that is not required by statute, unless:

(1) funds necessary to pay the direct costs incurred by the Indian tribal government or the tribe in complying with the regulation are provided by the Federal Government; or

(2) the agency, prior to the formal promulgation of the regulation,

(A) consulted with tribal officials early in the process of developing the proposed regulation;

(B) in a separately identified portion of the preamble to the regulation as it is to be issued in the *Federal Register*, provides to the Director of OMB a tribal summary impact statement, which consists of a description of the extent of the agency's prior consultation with tribal officials, a summary of the nature of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which the concerns of tribal officials have been met; and

(C) makes available to the Director of OMB any written communications submitted to the agency by tribal officials.

(c) To the extent practicable and permitted by law, no agency shall promulgate any regulation that has tribal implications and that preempts tribal law unless the agency, prior to the formal promulgation of the regulation,

(1) consulted with tribal officials early in the process of developing the proposed regulation;

(2) in a separately identified portion of the preamble to the regulation as it is to be issued in the *Federal Register*, provides to the Director of OMB a tribal summary impact statement, which consists of a description of the extent of the agency's prior consultation with tribal officials, a summary of the nature of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which the concerns of tribal officials have been met; and

(3) makes available to the Director of OMB any written communications submitted to the agency by tribal officials.

(d) On issues relating to tribal self-government, tribal trust resources, or Indian tribal treaty and other rights, each agency should explore and, where appropriate, use consensual mechanisms for developing regulations, including negotiated rulemaking.

Sec. 6. *Increasing Flexibility for Indian Tribal Waivers.*

(a) Agencies shall review the processes under which Indian tribes apply for waivers of statutory and regulatory requirements and take appropriate steps to streamline those processes.

(b) Each agency shall, to the extent practicable and permitted by law, consider any application by an Indian tribe for a waiver of statutory or regulatory requirements in connection with any program administered by the agency with a general view toward increasing opportunities for utilizing flexible policy approaches at the Indian tribal level in cases in which the proposed waiver is consistent with the applicable Federal policy objectives and is otherwise appropriate.

(c) Each agency shall, to the extent practicable and permitted by law, render a decision upon a complete application for a waiver within 120 days of receipt of such application by the agency, or as otherwise provided by law or regulation. If the application for waiver is not granted, the agency shall provide the applicant with timely written notice of the decision and the reasons therefor.

(d) This section applies only to statutory or regulatory requirements that are discretionary and subject to waiver by the agency.

Sec. 7. *Accountability.*

(a) In transmitting any draft final regulation that has tribal implications to OMB pursuant to Executive Order 12866 of September 30, 1993, each agency shall include a certification from the official designated to ensure compliance with this order stating that the requirements of this order have been met in a meaningful and timely manner.

(b) In transmitting proposed legislation that has tribal implications to OMB, each agency shall include a certification from the official designated to ensure compliance with this order that all relevant requirements of this order have been met.

(c) Within 180 days after the effective date of this order the Director of OMB and the Assistant to the President for Intergovernmental Affairs shall confer with tribal officials to ensure that this order is being properly and effectively implemented.

Sec. 8. *Independent Agencies.* Independent regulatory agencies are encouraged to comply with the provisions of this order.

Sec. 9. *General Provisions.* (a) This order shall supplement but not supersede the requirements contained in Executive Order 12866 (Regulatory Planning and Review), Executive Order 12988 (Civil Justice Reform), OMB Circular A–19, and the Executive Memorandum of April 29, 1994, on Government-to-Government Relations with Native American Tribal Governments.

(b) This order shall complement the consultation and waiver provisions in sections 6 and 7 of Executive Order 13132 (Federalism).

(c) Executive Order 13084 (Consultation and Coordination with Indian Tribal Governments) is revoked at the time this order takes effect.

(d) This order shall be effective 60 days after the date of this order.

Sec. 10. *Judicial Review.* This order is intended only to improve the internal management of the executive branch, and is not intended to create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law by a party against the United States, its agencies, or any person.

William J. Clinton

The White House,
November 6, 2000.

[Filed with the Office of the Federal Register, 8:45 a.m., November 8, 2000]

NOTE: This Executive order was published in the *Federal Register* on November 9.

Statement on Signing the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001

November 6, 2000

Today I am pleased to sign into law H.R. 4811, the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001. As I have often said, there is a right and a wrong way to conduct budget negotiations. When we have worked together, we have unfailingly made progress. When there is a genuine spirit of cooperation and compromise, we can accomplish great things for our people. This Act, the result of just such a bipartisan effort, supports our efforts to promote peace and stability around the world, in turn helping to make our Nation more safe and secure.

I am particularly pleased that this legislation funds our landmark initiative to provide debt relief to the poorest of the world's nations. By fully funding our commitment to debt relief, the bill supports this historic effort to give these poorest countries a critical opportunity to effect reform while using funds to reduce poverty and provide basic health care and education for their people. I commend the bipartisan efforts in the Congress to fund this vital program, as well as efforts of all those across the political spectrum who joined forces to secure this critically important funding.

Likewise, I am pleased that this legislation dramatically increases funding to fight HIV/AIDS. In nations around the world, HIV/AIDS is a leading cause of death and is undermining decades of effort to reduce mortality, improve health, expand educational opportunities, and lift people out of poverty. The funds provided by the bill will significantly expand our prevention and treatment efforts in Africa and other regions of the world to turn the tide against this deadly pandemic.

This legislation also helps strengthen our efforts to support democracy and stability in Southeastern Europe, the Newly Independent States, and other key regions. In particular, it includes increased funding for our continued efforts to support democracy and reform in Kosovo, and to support the

Text of Executive Order 13287: "Preserve America"

Executive Order: "Preserve America"

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Historic Preservation Act (16 U.S.C. 470 et seq.) (NHPA) and the National Environmental Policy Act (42 U.S.C. 4321 et seq.), it is hereby ordered:

Section 1. Statement of Policy. It is the policy of the Federal Government to provide leadership in preserving America's heritage by actively advancing the protection, enhancement, and contemporary use of the historic properties owned by the Federal Government, and by promoting intergovernmental cooperation and partnerships for the preservation and use of historic properties. The Federal Government shall recognize and manage the historic properties in its ownership as assets that can support department and agency missions while contributing to the vitality and economic well-being of the Nation's communities and fostering a broader appreciation for the development of the United States and its underlying values. Where consistent with executive branch department and agency missions, governing law, applicable preservation standards, and where appropriate, executive branch departments and agencies ("agency" or "agencies") shall advance this policy through the protection and continued use of the historic properties owned by the Federal Government, and by pursuing partnerships with State and local governments, Indian tribes, and the private sector to promote the preservation of the unique cultural heritage of communities and of the Nation and to realize the economic benefit that these properties can provide. Agencies shall maximize efforts to integrate the policies, procedures, and practices of the NHPA and this order into their program activities in order to efficiently and effectively advance historic preservation objectives in the pursuit of their missions.

Sec. 2. Building Preservation Partnerships. When carrying out its mission activities, each agency, where consistent with its mission and governing authorities, and where appropriate, shall seek partnerships with State and local governments, Indian tribes, and the private sector to promote local economic development and vitality through the use of historic properties in a manner that contributes to the long-term preservation and productive use of those properties. Each agency shall examine its policies, procedures, and capabilities to ensure that its actions encourage, support, and foster public-private initiatives and investment in the use, reuse, and rehabilitation of historic properties, to the extent such support is not inconsistent with other provisions of law, the Secretary of the Interior's Standards for Archeology and Historic Preservation, and essential national department and agency mission requirements.

Sec. 3. Improving Federal Agency Planning and Accountability. (a) 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. Each agency with real property management responsibilities shall prepare an assessment of the current status of its inventory of historic properties required by section 110(a)(2) of the NHPA (16 U.S.C. 470h-2(a)(2)), the general condition and management needs of such properties, and the steps underway or planned to meet those management needs. The assessment shall also include an evaluation of the suitability of the agency's types of historic properties to contribute to community economic development initiatives, including heritage tourism, taking into account agency mission needs, public access considerations, and the long-term preservation of the historic properties. No later than September 30, 2004, each covered agency shall complete a report of the assessment and make it available to the Chairman of the Advisory Council on Historic Preservation (Council) and the Secretary of the Interior (Secretary).

(b) No later than September 30, 2004, each agency with real property management responsibilities shall review its regulations, management policies, and operating procedures for compliance with sections 110 and 111 of the NHPA (16 U.S.C. 470h-2 & 470h-3) and make the results of its review available to the Council and the Secretary. If the agency determines that its regulations, management policies, and

operating procedures are not in compliance with those authorities, the agency shall make amendments or revisions to bring them into compliance.

(c) Each agency with real property management responsibilities shall, by September 30, 2005, and every third year thereafter, prepare a report on its progress in identifying, protecting, and using historic properties in its ownership and make the report available to the Council and the Secretary. The Council shall incorporate this data into a report on the state of the Federal Government's historic properties and their contribution to local economic development and submit this report to the President by February 15, 2006, and every third year thereafter.

(d) Agencies may use existing information gathering and reporting systems to fulfill the assessment and reporting requirements of subsections 3(a)-(c) of this order. To assist agencies, the Council, in consultation with the Secretary, shall, by September 30, 2003, prepare advisory guidelines for agencies to use at their discretion.

(e) No later than June 30, 2003, the head of each agency shall designate a senior policy level official to have policy oversight responsibility for the agency's historic preservation program and notify the Council and the Secretary of the designation. This senior official shall be an assistant secretary, deputy assistant secretary, or the equivalent, as appropriate to the agency organization. This official, or a subordinate employee reporting directly to the official, shall serve as the agency's Federal Preservation Officer in accordance with section 110(c) of the NHPA. The senior official shall ensure that the Federal Preservation Officer is qualified consistent with guidelines established by the Secretary for that position and has access to adequate expertise and support to carry out the duties of the position.

Sec. 4. Improving Federal Stewardship of Historic Properties. (a) Each agency shall ensure that the management of historic properties in its ownership is conducted in a manner that promotes the long-term preservation and use of those properties as Federal assets and, where consistent with agency missions, governing law, and the nature of the properties, contributes to the local community and its economy.

(b) Where consistent with agency missions and the Secretary of the Interior's Standards for Archeology and Historic Preservation, and where appropriate, agencies shall cooperate with communities to increase opportunities for public benefit from, and access to, Federally owned historic properties.

(c) The Council is directed to use its existing authority to encourage and accept donations of money, equipment, and other resources from public and private parties to assist other agencies in the preservation of historic properties in Federal ownership to fulfill the goals of the NHPA and this order.

(d) The National Park Service, working with the Council and in consultation with other agencies, shall make available existing materials and information for education, training, and awareness of historic property stewardship to ensure that all Federal personnel have access to information and can develop the skills necessary to continue the productive use of Federally owned historic properties while meeting their stewardship responsibilities.

(e) The Council, in consultation with the National Park Service and other agencies, shall encourage and recognize exceptional achievement by such agencies in meeting the goals of the NHPA and this order. By March 31, 2004, the Council shall submit to the President and the heads of agencies recommendations to further stimulate initiative, creativity, and efficiency in the Federal stewardship of historic properties.

Sec. 5. Promoting Preservation Through Heritage Tourism. (a) To the extent permitted by law and within existing resources, the Secretary of Commerce, working with the Council and other agencies, shall assist States, Indian tribes, and local communities in promoting the use of historic properties for heritage tourism and related economic development in a manner that contributes to the long-term preservation and productive use of those properties. Such assistance shall include efforts to strengthen and improve

heritage tourism activities throughout the country as they relate to Federally owned historic properties and significant natural assets on Federal lands.

(b) Where consistent with agency missions and governing law, and where appropriate, agencies shall use historic properties in their ownership in conjunction with State, tribal, and local tourism programs to foster viable economic partnerships, including, but not limited to, cooperation and coordination with tourism officials and others with interests in the properties.

Sec. 6. National and Homeland Security Considerations. Nothing in this order shall be construed to require any agency to take any action or disclose any information that would conflict with or compromise national and homeland security goals, policies, programs, or activities.

Sec. 7. Definitions. For the purposes of this order, the term "historic property" means any prehistoric or historic district, site, building, structure, and object included on or eligible for inclusion on the National Register of Historic Places in accordance with section 301(5) of the NHPA (16 U.S.C. 470w(5)). The term "heritage tourism" means the business and practice of attracting and accommodating visitors to a place or area based especially on the unique or special aspects of that locale's history, landscape (including trail systems), and culture. The terms "Federally owned" and "in Federal ownership," and similar terms, as used in this order, do not include properties acquired by agencies as a result of foreclosure or similar actions and that are held for a period of less than 5 years.

Sec. 8. Judicial Review. This order is intended only to improve the internal management of the Federal Government and it is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

GEORGE W. BUSH

THE WHITE HOUSE,

March 3, 2003.

Federal Register
Vol. 69, No. 25
Friday, February 6, 2004

Presidential Documents

Title 3—

The President

Executive Order 13327 of February 4, 2004

Federal Real Property Asset Management

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 121(a) of title 40, United States Code, and in order to promote the efficient and economical use of Federal real property resources in accordance with their value as national assets and in the best interests of the Nation, it is hereby ordered as follows:

Section 1. *Policy.* It is the policy of the United States to promote the efficient and economical use of America's real property assets and to assure management accountability for implementing Federal real property management reforms. Based on this policy, executive branch departments and agencies shall recognize the importance of real property resources through increased management attention, the establishment of clear goals and objectives, improved policies and levels of accountability, and other appropriate action.

Sec. 2. *Definition and Scope.* (a) For the purpose of this executive order, Federal real property is defined as any real property owned, leased, or otherwise managed by the Federal Government, both within and outside the United States, and improvements on Federal lands. For the purpose of this order, Federal real property shall exclude: interests in real property assets that have been disposed of for public benefit purposes pursuant to section 484 of title 40, United States Code, and are now held in private ownership; land easements or rights-of-way held by the Federal Government; public domain land (including lands withdrawn for military purposes) or land reserved or dedicated for national forest, national park, or national wildlife refuge purposes except for improvements on those lands; land held in trust or restricted fee status for individual Indians or Indian tribes; and land and interests in land that are withheld from the scope of this order by agency heads for reasons of national security, foreign policy, or public safety.

(b) This order shall not be interpreted to supersede any existing authority under law or by executive order for real property asset management, with the exception of the revocation of Executive Order 12512 of April 29, 1985, in section 8 of this order.

Sec. 3. *Establishment and Responsibilities of Agency Senior Real Property Officer.* (a) The heads of all executive branch departments and agencies cited in sections 901(b)(1) and (b)(2) of title 31, United States Code, and the Secretary of Homeland Security, shall designate among their senior management officials, a Senior Real Property Officer. Such officer shall have the education, training, and experience required to administer the necessary functions of the position for the particular agency.

(b) The Senior Real Property Officer shall develop and implement an agency asset management planning process that meets the form, content, and other requirements established by the Federal Real Property Council established in section 4 of this order. The initial agency asset management plan will be submitted to the Office of Management and Budget on a date determined by the Director of the Office of Management and Budget. In developing this plan, the Senior Real Property Officer shall:

(i) identify and categorize all real property owned, leased, or otherwise managed by the agency, including, where applicable, those properties outside the United States in which the lease agreements and arrangements reflect the host country currency or involve alternative lease plans or rental agreements;

(ii) prioritize actions to be taken to improve the operational and financial management of the agency's real property inventory;

(iii) make life-cycle cost estimations associated with the prioritized actions;

(iv) identify legislative authorities that are required to address these priorities;

(v) identify and pursue goals, with appropriate deadlines, consistent with and supportive of the agency's asset management plan and measure progress against such goals;

(vi) incorporate planning and management requirements for historic property under Executive Order 13287 of March 3, 2003, and for environmental management under Executive Order 13148 of April 21, 2000; and

(vii) identify any other information and pursue any other actions necessary to the appropriate development and implementation of the agency asset management plan.

(c) The Senior Real Property Officer shall be responsible, on an ongoing basis, for monitoring the real property assets of the agency so that agency assets are managed in a manner that is:

(i) consistent with, and supportive of, the goals and objectives set forth in the agency's overall strategic plan under section 306 of title 5, United States Code;

(ii) consistent with the real property asset management principles developed by the Federal Real Property Council established in section 4 of this order; and

(iii) reflected in the agency asset management plan.

(d) The Senior Real Property Officer shall, on an annual basis, provide to the Director of the Office of Management and Budget and the Administrator of General Services:

(i) information that lists and describes real property assets under the jurisdiction, custody, or control of that agency, except for classified information; and

(ii) any other relevant information the Director of the Office of Management and Budget or the Administrator of General Services may request for inclusion in the Government-wide listing of all Federal real property assets and leased property.

(e) The designation of the Senior Real Property Officer shall be made by agencies within 30 days after the date of this order.

Sec. 4. *Establishment of a Federal Real Property Council.* (a) A Federal Real Property Council (Council) is established, within the Office of Management and Budget for administrative purposes, to develop guidance for, and facilitate the success of, each agency's asset management plan. The Council shall be composed exclusively of all agency Senior Real Property Officers, the Controller of the Office of Management and Budget, the Administrator of General Services, and any other full-time or permanent part-time Federal officials or employees as deemed necessary by the Chairman of the Council. The Deputy Director for Management of the Office of Management and Budget shall also be a member and shall chair the Council. The Office of Management and Budget shall provide funding and administrative support for the Council, as appropriate.

(b) The Council shall provide a venue for assisting the Senior Real Property Officers in the development and implementation of the agency asset management plans. The Council shall work with the Administrator of General Services to establish appropriate performance measures to determine the effectiveness of Federal real property management. Such performance measures shall include, but are not limited to, evaluating the costs and benefits

involved with acquiring, repairing, maintaining, operating, managing, and disposing of Federal real properties at particular agencies. Specifically, the Council shall consider, as appropriate, the following performance measures:

(i) life-cycle cost estimations associated with the agency's prioritized actions;

(ii) the costs relating to the acquisition of real property assets by purchase, condemnation, exchange, lease, or otherwise;

(iii) the cost and time required to dispose of Federal real property assets and the financial recovery of the Federal investment resulting from the disposal;

(iv) the operating, maintenance, and security costs at Federal properties, including but not limited to the costs of utility services at unoccupied properties;

(v) the environmental costs associated with ownership of property, including the costs of environmental restoration and compliance activities;

(vi) changes in the amounts of vacant Federal space;

(vii) the realization of equity value in Federal real property assets;

(viii) opportunities for cooperative arrangements with the commercial real estate community; and

(ix) the enhancement of Federal agency productivity through an improved working environment. The performance measures shall be designed to enable the heads of executive branch agencies to track progress in the achievement of Government-wide property management objectives, as well as allow for comparing the performance of executive branch agencies against industry and other public sector agencies.

(c) The Council shall serve as a clearinghouse for executive agencies for best practices in evaluating actual progress in the implementation of real property enhancements. The Council shall also work in conjunction with the President's Management Council to assist the efforts of the Senior Real Property Officials and the implementation of agency asset management plans.

(d) The Council shall be organized and hold its first meeting within 60 days of the date of this order. The Council shall hold meetings not less often than once a quarter each fiscal year.

Sec. 5. *Role of the General Services Administration.* (a) The Administrator of General Services shall, to the extent permitted by law and in consultation with the Federal Real Property Council, provide policy oversight and guidance for executive agencies for Federal real property management; manage selected properties for an agency at the request of that agency and with the consent of the Administrator; delegate operational responsibilities to an agency where the Administrator determines it will promote efficiency and economy, and where the receiving agency has demonstrated the ability and willingness to assume such responsibilities; and provide necessary leadership in the development and maintenance of needed property management information systems.

(b) The Administrator of General Services shall publish common performance measures and standards adopted by the Council.

(c) The Administrator of General Services, in consultation with the Federal Real Property Council, shall establish and maintain a single, comprehensive, and descriptive database of all real property under the custody and control of all executive branch agencies, except when otherwise required for reasons of national security. The Administrator shall collect from each executive branch agency such descriptive information, except for classified information, as the Administrator considers will best describe the nature, use, and extent of the real property holdings of the Federal Government.

(d) The Administrator of General Services, in consultation with the Federal Real Property Council, may establish data and other information technology (IT) standards for use by Federal agencies in developing or upgrading Federal

agency real property information systems in order to facilitate reporting on a uniform basis. Those agencies with particular IT standards and systems in place and in use shall be allowed to continue with such use to the extent that they are compatible with the standards issued by the Administrator.

Sec. 6. *General Provisions.* (a) The Director of the Office of Management and Budget shall review, through the management and budget review processes, the efforts of departments and agencies in implementing their asset management plans and achieving the Government-wide property management policies established pursuant to this order.

(b) The Office of Management and Budget and the General Services Administration shall, in consultation with the landholding agencies, develop legislative initiatives that seek to improve Federal real property management through the adoption of appropriate industry management techniques and the establishment of managerial accountability for implementing effective and efficient real property management practices.

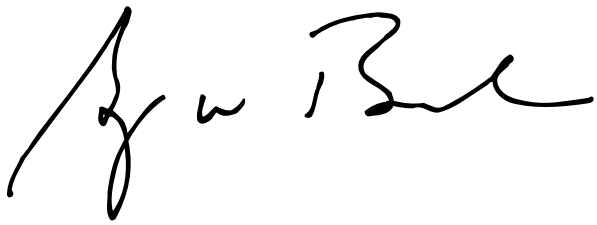
(c) Nothing in this order shall be construed to impair or otherwise affect the authority of the Director of the Office of Management and Budget with respect to budget, administrative, or legislative proposals.

(d) Nothing in this order shall be construed to affect real property for the use of the President, Vice President, or, for protective purposes, the United States Secret Service.

Sec. 7. *Public Lands.* In order to ensure that Federally owned lands, other than the real property covered by this order, are managed in the most effective and economic manner, the Departments of Agriculture and the Interior shall take such steps as are appropriate to improve their management of public lands and National Forest System lands and shall develop appropriate legislative proposals necessary to facilitate that result.

Sec. 8. Executive Order 12512 of April 29, 1985, is hereby revoked.

Sec. 9. *Judicial Review.* This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.



THE WHITE HOUSE,
February 4, 2004.

[FR Doc. 04–2773
Filed 2–5–04; 9:19 am]
Billing code 3195–01–P

Native American Graves Protection and Repatriation Act
AS AMENDED

This Act became law on November 16, 1990 (Public Law 101-601; 25 U.S.C. 3001 et seq.) and has been amended twice. This description of the Act, as amended, tracks the language of the United States Code except that (following common usage) we refer to the "Act" (meaning the Act, as amended) rather than to the "subchapter" or the "title" of the Code.

25 U.S.C. 3001, Definitions

Section 2

For purposes of this Act, the term—

(1) "**burial site**" means any natural or prepared physical location, whether originally below, on, or above the surface of the earth, into which as a part of the death rite or ceremony of a culture, individual human remains are deposited.

(2) "**cultural affiliation**" means that there is a relationship of shared group identity which can be reasonably traced historically or prehistorically between a present day Indian tribe or Native Hawaiian organization and an identifiable earlier group.

(3) "**cultural items**" means human remains and—

(A) "**associated funerary objects**" which shall mean objects that, as a part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, and both the human remains and associated funerary objects are presently in the possession or control of a Federal agency or museum, except that other items exclusively made for burial purposes or to contain human remains shall be considered as associated funerary objects.

(B) "**unassociated funerary objects**" which shall mean objects that, as a part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, where the remains are not in the possession or control of the Federal agency or museum and the objects can be identified by a preponderance of the evidence as related to specific individuals or families or to known human remains or, by a preponderance of the evidence, as having been removed from a specific burial site of an individual culturally affiliated with a particular Indian tribe,

(C) **"sacred objects"** which shall mean specific ceremonial objects which are needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present day adherents, and

(D) **"cultural patrimony"** which shall mean an object having ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual Native American, and which, therefore, cannot be alienated, appropriated, or conveyed by any individual regardless of whether or not the individual is a member of the Indian tribe or Native Hawaiian organization and such object shall have been considered inalienable by such Native American group at the time the object was separated from such group.

(4) **"Federal agency"** means any department, agency, or instrumentality of the United States. Such term does not include the Smithsonian Institution.

(5) **"Federal lands"** means any land other than tribal lands which are controlled or owned by the United States, including lands selected by but not yet conveyed to Alaska Native Corporations and groups organized pursuant to the Alaska Native Claims Settlement Act of 1971 [43 U.S.C. 1601 et seq.].

(6) **"Hui Malama I Na Kupuna O Hawai'i Nei"** means the nonprofit, Native Hawaiian organization incorporated under the laws of the State of Hawaii by that name on April 17, 1989, for the purpose of providing guidance and expertise in decisions dealing with Native Hawaiian cultural issues, particularly burial issues.

(7) **"Indian tribe"** means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act) [43 U.S.C. 1601 et seq.], which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(8) "**museum**" means any institution or State or local government agency (including any institution of higher learning) that receives Federal funds and has possession of, or control over, Native American cultural items. Such term does not include the Smithsonian Institution or any other Federal agency.

(9) "**Native American**" means of, or relating to, a tribe, people, or culture that is indigenous to the United States.

(10) "**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 the State of Hawaii.

(11) "**Native Hawaiian organization**" means any organization which—

(A) serves and represents the interests of Native Hawaiians,

(B) has as a primary and stated purpose the provision of services to Native Hawaiians, and

(C) has expertise in Native Hawaiian Affairs, and

shall include the Office of Hawaiian Affairs and Hui Malama I Na Kupuna O Hawai'i Nei.

(12) "**Office of Hawaiian Affairs**" means the Office of Hawaiian Affairs established by the constitution of the State of Hawaii.

(13) "**right of possession**" means possession obtained with the voluntary consent of an individual or group that had authority of alienation. The original acquisition of a Native American unassociated funerary object, sacred object or object of cultural patrimony from an Indian tribe or Native Hawaiian organization with the voluntary consent of an individual or group with authority to alienate such object is deemed to give right of possession of that object, unless the phrase so defined would, as applied in section 7(c) of this Act [25 U.S.C. 3005(c)], result in a Fifth Amendment taking by the United States as determined by the United States Court of Federal Claims pursuant to

28 U.S.C. 1491 in which event the "right of possession" shall be as provided under otherwise applicable property law. The original acquisition of Native American human remains and associated funerary objects which were excavated, exhumed, or otherwise obtained with full knowledge and consent of the next of kin or the official governing body of the appropriate culturally affiliated Indian tribe or Native Hawaiian organization is deemed to give right of possession to those remains.

(14) **"Secretary"** means the Secretary of the Interior.

(15) **"tribal land"** means—

(A) all lands within the exterior boundaries of any Indian reservation;

(B) all dependent Indian communities;

(C) any lands administered for the benefit of Native Hawaiians pursuant to the Hawaiian Homes Commission Act, 1920 [42 Stat. 108], and section 4 of Public Law 86-3 [note preceding 48 U.S.C. 491].

25 U.S.C. 3002, Ownership

25 U.S.C. 3002(a), Native American human remains and objects

Section 3

(a) The ownership or control of Native American cultural items which are excavated or discovered on Federal or tribal lands after November 16, 1990, shall be (with priority given in the order listed)—

(1) in the case of Native American human remains and associated funerary objects, in the lineal descendants of the Native American; or

(2) in any case in which such lineal descendants cannot be ascertained, and in the case of unassociated funerary objects, sacred objects, and objects of cultural patrimony—

(A) in the Indian tribe or Native Hawaiian organization on whose tribal land such objects or remains were discovered;

(B) in the Indian tribe or Native Hawaiian organization which has the closest cultural affiliation with such remains or objects and which, upon notice, states a claim for such remains or objects; or

(C) if the cultural affiliation of the objects cannot be reasonably ascertained and if the objects were discovered on Federal land that is recognized by a final judgment of the Indian Claims Commission or the United States Court of Claims as the aboriginal land of some Indian tribe—

(1) [sic] in the Indian tribe that is recognized as aboriginally occupying the area in which the objects were discovered, if upon notice, such tribe states a claim for such remains or objects, or

(2) [sic] if it can be shown by a preponderance of the evidence that a different tribe has a stronger cultural relationship with the remains or objects than the tribe or organization specified in paragraph (1), in the Indian tribe that has the strongest demonstrated relationship, if upon notice, such tribe states a claim for such remains or objects.

25 U.S.C. 3002(b), Unclaimed Native American remains and objects

(b) Native American cultural items not claimed under subsection (a) of this section shall be disposed of in accordance with regulations promulgated by the Secretary in consultation with the review committee established under section 8 of this Act [25 U.S.C. 3006], Native American groups, representatives of museums and the scientific community.

25 U.S.C. 3002(c), Intentional excavation and removal of Native American human remains and objects

(c) The intentional removal from or excavation of Native American cultural items from Federal or tribal lands for purposes of discovery, study, or removal of such items is permitted only if—

(1) such items are excavated or removed pursuant to a permit issued under section 4 of the Archaeological Resources Protection Act of 1979, as amended, [16 U.S.C. 470cc] which shall be consistent with this Act;

(2) such items are excavated or removed after consultation with or, in the case of tribal lands, consent of the appropriate (if any) Indian tribe or Native Hawaiian organization;

(3) the ownership and right of control of the disposition of such items shall be as provided in subsections (a) and (b) of this section; and

(4) proof of consultation or consent under paragraph (2) is shown.

25 U.S.C. 3002(d), Inadvertent discovery of Native American remains and objects

(d)(1) Any person who knows, or has reason to know, that such person has discovered Native American cultural items on Federal or tribal lands after November 16, 1990, shall notify, in writing, the Secretary of the Department, or head of any other agency or instrumentality of the United States, having primary management authority with respect to Federal lands and the appropriate Indian tribe or Native Hawaiian organization with respect to tribal lands, if known or readily ascertainable, and, in the case of lands that have been selected by an Alaska Native Corporation or group organized pursuant to the Alaska Native Claims Settlement Act of 1971 [43 U.S.C. 1601 et seq.], the appropriate corporation or group. If the discovery occurred in connection with an activity, including (but not limited to) construction, mining, logging, and agriculture, the person shall cease the activity in the area of the discovery, make a reasonable effort to protect the items discovered before resuming such activity, and provide notice under this subsection. Following the notification under this subsection, and upon certification by the Secretary of the department or the head of any agency or instrumentality of the United States or the appropriate Indian tribe or Native Hawaiian organization that notification has been received, the activity may resume after 30 days of such certification.

(2) The disposition of and control over any cultural items excavated or removed under this subsection shall be determined as provided for in this section.

(3) If the Secretary of the Interior consents, the responsibilities (in whole or in part) under paragraphs (1) and (2) of the Secretary of any department (other than the Department of the Interior) or the head of any other agency or instrumentality may be delegated to the Secretary with respect to any land managed by such other Secretary or agency head.

25 U.S.C. 3002(e), Relinquishment

(e) Nothing in this section shall prevent the governing body of an Indian tribe or Native Hawaiian organization from expressly relinquishing control over any Native American human remains, or title to or control over any funerary object, or sacred object.

18 U.S.C. 1170, Illegal trafficking in Native American human remains and cultural items

Section 4

(a) Chapter 53 of title 18, United States Code, is amended by adding at the end thereof the following new section:

Section 1170

"(a) Whoever knowingly sells, purchases, uses for profit, or transports for sale or profit, the human remains of a Native American without the right of possession to those remains as provided in the Native American Graves Protection and Repatriation Act shall be fined in accordance with this title, or imprisoned not more than 12 months, or both, and in the case of a second or subsequent violation, be fined in accordance with this title, or imprisoned not more than 5 years, or both."

"(b) Whoever knowingly sells, purchases, uses for profit, or transports for sale or profit any Native American cultural items obtained in violation of the Native American Grave Protection and Repatriation Act shall be fined in accordance with this title, imprisoned not more than one year, or both, and in the case of a second or subsequent violation, be fined in accordance with this title, imprisoned not more than 5 years, or both."

(b) The table of contents for chapter 53 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"1170, Illegal Trafficking in Native American Human Remains and Cultural Items."

25 U.S.C. 3003, Inventory for human remains and associated funerary objects

Section 5

25 U.S.C. 3003(a), In general

(a) Each Federal agency and each museum which has possession or control over holdings or collections of Native American human remains and associated funerary objects shall compile an inventory of such items and, to the extent possible based on information possessed by such museum or Federal agency, identify the geographical and cultural affiliation of such item.

25 U.S.C. 3003(b), Requirements

(b)(1) The inventories and identifications required under subsection (a) of this section shall be—

(A) completed in consultation with tribal government and Native Hawaiian organization officials and traditional religious leaders;

(B) completed by not later than the date that is 5 years after November 16, 1990, [the date of enactment of this Act], and

(C) made available both during the time they are being conducted and afterward to a review committee established under section 8 of this Act [25 U.S.C. 3006].

(2) Upon request by an Indian tribe or Native Hawaiian organization which receives or should have received notice, a museum or Federal agency shall supply additional available documentation to supplement the information required by subsection (a) of this section. The term "**documentation**" means a summary of existing museum or Federal agency records, including inventories or catalogues, relevant studies, or other pertinent data for the limited purpose of determining the geographical origin, cultural affiliation, and basic facts surrounding acquisition and accession of Native American human remains and associated funerary objects subject to this section. Such term does not mean, and this Act shall not be construed to be an authorization for, the initiation of new scientific studies of such remains and associated funerary objects or other means of acquiring or preserving additional scientific information from such remains and objects.

25 U.S.C. 3003(c), Extension of time for inventory

(c) Any museum which has made a good faith effort to carry out an inventory and identification under this section, but which has been unable to complete the process, may appeal to the Secretary for an extension of the time requirements set forth in subsection (b)(1)(B) of this section. The Secretary may extend such time requirements for any such museum upon a finding of good faith effort. An indication of good faith shall include the development of a plan to carry out the inventory and identification process.

25 U.S.C. 3003(d), Notification

(d)(1) If the cultural affiliation of any particular Native American human remains or associated funerary objects is determined pursuant to this section, the Federal agency or museum concerned shall, not later than 6 months after the completion of the inventory, notify the affected Indian tribes or Native Hawaiian organizations.

(2) The notice required by paragraph (1) shall include information—

(A) which identifies each Native American human remains or associated funerary objects and the circumstances surrounding its acquisition;

(B) which lists the human remains or associated funerary objects that are clearly identifiable as to tribal origin; and

(C) which lists the Native American human remains and associated funerary objects that are not clearly identifiable as being culturally affiliated with that Indian tribe or Native Hawaiian organization, but which, given the totality of circumstances surrounding acquisition of the remains or objects, are determined by a reasonable belief to be remains or objects culturally affiliated with the Indian tribe or Native Hawaiian organization.

(3) A copy of each notice provided under paragraph (1) shall be sent to the Secretary who shall publish each notice in the Federal Register.

25 U.S.C. 3003(e), Definition of inventory

(e) For the purposes of this section, the term **"inventory"** means a simple itemized list that summarizes the information called for by this section.

25 U.S.C. 3004, Summary for unassociated funerary objects, sacred objects, and cultural patrimony

Section 6

25 U.S.C. 3004(a), In general

(a) Each Federal agency or museum which has possession or control over holdings or collections of Native American unassociated funerary objects, sacred objects, or objects of cultural patrimony shall provide a written summary of such objects based upon available information held by such agency or museum. The summary shall describe the scope of the collection, kinds of objects included, reference to geographical location, means and period of acquisition and cultural affiliation, where readily ascertainable.

25 U.S.C. 3004(b), Requirements for the summary

(b)(1) The summary required under subsection (a) of this section shall be—

(A) in lieu of an object-by-object inventory;

(B) followed by consultation with tribal government and Native Hawaiian organization officials and traditional religious leaders; and

(C) completed by not later than the date that is 3 years after November 16, 1990, [the date of enactment of this Act].

(2) Upon request, Indian Tribes and Native Hawaiian organizations shall have access to records, catalogues, relevant studies or other pertinent data for the limited purposes of determining the geographic origin, cultural affiliation, and basic facts surrounding acquisition and accession of Native American objects subject to this section. Such information shall be provided in a reasonable manner to be agreed upon by all parties.

25 U.S.C. 3005, Repatriation

25 U.S.C. 3005(a), Repatriation of Native American human remains and objects possessed or controlled by Federal agencies and museums

Section 7

(a)(1) If, pursuant to section 5 of this Act [25 U.S.C. 3003], the cultural affiliation of Native American human remains and associated funerary objects with a particular Indian tribe or Native Hawaiian organization is established, then the Federal agency or museum, upon the request of a known lineal descendant of the Native American or of the tribe or organization and pursuant to subsections (b) and (e) of this section, shall expeditiously return such remains and associated funerary objects.

(2) If, pursuant to section 6 of this Act [25 U.S.C. 3004], the cultural affiliation with a particular Indian tribe or Native Hawaiian organization is shown with respect to unassociated funerary objects, sacred objects or objects of cultural patrimony, then the Federal agency or museum, upon the request of the Indian tribe or Native Hawaiian organization and pursuant to subsections (b), (c) and (e) of this section, shall expeditiously return such objects.

(3) The return of cultural items covered by this Act shall be in consultation with the requesting lineal descendant or tribe or organization to determine the place and manner of delivery of such items.

(4) Where cultural affiliation of Native American human remains and funerary objects has not been established in an inventory prepared pursuant to section 5 of this Act [25 U.S.C. 3003], or the summary pursuant to section 6 of this Act [25 U.S.C. 3004], or where Native American human remains and funerary objects are not included upon any such inventory, then, upon request and pursuant to subsections (b) and (e) of this section and, in the case of unassociated funerary objects, subsection (c) of this section, such Native American human remains and funerary objects shall be expeditiously returned where the requesting Indian tribe or Native Hawaiian organization can show cultural affiliation by a preponderance of the evidence based upon geographical, kinship, biological, archaeological, anthropological, linguistic, folkloric, oral traditional, historical, or other relevant information or expert opinion.

(5) Upon request and pursuant to subsections (b), (c) and (e) of this section, sacred objects and objects of cultural patrimony shall be expeditiously returned where—

(A) the requesting party is the direct lineal descendant of an individual who owned the sacred object;

(B) the requesting Indian tribe or Native Hawaiian organization can show that the object was owned or controlled by the tribe or organization; or

(C) the requesting Indian tribe or Native Hawaiian organization can show that the sacred object was owned or controlled by a member thereof, provided that in the case where a sacred object was owned by a member thereof, there are no identifiable lineal descendants of said member or the lineal descendents, upon notice, have failed to make a claim for the object under this Act.

25 U.S.C. 3005(b), Scientific study

(b) If the lineal descendant, Indian tribe, or Native Hawaiian organization requests the return of culturally affiliated Native American cultural items, the Federal agency or museum shall expeditiously return such items unless such items are indispensable for completion of a specific scientific study, the outcome of which would be of major benefit to the United States. Such items shall be returned by no later than 90 days after the date on which the scientific study is completed.

25 U.S.C. 3005(c), Standard for repatriation

(c) If a known lineal descendant or an Indian tribe or Native Hawaiian organization requests the return of Native American unassociated funerary objects, sacred objects or objects of cultural patrimony pursuant to this Act and presents evidence which, if standing alone before the introduction of evidence to the contrary, would support a finding that the Federal agency or museum did not have the right of possession, then such agency or museum shall return such objects unless it can overcome such inference and prove that it has a right of possession to the objects.

25 U.S.C. 3005(d), Sharing of information by Federal agencies and museums

(d) Any Federal agency or museum shall share what information it does possess regarding the object in question with the known lineal descendant, Indian tribe, or Native Hawaiian organization to assist in making a claim under this section.

25 U.S.C. 3005(e), Competing claims

(e) Where there are multiple requests for repatriation of any cultural item and, after complying with the requirements of this Act, the Federal agency or museum cannot clearly determine which requesting party is the most appropriate claimant, the agency or museum may retain such item until the requesting parties agree upon its disposition or the dispute is otherwise resolved pursuant to the provisions of this Act or by a court of competent jurisdiction.

25 U.S.C. 3005(f), Museum obligation

(f) Any museum which repatriates any item in good faith pursuant to this Act shall not be liable for claims by an aggrieved party or for claims of breach of fiduciary duty, public trust, or violations of state law that are inconsistent with the provisions of this Act.

25 U.S.C. 3006, Review committee

Section 8

25 U.S.C. 3006(a), Establishment

(a) Within 120 days after November 16, 1990, the Secretary shall establish a committee to monitor and review the implementation of the inventory and identification process and repatriation activities required under sections 5, 6 and 7 of this Act [25 U.S.C. 3003, 3004, and 3005].

25 U.S.C. 3006(b), Committee membership

(b)(1) The Committee established under subsection (a) of this section shall be composed of 7 members,

(A) 3 of whom shall be appointed by the Secretary from nominations submitted by Indian tribes, Native Hawaiian organizations, and traditional Native American religious leaders with at least 2 of such persons being traditional Indian religious leaders;

(B) 3 of whom shall be appointed by the Secretary from nominations submitted by national museum organizations and scientific organizations; and

(C) 1 who shall be appointed by the Secretary from a list of persons developed and consented to by all of the members appointed pursuant to subparagraphs (A) and (B).

(2) The Secretary may not appoint Federal officers or employees to the committee.

(3) In the event vacancies shall occur, such vacancies shall be filled by the Secretary in the same manner as the original appointment within 90 days of the occurrence of such vacancy.

(4) Members of the committee established under subsection (a) of this section shall serve without pay, but shall be reimbursed at a rate equal to the daily rate for GS-18 of the General Schedule for each day (including travel time) for which the member is actually engaged in committee business. Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5 [United States Code].

25 U.S.C. 3006(c), Committee responsibilities

(c) The committee established under subsection a) of this section shall be responsible for—

(1) designating one of the members of the committee as chairman;

(2) monitoring the inventory and identification process conducted under sections 5 and 6 of this Act [25 U.S.C. 3003 and 3004] to ensure a fair, objective consideration and assessment of all available relevant information and evidence;

(3) upon the request of any affected party, reviewing and making findings related to—

(A) the identity or cultural affiliation of cultural items, or

(B) the return of such items;

(4) facilitating the resolution of any disputes among Indian tribes, Native Hawaiian organizations, or lineal descendants and Federal agencies or museums relating to the return of such items including convening the parties to the dispute if deemed desirable;

(5) compiling an inventory of culturally unidentifiable human remains that are in the possession or control of each Federal agency and museum and recommending specific actions for developing a process for disposition of such remains;

(6) consulting with Indian tribes and Native Hawaiian organizations and museums on matters within the scope of the work of the committee affecting such tribes or organizations;

(7) consulting with the Secretary in the development of regulations to carry out this Act;

(8) performing such other related functions as the Secretary may assign to the committee; and

(9) making recommendations, if appropriate, regarding future care of cultural items which are to be repatriated.

25 U.S.C. 3006(d), Admissibility of records

(d) Any records and findings made by the review committee pursuant to this Act relating to the identity or cultural affiliation of any cultural items and the return of such items may be admissible in any action brought under section 15 of this Act [25 U.S.C. 3013].

25 U.S.C. 3006(e), Recommendations and report

(e) The committee shall make the recommendations under paragraph (c)(5) of this section in consultation with Indian tribes and Native Hawaiian organizations and appropriate scientific and museum groups.

25 U.S.C. 3006(f), Committee access

(f) The Secretary shall ensure that the committee established under subsection (a) of this section and the members of the committee have reasonable access to Native American cultural items under review and to associated scientific and historical documents.

25 U.S.C. 3006(g), Duties of the Secretary, regulations, and administrative support

(g) The Secretary shall—

(1) establish such rules and regulations for the committee as may be necessary, and

(2) provide reasonable administrative and staff support necessary for the deliberations of the committee.

25 U.S.C. 3006(h), Annual report to Congress

(h) The committee established under subsection (a) of this section shall submit an annual report to the Congress on the progress made, and any barriers encountered, in implementing this section during the previous year.

25 U.S.C. 3006(i), Committee termination

(i) The committee established under subsection (a) of this section shall terminate at the end of the 120-day period beginning on the day the Secretary certifies, in a report submitted to Congress, that the work of the committee has been completed.

25 U.S.C. 3007, Penalty assessment, museums

Section 9

25 U.S.C. 3007(a), Penalty

(a) Any museum that fails to comply with the requirements of this Act may be assessed a civil penalty by the Secretary of the Interior pursuant to procedures established by the Secretary through regulation. A penalty assessed under this subsection shall be determined on the record after opportunity for an agency hearing. Each violation under this subsection shall be a separate offense.

25 U.S.C. 3007(b), Amount of penalty

(b) The amount of a penalty assessed under subsection (a) of this section shall be determined under regulations promulgated pursuant to this Act, taking into account, in addition to other factors—

(1) the archaeological, historical, or commercial value of the item involved;

(2) the damages suffered, both economic and noneconomic, by an aggrieved party, and

(3) the number of violations that have occurred.

25 U.S.C. 3007(c), Legal actions to recover penalties

(c) If any museum fails to pay an assessment of a civil penalty pursuant to a final order of the Secretary that has been issued under subsection (a) of this section and not appealed or after a final judgment has been rendered on appeal of such order, the Attorney General may institute a civil action in an appropriate district court of the United States to collect the penalty. In such action, the validity and amount of such penalty shall not be subject to review.

25 U.S.C. 3007(d), Authority to issue subpoenas

(d) In hearings held pursuant to subsection (a) of this section, subpoenas may be issued for the attendance and testimony of witnesses and the production of relevant papers, books, and documents. Witnesses so summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States.

25 U.S.C. 3008, Grants

Section 10

25 U.S.C. 3008(a), Grants to Indian tribes and Native Hawaiian organizations

(a) The Secretary is authorized to make grants to Indian tribes and Native Hawaiian organizations for the purpose of assisting such tribes and organizations in the repatriation of Native American cultural items.

25 U.S.C. 3008(b), Grants to museums

(b) The Secretary is authorized to make grants to museums for the purpose of assisting the museums in conducting the inventories and identification required under sections 5 and 6 of this Act [25 U.S.C. 3003 and 3004].

25 U.S.C. 3009, Limitations on applying the Act

Section 11

Nothing in this Act shall be construed to—

(1) limit the authority of any Federal agency or museum to—

(A) return or repatriate Native American cultural items to Indian tribes, Native Hawaiian organizations, or individuals, and

(B) enter into any other agreement with the consent of the culturally affiliated tribe or organization as to the disposition of, or control over, items covered by this Act;

(2) delay actions on repatriation requests that are pending on November 16, 1990;

(3) deny or otherwise affect access to any court;

(4) limit any procedural or substantive right which may otherwise be secured to individuals or Indian tribes or Native Hawaiian organizations; or

(5) limit the application of any State or Federal law pertaining to theft or stolen property.

25 U.S.C. 3010, Special relationship between the Federal Government and Indian tribes and Native Hawaiian organizations

Section 12

This Act reflects the unique relationship between the Federal Government and Indian tribes and Native Hawaiian organizations and should not be construed to establish a precedent with respect to any other individual, organization or foreign government.

25 U.S.C. 3011, Regulations

Section 13

The Secretary shall promulgate regulations to carry out this Act within 12 months of November 16, 1990.

25 U.S.C. 3012, Authorization of appropriations

Section 14

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

25 U.S.C. 3013, Judicial jurisdiction and enforcement

Section 15

The United States district courts shall have jurisdiction over any action brought by any person alleging a violation of this Act and shall have the authority to issue such orders as may be necessary to enforce the provisions of this Act.

National Historic Preservation Act of 1966,
As amended through 2006
[With annotations]

[This Act became law on October 15, 1966 (Public Law 89-665; 16 U.S.C. 470 et seq.). Subsequent amendments to the Act include Public Law 91-243, Public Law 93-54, Public Law 94-422, Public Law 94-458, Public Law 96-199, Public Law 96-244, Public Law 96-515, Public Law 98-483, Public Law 99-514, Public Law 100-127, Public Law 102-575, Public Law 103-437, Public Law 104-333, Public Law 106-113, Public Law 106-176, Public Law 106-208, Public Law 106-355, and Public Law 109-453. This description of the Act, as amended, tracts the language of the United States Code except that (in following common usage) we refer to the "Act"(meaning the Act, as amended) rather than to the "subchapter" or the "title" of the Code. This description also excludes some of the notes found in the Code as well as those sections of the amendments dealing with completed reports. Until the Code is updated through the end of the 106th Congress, the Code citations for Sections 308 and 309 are speculative.]

AN ACT to Establish a Program for the Preservation of Additional Historic Properties throughout the Nation, and for Other Purposes.

Section 1

[16 U.S.C. 470 — Short title of the Act]

(a) This Act may be cited as the "National Historic Preservation Act".

[Purpose of the Act]

(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.

Section 2

[16 U.S.C. 470-1 — Declaration of policy of the Federal Government]

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

(1) use measures, including financial and technical assistance, to foster conditions under which our modern society and our prehistoric and historic resources 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 prehistoric and historic resources of the United States and of the international community of nations and in the administration of the national preservation program in partnership with States, Indian tribes, Native Hawaiians, and local governments;

(3) administer federally owned, administered, or controlled prehistoric and historic resources in a spirit of stewardship for the inspiration and benefit of present and future generations;

(4) contribute to the preservation of nonfederally owned prehistoric and historic resources 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 for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities.

TITLE I

Section 101

[16 U.S.C. 470a(a) — National Register of Historic Places, expansion and maintenance]

(a) (1) (A) The Secretary of the Interior is authorized to expand and maintain a National Register of Historic Places composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture. Notwithstanding section 1125(c) of Title 15 [of the U.S. Code], buildings and structures on or eligible for inclusion on the National Register of Historic Places (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.

[National Historic Landmarks, designation]

(B) Properties meeting the criteria for National Historic Landmarks established pursuant to paragraph (2) shall be designated as "National Historic Landmarks" and included on the National Register, subject to the requirements of paragraph (6). All historic properties included on the National Register on December 12, 1980 [the date of enactment of the National Historic Preservation Act Amendments of 1980], shall be deemed to be included on the National Register as of their initial listing for purposes of this Act. All historic properties listed in the Federal Register of February 6, 1979, as "National Historic Landmarks" or thereafter prior to the effective date of this Act are declared by Congress to be National historic Landmarks of national historic significance as of their initial listing as such in the Federal Register for purposes of this Act and the Act of August 21, 1935 (49 Stat.666) [16 U.S.C. 461 to 467]; except that in cases of National Historic Landmark districts for which no boundaries have been established, boundaries must first be published in the Federal Register.

[Criteria for National Register and National Historic Landmarks and regulations]

(2) The Secretary in consultation with national historic and archaeological associations, shall establish or revise criteria for properties to be included on the National Register and criteria for National Historic Landmarks, and shall also promulgate or revise regulations as may be necessary for —

(A) nominating properties for inclusion in, and removal from, the National Register and the recommendation of properties by certified local governments;

(B) designating properties as National Historic Landmarks and removing such designation;

(C) considering appeals from such recommendations, nomination, removals, and designations (or any failure or refusal by a nominating authority to nominate or designate);

(D) nominating historic properties for inclusion in the World Heritage List in accordance with the terms of the Convention concerning the Protection of the World Cultural and Natural Heritage;

(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.

[Nominations to the National Register]

(3) Subject to the requirements of paragraph (6), any State which is carrying out a program approved under subsection (b) of this section, shall nominate to the Secretary properties which meet the criteria promulgated under subsection (a) of this section for inclusion on the National Register. Subject to paragraph (6), any property nominated under this paragraph or under section 110 (a)(2) of this Act shall be included on the National Register on the date forty-five days after receipt by the Secretary of the nomination and the necessary documentation, unless

the Secretary disapproves such nomination within such forty-five day period or unless an appeal is filed under paragraph (5).

[Nominations from individuals and local governments]

(4) Subject to the requirements of paragraph (6) the Secretary may accept a nomination directly from any person or local government for inclusion of a property on the National Register only if such property is located in a State where there is no program approved under subsection (b) of this section. The Secretary may include on the National Register any property for which such a nomination is made if he determines that such property is eligible in accordance with the regulations promulgated under paragraph (2). Such determinations shall be made within ninety days from the date of nomination unless the nomination is appealed under paragraph (5).

[Appeals of nominations]

(5) Any person or local government may appeal to the Secretary a nomination of any historic property for inclusion on the National Register and may appeal to the Secretary the failure or refusal of a nominating authority to nominate a property in accordance with this subsection.

[Owner participation in nomination process]

(6) The Secretary shall promulgate regulations requiring that before any property or district may be included on the National Register or designated as a National Historic Landmark, the owner or owners of such property, or a majority of the owners of the properties within the district in the case of an historic district, shall be given the opportunity (including a reasonable period of time) to concur in, or object to, the nomination of the property or district for such inclusion or designation. If the owner or owners of any privately owned property, or a majority of the owners of such properties within the district in the case of an historic district, object to such inclusion or designation, such property shall not be included on the National Register or designated as a National Historic Landmark until such objection is withdrawn. The Secretary shall review the nomination of the property or district where any such objection has been made and shall determine whether or not the property or district is eligible for such inclusion or designation, and if the Secretary determines that such property or district is eligible for such inclusion or designation, he 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 such property, of his determination. The regulations under this paragraph shall include provisions to carry out the purposes of this paragraph in the case of multiple ownership of a single property.

[Regulations for curation, documentation, and local government certification]

(7) The Secretary shall promulgate, or revise, regulations —

(A) ensuring that significant prehistoric and historic artifacts, and associated records, subject to section 110 of this Act [16 U.S.C. 470h-2], the Act of June 27, 1960 (16 U.S.C. 469c), and the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa and following) are deposited in an institution with adequate long-term curatorial capabilities;

(B) establishing a uniform process and standards for documenting historic properties by public agencies and private parties for purposes of incorporation into, or

complementing, the national historic architectural and engineering records within the Library of Congress; and

(C) certifying local governments, in accordance with subsection (c)(1) of this section and for the allocation of funds pursuant to section 103 (c) of this Act [16 U.S.C. 470c(c)].

[Review threats to eligible and listed properties and recommend action]

(8) The Secretary shall, at least once every 4 years, in consultation with the Council and with State Historic Preservation Officers, review significant threats to properties included in, or eligible for inclusion on, the National Register, in order to —

(A) determine the kinds of properties that may be threatened;

(B) ascertain the causes of the threats; and

(C) develop and submit to the President and Congress recommendations for appropriate action.

[16 U.S.C. 470a(b) — State Historic Preservation Programs]

(b) (1) The Secretary, in consultation with the National Conference of State Historic Preservation Officers and the National Trust for Historic Preservation, shall promulgate or revise regulations for State Historic Preservation Programs. Such regulations shall provide that a State program submitted to the Secretary under this section shall be approved by the Secretary if he determines that the program —

[Designation of the State Historic Preservation Officer (SHPO)]

(A) provides for the designation and appointment by the Governor of a "State Historic Preservation Officer" to administer such program in accordance with paragraph (3) and for the employment or appointment by such officer of such professionally qualified staff as may be necessary for such purposes;

[Designation of the State Review Board]

(B) provides for an adequate and qualified State historic preservation review board designated by the State Historic Preservation Officer unless otherwise provided for by State law; and

(C) provides for adequate public participation in the State Historic Preservation Program, including the process of recommending properties for nomination to the National Register.

[Review of State programs]

(2) (A) Periodically, but not less than every 4 years after the approval of any State program under this subsection, the Secretary, in consultation with the Council on the appropriate provisions of this Act, and in cooperation with the State Historic Preservation Officer, shall evaluate the program to determine whether it is consistent with this Act.

(B) If, at any time, the Secretary determines that a major aspect of a State program is not consistent with this Act, 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 Act, until the program is consistent with this Act, unless the Secretary determines that the program will be made consistent with this Act within a reasonable period of time.

(C) 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) 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 —

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

(ii) provides for independent professional peer review.

The Secretary may also conduct periodic fiscal audits of State programs approved under this section as needed and shall ensure that such programs meet applicable accountability standards.

[SHPO responsibilities]

(3) It shall be the responsibility of the State Historic Preservation Officer to administer the State Historic Preservation Program and to —

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

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

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

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

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

(F) cooperate with the Secretary, the Advisory Council on Historic Preservation, and other Federal and State agencies, local governments, and organizations and individuals to ensure that historic properties are taken into consideration at all levels of planning and development;

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

(H) cooperate with local governments in the development of local historic preservation programs and assist local governments in becoming certified pursuant to subsection (c) of this section;

(I) consult with the appropriate Federal agencies in accordance with this Act on —

(i) Federal undertakings that may affect historic properties; and

(ii) the content and sufficiency of any plans developed to protect, manage, or to reduce or mitigate harm to such properties; and

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

[Arrangements with nonprofit organizations]

(4) Any State may carry out all or any part of its responsibilities under this subsection by contract or cooperative agreement with any qualified nonprofit organization or educational institution.

[Approval of existing programs]

(5) Any State historic preservation program in effect under prior authority of law may be treated as an approved program for purposes of this subsection until the earlier of —

(A) the date on which the Secretary approves a program submitted by the State under this subsection, or

(B) three years after October 30, 1992 [the date of the enactment of the National Historic Preservation Act Amendments of 1992].

[Contracts or cooperative agreements with State Historic Preservation Officers]

(6) (A) Subject to subparagraphs (C) and (D), the Secretary may enter into contracts or cooperative agreements with a State Historic Preservation Officer for any State authorizing such Officer to assist the Secretary in carrying out one or more of the following responsibilities within that State —

(i) Identification and preservation of historic properties.

(ii) Determination of the eligibility of properties for listing on the National Register.

(iii) Preparation of nominations for inclusion on the National Register.

(iv) Maintenance of historical and archaeological data bases.

(v) Evaluation of eligibility for Federal preservation incentives.

Nothing in this paragraph 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.

(B) The Secretary may enter into a contract or cooperative agreement under subparagraph (A) only if —

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

(ii) the Secretary has approved the State historic preservation program pursuant to subsection (b)(1) and (2) of this section;

(iii) 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 such Officer is fully capable of carrying out such responsibility in such manner;

(iv) 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 such contract or cooperative agreement; and

(v) 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 such responsibility.

(C) For each significant program area under the Secretary's authority, the Secretary shall establish specific conditions and criteria essential for the assumption by State Historic Preservation Officers of the Secretary's duties in each such program.

(D) Nothing in this subsection shall have the effect of diminishing the preservation programs and activities of the National Park Service.

[16 U.S.C. 470a(c) — Certification of local governments]

(c) (1) Any State program approved under this section shall provide a mechanism for the certification by the State Historic Preservation Officer of local governments to carry out the purposes of this Act and provide for the transfer, in accordance with section 103(c) of this Act [16 U.S.C. 470c(c)], of a portion of the grants received by the States under this Act, to such local governments. Any local government shall be certified to participate under the provisions of this section if the applicable State Historic Preservation Officer, and the Secretary, certifies that the local government —

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

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

(C) maintains a system for the survey and inventory of historic properties that furthers the purposes of subsection (b) of this section;

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

(E) satisfactorily performs the responsibilities delegated to it under this Act.

Where there is no approved State program, a local government may be certified by the Secretary if he determines that such local government meets the requirements of subparagraphs (A) through (E); and in any such case the Secretary may make grants-in-aid to the local government for purposes of this section.

[Participation of certified local governments in National Register nominations]

(2) (A) Before a property within the jurisdiction of the certified local government may be considered by the 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. The commission, after reasonable opportunity for public comment, shall prepare a report as to whether or not such property, in its opinion, meets the criteria of the National Register. Within sixty days of notice from the State Historic Preservation Officer, the chief local elected official shall transmit the report of the commission and his recommendation to the state Historic Preservation Officer. Except as provided in subparagraph (B), after receipt of such report and recommendation, or if no such report and recommendation are received within sixty days, the State shall make the nomination pursuant to subsection (a) of this subsection. The State may expedite such process with the concurrence of the certified local government.

(B) 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 thirty days of the receipt of such recommendation by the State Historic Preservation Officer an appeal is filed with the State. If such an appeal is filed, the State shall follow the procedures for making a nomination pursuant to subsection (a) of this section. Any report and recommendations made under this section shall be included with any nomination submitted by the State to the Secretary.

(3) Any local government certified under this section or which is making efforts to become so certified shall be eligible for funds under the provision of section 103 (c) of this Act [16 U.S.C. 470c(c)], and shall carry out any responsibilities delegated to it in accordance with such terms and conditions as the Secretary deems necessary or advisable.

[Definitions]

(4) For the purposes of this section the term —

(A) **"designation"** means the identification and registration of properties for protection that meet criteria established by the State or the locality for significant historic and prehistoric resources within the jurisdiction of a local government; and

(B) **"protection"** means a local review process under State or local law for proposed demolition of, changes to, or other action that may affect historic properties designated pursuant to this subsection.

[16 U.S.C. 470a(d) — Establish program and regulations to assist Indian tribes]

(d) (1) (A) The Secretary shall establish a program and promulgate regulations to assist Indian tribes in preserving their particular historic properties. 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 ensure that all types of historic properties and all public interests in such properties are given due consideration, and to 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 properties.

(B) The program under subparagraph (A) shall be developed in such a manner as to ensure that tribal values are taken into account to the extent feasible. The Secretary may waive or modify requirements of this section to conform to the cultural setting of tribal heritage preservation goals and objectives. The tribal programs implemented by specific tribal organizations may vary in scope, as determined by each tribe's chief governing authority.

(C) The Secretary shall consult with Indian tribes, other Federal agencies, State Historic Preservation Officers, and other interested parties and initiate the program under subparagraph (A) by not later than October 1, 1994.

[Indian Tribes may assume State Historic Preservation Officer functions]

(2) A tribe may assume all or any part of the functions of a State Historic Preservation Officer in accordance with subsections (b)(2) and (b)(3) of this section, with respect to tribal lands, as such responsibilities may be modified for tribal programs through regulations issued by the Secretary if —

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

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

(C) 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;

(D) the Secretary determines, after consultation with the tribe, the appropriate State Historic Preservation Officer, the Council (if the tribe proposes to assume the functions of the State Historic Preservation Officer with respect to review of undertakings under section 106 of this Act), and other tribes, if any, whose tribal or aboriginal lands may be affected by conduct of the tribal preservation program —

(i) that the tribal preservation program is fully capable of carrying out the functions specified in the plan provided under subparagraph (C);

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

(iii) that the plan provides, with respect to properties neither owned by a member of the tribe nor held in trust by the Secretary for the benefit of the tribe, at the request of the owner thereof, the State Historic Preservation Officer, in addition to the tribal preservation official, may exercise the historic preservation responsibilities in accordance with subsections (b)(2) and (b)(3) of this section; and

(E) based on satisfaction of the conditions stated in subparagraphs (A), (B), (C), and (D), the Secretary approves the plan.

(3) 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 103(a) of this Act with respect to tribal programs that assume responsibilities under paragraph (2).

(4) At the request of a tribe whose preservation program has been approved to assume functions and responsibilities pursuant to paragraph (2), the Secretary shall enter into contracts or cooperative agreements with such tribe permitting the assumption by the tribe of any part of the responsibilities referred to in subsection (b)(6) of this section on tribal land, if —

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

(B) 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 Act; and

(C) 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 —

(i) the tribe's traditional cultural authorities;

(ii) representatives of other tribes whose traditional lands are under the jurisdiction of the tribe assuming responsibilities; and

(iii) the interested public.

(5) 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 106 of this Act, if the Council, after consultation with the tribe and appropriate State Historic Preservation Officers, determines that the tribal preservation regulations will afford historic properties consideration equivalent to those afforded by the Council's regulations.

[Traditional religious and cultural properties may be eligible for listing in the National Register]

(6) (A) Properties 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) In carrying out its responsibilities under section 106 of this Act, a Federal agency shall consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to properties described in subparagraph (A).

(C) In carrying out his or her responsibilities under subsection (b)(3) of this section, the State Historic Preservation Officer for the State of Hawaii shall —

(i) consult with Native Hawaiian organizations in assessing the cultural

significance of any property in determining whether to nominate such property to the National Register;

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

(iii) 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 such property to the National Register and to carry out the cultural component of such preservation program or plan.

[16 U.S.C. 470a(e) — Grants to States]

(e) (1) The Secretary shall administer a program of matching grants to the States for the purposes of carrying out this Act.

[Grants to the National Trust]

(2) The Secretary may administer grants to the National Trust for Historic Preservation in the United States, chartered by Act of Congress approved October 26, 1949 (63 Stat. 927) [16 U.S.C. 468], consistent with the purposes of its charter and this Act.

[Direct grants for threatened National Historic Landmarks, demonstration projects, training, and displacement prevention]

(3) (A) In addition to the programs under paragraphs (1) and (2), the Secretary shall administer a program of direct grants for the preservation of properties included on the National Register. Funds to support such program annually shall not exceed 10 per centum of the amount appropriated annually for the fund established under section 108 of this Act. These grants may be made by the Secretary, in consultation with the appropriate State Historic Preservation Officer —

(i) for the preservation of National Historic Landmarks which are threatened with demolition or impairment and for the preservation of historic properties of World Heritage significance,

(ii) for demonstration projects which will provide information concerning professional methods and techniques having application to historic properties,

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

(iv) to assist persons or small businesses within any historic district included in the National Register to remain within the district.

[Grants or loans to Indian tribes and non-profit ethnic or minority organizations for preserving cultural heritage]

(B) The Secretary may also, in consultation with the appropriate State Historic Preservation Officer, make grants or loans or both under this section to Indian tribes

and to nonprofit organizations representing ethnic or minority groups for the preservation of their cultural heritage.

(C) Grants may be made under subparagraph (A)(i) and (iv) 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 104 of this Act.

[Grants for religious properties]

(4) Grants may be made under this subsection for the preservation, stabilization, restoration, or rehabilitation of religious properties listed in the National Register of Historic Places, provided that the purpose of the grant is secular, does not promote religion, and seeks to protect those qualities that are historically significant. Nothing in this paragraph shall be construed to authorize the use of any funds made available under this section for the acquisition of any property referred to in the preceding sentence.

[Direct grants to Indian tribes and Native Hawaiian organizations]

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

[Direct grants to Micronesia, Marshall Islands, and Palau]

(6) (A) As a 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, the Trust Territory of the Pacific Islands, and upon termination of the Trusteeship Agreement for the Trust Territory of the Pacific Islands, the Republic of Palau (referred to as the Micronesian States) 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. 1681 note), the Trusteeship Agreement for the Trust Territory of the Pacific Islands, 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. 1681 note). The goal of the program shall be to establish historic and cultural preservation programs that meet the unique needs of each Micronesian State so that at the termination of the compacts the programs shall be firmly established. The Secretary may waive or modify the requirements of this section to conform to the cultural setting of those nations.

(B) The amounts to be made available to the Micronesian States shall be allocated by the Secretary on the basis of needs as determined by the Secretary. Matching funds may be waived or modified.

[16 U.S.C. 470a(f) — Prohibition on compensating intervenors]

(f) No part of any grant made under this section may be used to compensate any person intervening in any proceeding under this Act.

[16 U.S.C. 470a(g) — Guidelines for Federal agency responsibilities]

(g) In consultation with the Advisory Council on Historic Preservation, the Secretary shall promulgate guidelines for Federal agency responsibilities under section 110 of this Act.

[16 U.S.C. 470a(h) — Preservation standards for federally owned properties]

(h) Within one year after December 12, 1980 [the date of enactment of the National Historic Preservation Act Amendments of 1980], the Secretary shall establish, in consultation with the Secretaries of Agriculture and Defense, the Smithsonian Institution, and the Administrator of the General Services Administration, professional standards for the preservation of historic properties in Federal ownership or control.

[16 U.S.C. 470a(i) — Technical advice]

(i) 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 properties 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.

[16 U.S.C. 470a(j) — Develop and implement a comprehensive preservation education and training program]

(j) (1) The Secretary shall, in consultation with the Council and other appropriate Federal, tribal, Native Hawaiian, and non-Federal organizations, develop and implement a comprehensive preservation education and training program.

(2) The education and training program described in paragraph (1) shall include —

(A) new standards and increased preservation training opportunities for Federal workers involved in preservation-related functions;

(B) increased preservation training opportunities for other Federal, State, tribal and local government workers, and students;

(C) 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

(D) coordination of the following activities, where appropriate, with the National Center for Preservation Technology and Training —

(i) distribution of information on preservation technologies;

(ii) provision of training and skill development in trades, crafts, and disciplines related to historic preservation in Federal training and development programs; and

(iii) support for research, analysis, conservation, curation, interpretation, and display related to preservation.

Section 102

[16 U.S.C. 470b(a) — Grant requirements]

(a) No grant may be made under this Act —

(1) unless application therefore is submitted to the Secretary in accordance with regulations and procedures prescribed by him;

(2) unless the application is in accordance with the comprehensive statewide historic preservation plan which has been approved by the Secretary after considering its relationship to the comprehensive statewide outdoor recreation plan prepared pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) [16 U.S.C. 460l-4];

(3) 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 101(b)(3) of this Act in any one fiscal year;

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

(5) 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; and

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

Except as permitted by other law, the State share of the costs referred to in paragraph (3) shall be contributed by non-Federal sources. Notwithstanding any other provision of law, no grant made pursuant to this Act shall be treated as taxable income for purposes of the Internal Revenue Code of 1986 [Title 26 of the U.S. Code].

[16 U.S.C. 470b(b) — Waiver for the National Trust]

(b) The Secretary may in his discretion waive the requirements of subsection (a), paragraphs (2) and (5) of this section for any grant under this Act to the National Trust for Historic Preservation in the United States.

[16 U.S.C. 470b(c) — State limitation on matching]*
*[*Technically, subsection (c) was repealed and replaced by two subsection "d"s]*

(c*) No State shall be permitted to utilize the value of real property obtained before October 15, 1966 [the date of approval of this Act], in meeting the remaining cost of a project for which a grant is made under this Act.

[16 U.S.C. 470b(d) — Availability of funds]

(d) The Secretary shall make funding available to individual States and the National Trust for Historic Preservation 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 considered to be one grant and shall be administered by the National Park Service as such.

[16 U.S.C. 470b(e) — Administrative Costs]

(e) The total administrative costs, direct and indirect, charged for carrying out State projects and programs may not exceed 25 percent of the aggregate costs except in the case of grants under section 101(e)(6) of this Act.

Section 103

[16 U.S.C. 470c(a) — Basis for apportionment of grants]

(a) The amounts appropriated and made available for grants to the States for the purposes of this Act shall be apportioned among the States by the Secretary on the basis of needs as determined by him.

[16 U.S.C. 470c(b) — Apportionment basis, notice, reapportionment, etc.]

(b) The amounts appropriated and made available for grants to the States for projects and programs under this Act for each fiscal year shall be apportioned among the States as the Secretary determines to be appropriate.

The Secretary shall notify each State of its apportionment under this subsection within thirty days following the date of enactment of legislation appropriating funds under this Act. Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given and for two fiscal years thereafter, shall be reapportioned by the Secretary in accordance with this subsection. The Secretary shall analyze and revise as necessary the method of apportionment. Such method and any revision thereof shall be published by the Secretary in the Federal Register.

[16 U.S.C. 470c(c) — Requirements for certified local government pass-through subgrants]

(c) A minimum of 10 per centum of the annual apportionment distributed by the Secretary to each State for the purposes of carrying out this Act shall be transferred by the State, pursuant to the requirements of this Act, to local governments which are certified under section 101(c) of this Act for historic preservation projects or programs of such local governments. In any year in which the total annual apportionment to the States exceeds $65,000,000, one half of the excess shall also be transferred by the States to local governments certified pursuant to section 101(c) of this Act.

[16 U.S.C. 470c(d) — Guidelines for State distribution to certified local governments]

(d) The Secretary shall establish guidelines for the use and distribution of funds under subsection (c) of this section to insure that no 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 local government. The guidelines shall not limit the ability of any State to distribute more than 10 per centum of its annual apportionment under subsection (c) of this section, nor shall the Secretary require any State to exceed the 10 per centum minimum distribution to local governments.

Section 104

[16 U.S.C. 470d(a) — Insured loans for National Register]

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

[16 U.S.C. 470d(b) — Requirements]

(b) A loan may be insured under this section only 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 such amount, and such a rate, as is established by the Secretary, by rule;

(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 forty years or the expected life of the asset financed;

(6) the amount insured with respect to such loan does not exceed 90 per centum 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 other terms and conditions as may be prescribed by the Secretary, by rule, especially terms and conditions relating to the nature and quality of the preservation work.

[Interest rates]

The Secretary shall consult with the Secretary of the Treasury regarding the interest rate of loans insured under this section.

[16 U.S.C. 470d(c) — Limitation on loan authority]

(c) The aggregate unpaid principal balance of loans insured under this section and outstanding at any one time may not exceed the amount which has been covered into the Historic Preservation Fund pursuant to section 108 of this Act and subsections (g) and (i) of this section, as in effect on December 12, 1980 [the date of the enactment of the Act], but which has not been appropriated for any purpose.

[16 U.S.C. 470d(d) — Assignability and effect]

(d) 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.

[16 U.S.C. 470d(e) — Method of payment for losses]

(e) The Secretary shall specify, by rule 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.

[16 U.S.C. 470d(f) — Protection of Government's financial interests; foreclosure]

(f) In entering into any contract to insure a loan under this section, the Secretary shall take steps to assure 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 property securing a loan insured under this title; and

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

[16 U.S.C. 470d(g) — Conveyance of foreclosed property]

(g) (1) In any case in which a historic property is obtained pursuant to subsection (f) of this section, the Secretary shall attempt to convey such property to any governmental or nongovernmental entity under such conditions as will ensure the property's continued preservation and use; except that if, after a reasonable time, the Secretary, in consultation with the Advisory Council on Historic Preservation, determines that there is no feasible and prudent means to convey such property and to ensure its continued preservation and use, then the Secretary may convey the property at the fair market value of its interest in such property to any entity without restriction.

(2) Any funds obtained by the Secretary in connection with the conveyance of any property pursuant to paragraph (1) shall be covered into the historic preservation fund, in addition to the amounts covered into such fund pursuant to section 108 of this Act and subsection (i) of this section, and shall remain available in such fund until appropriated by the Congress to carry out the purposes of this Act.

[16 U.S.C. 470d(h) — Fees]

(h) The Secretary may assess appropriate and reasonable fees in connection with insuring loans under this section. Any such fees shall be covered into the Historic Preservation Fund, in addition to the amounts covered into such fund pursuant to section 108 of this Act and subsection (g) of this section, and shall remain available in such fund until appropriated by the Congress to carry out the purposes of this Act.

[16 U.S.C. 470d(i) — Loans to be considered non-Federal funds]

(i) 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 upon the use of non-Federal funds by the recipient for payment of any portion of the costs of such project or activity.

[16 U.S.C. 470d(j) — Appropriation authorization]

(j) Effective after the fiscal year 1981 there are authorized to be appropriated, such sums as may be necessary to cover payments incurred pursuant to subsection (e) of this section.

[16 U.S.C. 470d(k) — Prohibition against acquisition by Federal Financing Bank]

(k) No debt obligation which is made or committed to be made, or which 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.

Section 105

[16 U.S.C. 470e — Recordkeeping]

The beneficiary of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the disposition by the beneficiary of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

Section 106

[16 U.S.C. 470f — Advisory Council on Historic Preservation, comment on Federal undertakings]

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 shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation established under Title II of this Act a reasonable opportunity to comment with regard to such undertaking.

Section 107

[16 U.S.C. 470g — Exemption of White House, Supreme Court, and Capitol]

Nothing in this Act shall be construed to be applicable 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.

Section 108

[16 U.S.C. 470h — Establishment of Historic Preservation Fund; authorization for appropriations]

To carry out the provisions of this Act, there is hereby established the Historic Preservation Fund (hereafter referred to as the "fund") in the Treasury of the United States.

There shall be covered into such fund $24,400,000 for fiscal year 1977, $100,000,000 for fiscal year 1978, $100,000,000 for fiscal year 1979, $150,000,000 for fiscal year 1980 and $150,000,000 for fiscal year 1981 and $150,000,000 for each of fiscal years 1982 through 2015, from revenues due and payable to the United States under the Outer Continental Shelf Lands Act (67 Stat. 462, 469) as amended (43 U.S.C. 1338), and/or under section 7433(b) of Title 10, notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Such moneys shall be used only to carry out the purposes of this Act and shall be available for expenditure only when appropriated by the Congress. Any moneys not appropriated shall remain available in the fund until appropriated for said purposes: *Provided*, That appropriations made pursuant to this paragraph may be made without fiscal year limitation.

Section 109

[16 U.S.C. 470h-1(a) — Donations to the Secretary]

(a) In furtherance of the purposes of this Act, the Secretary may accept the donation of funds which may be expended by him for projects to acquire, restore, preserve, or recover data from any district, building, structure, site, or object which is listed on the National Register of Historic Places established pursuant to section 101 of this Act, so long as the project is owned by a State, any unit of local government, or any nonprofit entity.

[16 U.S.C. 470h-1(b) — Expenditure of donated funds]

(b) In expending said funds, the Secretary shall give due consideration to the following factors: the national significance of the project; its historical value to the community; the imminence of its destruction or loss; and the expressed intentions of the donor. Funds expended under this subsection shall be made available without regard to the matching requirements established by section 102 of this Act, but the recipient of such funds shall be permitted to utilize them to match any grants from the Historic Preservation Fund established by section 108 of this Act.

[16 U.S.C. 470h-1(c) — Transfer of funds donated for the National Park Service]

(c) The Secretary is hereby authorized to transfer unobligated funds previously donated to the Secretary for purposes of the National Park Service, with the consent of the donor, and any funds so transferred shall be used or expended in accordance with the provisions of this Act.

Section 110

[16 U.S.C. 470h-2(a) — Federal agencies' responsibility to preserve and use historic properties]

(a) (1) The heads of all Federal agencies shall assume responsibility for the preservation of historic properties which are owned or controlled by such agency. Prior to acquiring, constructing, or leasing buildings for purposes of carrying out agency responsibilities, each Federal agency shall use, to the maximum extent feasible, historic properties available to the agency in accordance with Executive Order No. 13006, issued May 21, 1996 (61 Fed. Reg. 26071). Each agency shall undertake, consistent with the preservation of such properties and the mission of the agency and the professional standards established pursuant to section 101(g) of this Act, any preservation, as may be necessary to carry out this section.

[Each Federal agency to establish a preservation program to protect and preserve historic properties in consultation with others]

(2) Each Federal agency shall establish (unless exempted pursuant to Section 214) of this Act, in consultation with the Secretary, a preservation program for the identification, evaluation, and nomination to the National Register of Historic Places, and protection of historic properties. Such program shall ensure —

(A) that historic properties under the jurisdiction or control of the agency, are identified, evaluated, and nominated to the National Register;

(B) that such properties under the jurisdiction or control of the agency as are listed in or may be eligible for the National Register are managed and maintained in a way that

considers the preservation of their historic, archaeological, architectural, and cultural values in compliance with section 106 of this Act and gives special consideration to the preservation of such values in the case of properties designated as having National significance;

(C) that the preservation of properties not under the jurisdiction or control of the agency, but subject to be potentially affected by agency actions are given full consideration in planning;

(D) that 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 with the private sector; and

(E) that the agency's procedures for compliance with section 106 of this Act —

(i) are consistent with regulations issued by the Council pursuant to section 211 of this Act;

(ii) provide a process for the identification and evaluation of historic properties for listing in 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 such properties will be considered; and

(iii) 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 Grave Protection and Repatriation Act (25 U.S.C. 3002(c)).

[16 U.S.C. 470h-2(b) — Recordation of historic properties prior to demolition]

(b) Each Federal agency shall initiate measures to assure that where, as a result of Federal action or assistance carried out by such agency, an historic property is to be substantially altered or demolished, timely steps are taken to make or have made appropriate records, and that such records then be deposited, in accordance with section 101(a) of this Act, in the Library of Congress or with such other appropriate agency as may be designated by the Secretary, for future use and reference.

[16 U.S.C. 470h-2(c) — Designation of Federal agency preservation officers]

(c) The head of each Federal agency shall, unless exempted under section 214 of this Act, designate a qualified official to be known as the agency's "preservation officer" who shall be responsible for coordinating that agency's activities under this Act. Each Preservation Officer may, in order to be considered qualified, satisfactorily complete an appropriate training program established by the Secretary under section 101(h) of this Act.

[16 U.S.C. 470h-2(d) — Conduct of agency programs consistent with Act]

(d) Consistent with the agency's mission and mandates, all Federal agencies 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 Act and, give consideration to programs and projects which will further the purposes of this Act.

[16 U.S.C. 470h-2(e) — Transfer of surplus Federal historic properties]

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

[16 U.S.C. 470h-2(f) — Federal undertakings affecting National Historic Landmarks]

(f) Prior to the approval of any Federal undertaking which 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 such landmark, and shall afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking.

[16 U.S.C. 470h-2(g) — Preservation activities as an eligible project cost]

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

[16 U.S.C. 470h-2(h) — Preservation awards program]

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

[16 U.S.C. 470h-2(i) — Applicability of National Environmental Policy Act]

(i) Nothing in this Act shall be construed to require the preparation of an environmental impact statement where such a statement would not otherwise be required under the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.], and nothing is this Act shall be construed to provide any exemption from any requirement respecting the preparation of such a statement under such Act.

[16 U.S.C. 470h-2(j) — Disaster waivers]

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

[16 U.S.C. 470h-2(k) — Anticipatory demolition]

(k) Each Federal agency shall ensure that the agency will not grant a loan, loan guarantee, permit, license, or other assistance to an applicant who, with intent to avoid the requirements of section 106 of this Act, has intentionally significantly adversely affected a historic property to which the grant would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the agency, after consultation with the Council, determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant.

[16 U.S.C. 470h-2(l) — Documentation of Federal agency Section 106 decisions]

(l) With respect to any undertaking subject to section 106 of this Act which adversely affects any property included in or eligible for inclusion in the National Register, and for which a Federal agency has not entered into an agreement pursuant to regulations issued by the Council, the head of such agency shall document any decision made pursuant to section 106 of this Act. The head of such agency may not delegate his or her responsibilities pursuant to such section. Where a section 106 of this Act memorandum of agreement has been executed with respect to an undertaking, such memorandum shall govern the undertaking and all of its parts.

Section 111

[16 U.S.C. 470h-3(a) — Lease or exchange of Federal historic property]

(a) Notwithstanding any other provision of law, any Federal agency after consultation with the Council, shall, to the extent practicable, establish and implement alternatives for historic properties, including adaptive use, that are not needed for current or projected agency purposes, and may lease an 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 insure the preservation of the historic property.

[16 U.S.C. 470h-3(b) — Use of proceeds]

(b) The proceeds of any lease under subsection (a) of this section may, notwithstanding any other provision of law, be retained by the agency entering into such lease and used to defray the costs of administration, maintenance, repair, and related expenses incurred by the agency with respect to such property or other properties which are on the National Register which are owned by, or are under the jurisdiction or control of, such agency. Any surplus proceeds from such leases shall be deposited into the Treasury of the United States at the end of the second fiscal year following the fiscal year in which such proceeds were received.

[16 U.S.C. 470h-3(c) — Management contracts]

(c) The head of any Federal agency having responsibility for the management of any historic property may, after consultation with the Advisory Council on Historic Preservation, enter into contracts for the management of such property. Any such contract shall contain such terms and conditions as the head of such agency deems necessary or appropriate to protect the interests of the United States and insure adequate preservation of historic property.

Section 112

[16 U.S.C. 470h-4(a) — Each Federal agency is to protect historic resources through professionalism of employees and contractors]

(a) Each Federal agency that is responsible for the protection of historic resources, including archaeological resources pursuant to this Act or any other law shall ensure each of the following —

(1) (A) All actions taken by employees or contractors of such agency shall meet professional standards under regulations developed by the Secretary in consultation with the Council, other affected agencies, and the appropriate professional societies of the disciplines involved, specifically archaeology, architecture, conservation, history, landscape architecture, and planning.

(B) Agency personnel or contractors responsible for historic resources shall meet qualification standards established by the Office of Personnel Management in consultation with the Secretary and appropriate professional societies of the disciplines involved. The Office of Personnel Management shall revise qualification standards within 2 years after October 30, 1992, [the date of enactment of the 1992 Amendments to this Act] for the disciplines involved, specifically archaeology, architecture, conservation, curation, history, landscape architecture, and planning. Such standards shall consider the particular skills and expertise needed for the preservation of historic resources and shall be equivalent requirements for the disciplines involved.

[Maintaining permanent databases]

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

[16 U.S.C. 470h-4(b) — Secretary to promulgate guidelines to owners about protecting and preserving historic resources]

(b) In order to promote the preservation of historic resources on properties eligible for listing in 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 Act include plans to —

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

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

[Encourage protection of Native American cultural items and properties]

(3) encourage the protection of Native American cultural items (within the meaning of section 2 (3) and (9) of the Native American Grave Protection and Repatriation Act (25 U.S.C. 3001 (3) and (9))) and of properties of religious or cultural importance to Indian tribes, Native Hawaiians, or other Native American groups; and

[Conduct archeological excavations to meet Federal standards, allow access to artifacts for research, consult with Indian tribe or Native Hawaiian organization if related items likely]

(4) encourage owners who are undertaking archaeological 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 section 3(a)(2) (B) or (C) of the Native American Grave Protection and Repatriation Act (25 U.S.C. 3002(a)(2) (B) and (C)), given notice to and consult with such Indian tribe or Native Hawaiian organization.

Section 113

[16 U.S.C. 470h-5(a) — Study to report ways to control illegal trafficking in]

(a) In order to help control illegal interstate and international traffic in antiquities, including archaeological, curatorial, and architectural objects, and historical documents of all kinds, the Secretary shall study and report on the suitability and feasibility of alternatives for controlling illegal interstate and international traffic in antiquities.

[16 U.S.C. 470h-5(b) — Consultation]

(b) In conducting the study described in subsection (a) of this section the Secretary shall consult with the Council and other Federal agencies that conduct, cause to be conducted, or permit archaeological surveys or excavations or that have responsibilities for other kinds of antiquities and with State Historic Preservation Officers, archaeological, architectural, historical, conservation, and curatorial organizations, Indian tribes, Native Hawaiian organizations, and other Native American organizations, international organizations and other interested persons.

[16 U.S.C. 470h-5(c) — Report]

(c) Not later than 18 months after October 30, 1992 [the date of enactment of this section], the Secretary shall submit to Congress a report detailing the Secretary's findings and recommendations from the study described in subsection (a) of this section.

[16 U.S.C. 470h-5(d) — Funding authorization]

(d) There are authorized to be appropriated not more than $500,000 for the study described in subsection (a) of this section, such sums to remain available until expended.

TITLE II

Section 201

[16 U.S.C. 470i(a) — Advisory Council on Historic Preservation; membership]

(a) 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 of the Interior;

(3) the Architect of the Capitol;

(4) the Secretary of Agriculture and the heads of seven 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 Chairman of the National Trust for Historic Preservation;

(9) four experts in the field of historic preservation appointed by the President from the disciplines of architecture, history, archaeology, and other appropriate disciplines;

(10) three at-large members from the general public, appointed by the President; and

(11) one member of an Indian tribe or Native Hawaiian organization who represents the interests of the tribe or organization of which he or she is a member, appointed by the President.

[16 U.S.C. 470i(b) — Designees]

(b) Each member of the Council specified in paragraphs (2) through (8) other than (6) of subsection (a) of this section may designate another officer of his department, agency, or organization to serve on the Council in his stead, except that, in the case of paragraphs (2) and (4), no such officer other than an Assistant Secretary or an officer having major department-wide or agency-wide responsibilities may be so designated.

[16 U.S.C. 470i(c) — Term of office]

(c) Each member of the Council appointed under paragraph (1), and under paragraphs (9) through (11) of subsection (a) of this section shall serve for a term of four years from the expiration of his predecessor's term; except that the members first appointed under that paragraph shall serve for terms of one to four years, as designated by the President at the time of appointment, in such manner as to insure that the terms of not more than two of them will expire in any one year. The members appointed under paragraphs (5) and (6) shall serve for the term of their elected office but not in excess of four years. An appointed member may not serve more than two terms. An appointed member whose term has expired shall serve until that member's successor has been appointed.

[16 U.S.C. 470i(d) — Vacancies]

(d) A vacancy in the Council shall not affect its powers, but shall be filled not later than sixty days after such vacancy commences, in the same manner as the original appointment (and for the balance of any unexpired terms). The members of the Advisory Council on Historic Preservation appointed by the President under this Act as in effect on the day before December 12, 1980 [the enactment of the National Historic Preservation Act Amendments of 1980], shall remain in office until all members of the Council, as specified in this section, have been appointed. The members first appointed under this section shall be appointed not later than one hundred and eighty days after December 12, 1980 [the enactment of the National Historic Preservation Act Amendments of 1980].

[16 U.S.C. 470i(e) — Vice Chairman]

(e) The President shall designate a Vice Chairman, from the members appointed under paragraphs (5), (6), (9), or (10). The Vice Chairman may act in place of the Chairman during the absence or disability of the Chairman or when the office is vacant.

[16 U.S.C. 470i(f) — Quorum]

(f) 12 members of the Council shall constitute a quorum.

Section 202

[16 U.S.C. 470j(a) — Duties of Council]

(a) The Council shall —

(1) advise the President and the 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 such activities;

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

(3) recommend the conduct of studies in such areas as the adequacy of legislative and administrative statutes and regulations pertaining to historic preservation activities of State and local governments and 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 such agencies methods to improve the effectiveness, coordination, and consistency of those policies and programs with the policies and programs carried out under this Act; 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.

[16 U.S.C. 470j(b) — Annual and special reports]

(b) The Council shall submit annually a comprehensive report of its activities and the results of its studies to the President and the Congress and shall from time to time submit such additional and special reports as it deems advisable. Each report shall propose such 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 the purposes of this Act.

Section 203

[16 U.S.C. 470k — Information from agencies]

The Council is authorized to secure directly from any department, bureau, agency, board, commission, office, independent establishment or instrumentality of the executive branch of the Federal Government information,

suggestions, estimates, and statistics for the purpose of this title of the Act; and each such department, bureau, agency, board, commission, office, independent establishment or instrumentality is authorized to furnish such information, suggestions, estimates, and statistics to the extent permitted by law and within available funds.

Section 204

[16 U.S.C. 470l — Compensation of members]

The members of the Council specified in paragraphs (2), (3), and (4) of section 201(a) shall serve without additional compensation. 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.

Section 205

[16 U.S.C. 470m(a) — Executive Director]

(a) There shall be an Executive Director of the Council who shall be appointed in the competitive service by the Chairman with the concurrence of the Council. The Executive Director shall report directly to the Council and perform such functions and duties as the Council may prescribe.

[16 U.S.C. 470m(b) — General Counsel and other attorneys]

(b) 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. The Executive Director shall appoint such other attorneys as may be necessary to assist the General Counsel, represent the Council in courts of law whenever appropriate, including enforcement of agreements with Federal agencies to which the Council is a party, assist the Department of Justice in handling litigation concerning the Council in courts of law, and perform such other legal duties and functions as the Executive Director and the Council may direct.

[16 U.S.C. 470m(c) — Appointment and compensation of staff]

(c) The Executive Director of the Council may appoint and fix the compensation of such officers and employees in the competitive service as are necessary to perform the functions of the Council at rates not to exceed that now or hereafter prescribed for the highest rate for grade 15 of the General Schedule under section 5332 of title 5 [United States Code]: *Provided, however,* That the Executive Director, with the concurrence of the Chairman, may appoint and fix the compensation of not to exceed five employees in the competitive service at rates not to exceed that now or hereafter prescribed for the highest rate of grade 17 of the General Schedule under section 5332 of Title 5 [United States Code].

[16 U.S.C. 470m(d) — Appointment and compensation of additional personnel]

(d) The Executive Director shall have power to appoint and fix the compensation of such additional personnel as may be necessary to carry out its duties, without regard to the provisions of the civil service laws and the Classification Act of 1949 [chapter 51 and subchapter III of chapter 53 of Title 5, U.S. Code].

[16 U.S.C. 470m(e) — Expert and consultant services]

(e) The Executive Director of the Council is authorized to procure expert and consultant services in accordance with the provisions of section 3109 of title 5 [United States Code].

[16 U.S.C. 470m(f) — Financial and administrative services]

(f) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Department of the Interior or, at the discretion of the Council, such other 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 upon by the Chairman of the Council and the head of the agency or, in the case of a private entity, the authorized representative of the private entity that will provide the services. When a Federal agency affords such services, the regulations of that agency for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 5514(b)) shall apply to the collection of erroneous payments made to or on behalf of a Council employee and regulations of that agency for the administrative control of funds (31 U.S.C. 1513(d), 1514) shall apply to appropriations of the Council. The Council shall not be required to prescribe such regulations.

[16 U.S.C. 470m(g) — Use of funds, personnel, facilities, and services]

(g) Any Federal agency may provide the Council, with or without reimbursement as may be agreed upon by the Chairman and the agency, with such funds, personnel, facilities, and services under their jurisdiction and control as may be needed by the Council to carry out its duties, to the extent that such 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 must be expended by the end of the fiscal year following the fiscal year in which the funds are received by the Council. To the extent of available appropriations, the Council may obtain, by purchase, rental, donation, or otherwise, such additional property, facilities, and services as may be needed to carry out its duties and may also receive donations of moneys for such purpose, and the Executive Director is authorized, in his discretion, to accept, hold, use, expend, and administer the same for the purposes of this Act.

Section 206

[16 U.S.C. 470n(a) — International Centre for the Study of the Preservation and Restoration of Cultural Property; authorization]

(a) The participation of the United States as a member of the International Centre for the Study of the Preservation and Restoration of Cultural Property is hereby authorized.

[16 U.S.C. 470n(b) — Members of official delegation]

(b) 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 which will participate in the activities of the Centre on behalf of the United States. The Secretary of State shall appoint the members of the official delegation from the persons recommended to him by the Council.

[16 U.S.C. 470n(c) — Authorization for membership payment]

(c) For the purposes of this section there is authorized to be appropriated an amount equal to the assessment for United States membership in the Centre for fiscal years 1979, 1980, 1981, and 1982: *Provided*, That no appropriation is authorized and no payment shall be made to the Centre in excess of 25 per centum of the total annual assessment of such organization. Authorization for payment of such assessment shall begin in fiscal year 1981, but shall include earlier costs.

Section 207

[16 U.S.C. 470o — Transfer of personnel, funds, etc. to the Council]

So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, held, used, programmed, or available or to be made available by the Department of the Interior in connection with the functions of the Council, as the Director of the Office of Management and Budget shall determine, shall be transferred from the Department to the Council within 60 days of the effective date of this Act [Pub. L. 94-422, September 28, 1976].

Section 208

[16 U.S.C. 470p — Rights of Council employees]

Any employee in the competitive service of the United States transferred to the Council under the provisions of this section shall retain all rights, benefits, and privileges pertaining thereto held prior to such transfer.

Section 209

[16 U.S.C. 470q — Exemption from Federal Advisory Committee Act]

The Council is exempt from the provisions of the Federal Advisory Committee Act (86 Stat. 770), and the provisions of subchapter II of chapter 5 and chapter 7, of Title 5 [U.S. Code] [the Administrative Procedure Act (80 Stat. 381)] shall govern the operations of the Council.

Section 210

[16 U.S.C. 470r — Direct Submission to the 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 such recommendations, testimony, or comments to the Congress. In instances in which 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 such actions in its legislative recommendations, testimony, or comments on legislation which it transmits to the Congress.

Section 211

[16 U.S.C. 470s — Regulations for Section 106; local government participation]

The Council is authorized to promulgate such rules and regulations as it deems necessary to govern the implementation of section 106 of this Act in its entirety. 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 106 of this Act which affect such local governments.

Section 212

[16 U.S.C. 470t(a) — Council appropriation authorization]

(a) The Council shall submit its budget annually as a related agency of the Department of the Interior. There are authorized to be appropriated such amounts as may be necessary to carry out this title.

[16 U.S.C. 470t(b) — Concurrent submission of budget to Congress]

(b) 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 House

and Senate Appropriations Committees and the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources.

Section 213

[16 U.S.C. 470u — Reports from Secretary at request of Council]

To assist the Council in discharging its responsibilities under this Act, 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.

Section 214

[16 U.S.C. 470v — Exemptions for Federal activities from provisions of the Act]

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 Act when such exemption is determined to be consistent with the purposes of this Act, taking into consideration the magnitude of the exempted undertaking or program and the likelihood of impairment of historic properties.

Section 215

[16 U.S.C. 470v-1 — Reimbursement from State and local agencies, etc.]

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 the purposes of this Act.

Section 216

[16 U.S.C. 470v-2(a) — Cooperative Agreements]

(a) 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 such program in meeting the purposes and policies of this Act. Such cooperative agreements may include provisions that modify the selection criteria for a grant or assistance program to further the purposes of this Act or that allow the Council to participate in the selection of recipients, if such provisions are not inconsistent with the grant or assistance program's statutory authorization and purpose.

[16 U.S.C. 470v-2(b) — Review of Grant and Assistance Programs]

(b) The Council may —

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

(2) make recommendations to the head of any Federal agency that administers such program to further the consistency of the program with the purposes and policies of the Act 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 Act, including recommendations with regard to appropriate funding levels.

TITLE III

Section 301

[16 U.S.C. 470w — Definitions]

As used in this Act, the term —

(1) **"Agency"** means agency as such term is defined in section 551 of title 5 [United States Code].

(2) **"State"** means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and, upon termination of the Trusteeship Agreement for the Trust Territory of the Pacific Islands, the Republic of Palau.

(3) **"Local government"** means a city, county, parish, township, municipality, or borough, or any other general purpose political subdivision of any State.

(4) **"Indian tribe"** or **"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], which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(5) **"Historic property"** or **"historic resource"** means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on the National Register, including artifacts, records, and material remains related to such a property or resource.

(6) **"National Register"** or **"Register"** means the National Register of Historic Places established under section 101 of this Act.

(7) **"Undertaking"** means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including —

(A) those carried out by or on behalf of the agency;

(B) those carried out with Federal financial assistance;

(C) those requiring a Federal permit license, or approval; and

(D) those subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency.

(8) **"Preservation"** or **"historic preservation**" includes identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, research, interpretation, conservation, and education and training regarding the foregoing activities, or any combination of the foregoing activities.

(9) **"Cultural park"** means a definable area which is distinguished by historic resources and land related to such resources and which constitutes an interpretive, educational, and recreational resource for the public at large.

(10) **"Historic conservation district"** means an area which contains

(A) historic properties,

(B) buildings having similar or related architectural characteristics,

(C) cultural cohesiveness, or

(D) any combination of the foregoing.

(11) **"Secretary"** means the Secretary of the Interior acting through the Director of the National Park Service except where otherwise specified.

(12) **"State Historic Preservation Review Board"** means a board, council, commission, or other similar collegial body established as provided in section 101(b)(1)(B) of this Act —

(A) the members of which are appointed by the State Historic Preservation Officer (unless otherwise provided for by State law),

(B) a majority of the members of which are professionals qualified in the following and related disciplines: history, prehistoric and historic archaeology, architectural history, architecture, folklore, cultural anthropology, curation, conservation, and landscape architecture, and

(C) which has the authority to —

(i) review National Register nominations and appeals from nominations;

(ii) review appropriate documentation submitted in conjunction with the Historic Preservation Fund;

(iii) provide general advice and guidance to the State Historic Preservation Officer; and

(iv) perform such other duties as may be appropriate.

(13) **"Historic preservation review commission"** means a board, council, commission, or other similar collegial body which is established by State or local legislation as provided in section 101(c)(1)(B) of this Act, and the members of which are appointed, unless otherwise provided by State or local legislation, by the chief elected official of the jurisdiction concerned from among —

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

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

(14) **"Tribal lands"** means —

(A) all lands within the exterior boundaries of any Indian reservation; and

(B) all dependent Indian communities.

(15) **"Certified local government"** means a local government whose local historic preservation program has been certified pursuant to section 101(c) of this Act.

(16) **"Council"** means the Advisory Council on Historic Preservation established by section 201 of this Act.

(17) **"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 the State of Hawaii.

(18) **"Native Hawaiian organization"** means any organization which —

(A) serves and represents the interests of Native Hawaiians;

(B) has as a primary and stated purpose the provision of services to Native Hawaiians; and

(C) has demonstrated expertise in aspects of historic preservation that are culturally significant to Native Hawaiians.

The term includes, but is not limited to, the Office of Hawaiian Affairs of the State of Hawaii and Hui Malama I Na Kupuna O Hawai'i Nei, an organization incorporated under the laws of the State of Hawaii.

Section 302

[16 U.S.C. 470w-1 — Authority to expend funds for purposes of this Act]

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

Section 303

[16 U.S.C. 470w-2(a) — Donations to Secretary; money and personal property]

(a) The Secretary is authorized to accept donations and bequests of money and personal property for the purposes of this Act and shall hold, use, expend, and administer the same for such purposes.

[16 U.S.C. 470w-2(b) — Donations of less than fee interests in real property]

(b) The Secretary is authorized to accept gifts or donations of less than fee interests in any historic property where the acceptance of such interests will facilitate the conservation or preservation of such properties. Nothing in this section or in any provision of this Act 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.

Section 304

[16 U.S.C. 470w-3(a) — Confidentiality of the location of sensitive historic resources]

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

(1) cause a significant invasion of privacy;

(2) risk harm to the historic resources; or

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

[16 U.S.C. 470w-3(b) — Access Determination]

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

[16 U.S.C. 470w-3(c) — Consultation with the Advisory Council]

(c) When the information in question has been developed in the course of an agency's compliance with section 106 or 110(f) of this Act, the Secretary shall consult with the Council in reaching determinations under subsections (a) and (b) of this section.

Section 305

[16 U.S.C. 470w-4 — Attorneys' fees]

In any civil action brought in any United States district court by any interested person to enforce the provisions of this Act, if such person substantially prevails in such action, the court may award attorneys' fees, expert witness fees, and other costs of participating in such action, as the court deems reasonable.

Section 306

[16 U.S.C. 470w-5(a) — National Center for the Building Arts]

(a) In order to provide a national center to commemorate and encourage the building arts and to preserve and maintain a nationally significant building which exemplifies the great achievements of the building arts in the United States, the Secretary and the Administrator of the General Services Administration are authorized and directed to enter into a cooperative agreement with 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, for the operation of a National Museum for the Building Arts 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. Such 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.

[16 U.S.C. 470w-5(b) — Cooperative agreement]

(b) The cooperative agreement referred to in subsection (a) of this section shall include provisions which —

(1) make the site available to the Committee referred to in subsection (a) of this section without charge;

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

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

[16 U.S.C. 470w-5(c) — Grants to Committee]

(c) The Secretary is authorized and directed to provide matching grants-in-aid to the Committee referred to in subsection (a) of this section for its programs related to historic preservation. The Committee shall match such grants-in-aid in a manner and with such funds and services as shall be satisfactory to the Secretary, except that no more than $500,000 may be provided to the Committee in any one fiscal year.

[16 U.S.C. 470w-5(d) — Site renovation]

(d) The renovation of the site shall be carried out by the Administrator with the advice of the Secretary. Such renovation shall, as far as practicable —

(1) be commenced immediately,

(2) preserve, enhance, and restore the distinctive and historically authentic architectural character of the site consistent with the needs of a national museum of the building arts and other compatible use, and

(3) retain the availability of the central court of the building, or portions thereof, for appropriate public activities.

[16 U.S.C. 470w-5(e) — Annual report]

(e) The Committee shall submit an annual report to the Secretary and the Administrator concerning its

activities under this section and shall provide the Secretary and the Administrator with such other information as the Secretary may, from time to time, deem necessary or advisable.

[16 U.S.C. 470w-5(f) — Definition of "building arts"]

(f) For purposes of this section, the term **"building arts"** includes, but shall not be limited to, all practical and scholarly aspects of prehistoric, historic, and contemporary architecture, archaeology, 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.

Section 307

[16 U.S.C. 470w-6(a) — Effective date of regulations]

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

[16 U.S.C. 470w-6(b) — Congressional disapproval of regulations]

(b) The regulation shall not become effective if, within ninety 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 therein being appropriately filled.

[16 U.S.C. 470w-6(c) — Inaction by Congress]

(c) If at the end of sixty 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 such sixty calendar days, such a committee has reported or been discharged form further consideration of such a resolution, the regulation may go into effect not sooner than ninety calendar days of continuous session of Congress after its promulgation unless disapproved as provided for.

[16 U.S.C. 470w-6(d) — Definitions]

(d) For the 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 three days to a day certain are excluded in the computation of sixty and ninety calendar days of continuous session of Congress.

[16 U.S.C. 470w-6(e) — Effect of Congressional inaction]

(e) Congressional inaction on or rejection of a resolution of disapproval shall not be deemed an expression of approval of such regulation.

Section 308

[16 U.S.C. 470w-7(a) — National historic light station program]

(a) In order to provide a national historic light station program, the Secretary shall —

(1) collect and disseminate information concerning historic light stations, including historic lighthouses and associated structures;

(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 section regarding the conveyance of historic light stations.

[16 U.S.C. 470w-7(b) — Conveyance of Historic Light Stations]

(b) (1) Not later than 1 year after the date of the enactment of this section, the Secretary and the Administrator shall establish 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 such light station by the eligible entity.

(2) The Secretary shall 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 the Federal Property Administrative Services Act of 1949 (40 U.S.C. 472(e)), and forward to the Administrator a single approved application for the conveyance of the historic light station. 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.

(3) (A) Except as provided in subparagraph (B), the Administrator shall convey, by quitclaim deed, without consideration, all right, title, and interest of the United States in and to the historic light station, subject to the conditions set forth in subsection (c) after the Secretary's selection of an eligible entity. The conveyance of a historic light station under this section shall not be subject to the provisions of the Stewart B. McKinney 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).

(B) (i) Historic light stations located within the exterior boundaries of a unit of the National Park System or a refuge within the National Wildlife Refuge System shall be conveyed or sold only with the approval of the Secretary.

(ii) If the Secretary approves the conveyance of a historic light station referenced in this paragraph, such conveyance shall be subject to the conditions set forth in subsection (c) and any other terms or conditions the Secretary considers necessary to protect the resources of the park unit or wildlife refuge.

(iii) If the Secretary approves the sale of a historic light station referenced in this paragraph, such sale shall be subject to the conditions set forth in subparagraphs (A) through (D) and (H) of subsection (c)(1) and subsection (c)(2) and any other terms or conditions the Secretary considers necessary to protect the resources of the park unit or wildlife refuge.

(iv) For those historic light stations referenced in this paragraph, the Secretary is encouraged to enter into cooperative agreements with appropriate eligible entities, as provided in this Act, to the extent such cooperative agreements are consistent with the Secretary's responsibilities to manage and administer the park unit or wildlife refuge, as appropriate.

[16 U.S.C. 470w-7(c) — Terms of Conveyance]

(c) (1) 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, the Administrator considers necessary to ensure that —

(A) 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;

(B) 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;

(C) the eligible entity to which the historic light station is conveyed under this section shall not interfere or allow interference in any manner with any Federal aid to navigation, nor 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;

(D) the eligible entity to which the historic light station is conveyed under this section shall, at its own cost and expense, use and maintain the historic light station in accordance with this Act, the Secretary of the Interior's Standards for the Treatment of Historic Properties, 36 CFR part 68, and other applicable laws, and 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 36 CFR part 800.5(a)(2)(vii), and the Secretary of the Interior's Standards for Rehabilitation, 36 CFR part 67.7;

(E) the eligible entity to which the historic light station is conveyed under this section 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;

(F) 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 thereof, or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including but not limited to any lens or lanterns,

unless such sale, conveyance, assignment, exchange or encumbrance is approved by the Secretary;

(G) the eligible entity to which the historic light station is conveyed shall not conduct any commercial activities at the historic light station, any part thereof, 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 such commercial activities are approved by the Secretary; and

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

(2) Any eligible entity to which a historic light station is conveyed under this section shall not be required to maintain any Federal aid to navigation associated with a historic light station, except any private aids to navigation permitted under section 83 of title 14, United States Code, to the eligible entity.

(3) In addition to any term or condition established pursuant to this subsection, 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 but not limited to any lens or lanterns, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if —

(A) the historic light station, any part thereof, 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 which shall be set forth in the eligible entity's application;

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

(C) the historic light station, any part thereof, or any associated historic artifact ceases to be maintained in compliance with this Act, the Secretary of the Interior's Standards for the Treatment of Historic Properties, 36 CFR part 68, and other applicable laws;

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

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

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

[16 U.S.C. 470w-7(d) — Description of Property]

(d) (1) The Administrator shall prepare the legal description of any historic light station conveyed under this section. The Administrator, in consultation with the Commandant, United States Coast Guard, 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 light station at the time of conveyance. Wherever possible, such historical artifacts should be used in interpreting that 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 station, if they meet loan requirements.

(2) Artifacts associated with, but not located at, the historic light station at the time of conveyance shall remain the personal property of the United States under the administrative control of the Commandant, United States Coast Guard.

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

(4) No submerged lands shall be conveyed under this section.

[16 U.S.C. 470w-7(e) — Definitions]

(e) For purposes of this section:

(1) The term **"Administrator"** shall mean the Administrator of General Services.

(2) The term **"historic light station"** includes the light tower, lighthouse, keepers 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 therewith; *provided* that the `historic light station' shall be included in or eligible for inclusion in the National Register of Historic Places.

(3) The term **"eligible entity"** shall mean:

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

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

(i) has agreed to comply with the conditions set forth in subsection (c) and to have such 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 subsection (c).

(4) The term **"Federal aid to navigation"** shall mean 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, and shall include, but not be limited to, a light, lens, lantern, antenna, sound signal, camera, sensor, electronic navigation equipment, power source, or other associated equipment.

(5) The term **"Secretary"** means the Secretary of the Interior.

Section 309

[16 U.S.C. 470w-8(a) — Historic Light Station Sales]

(a) In the event no applicants are approved for the conveyance of a historic light station pursuant to section 308, the historic light station shall be offered for sale. Terms of such sales shall be developed by the Administrator of General Services and consistent with the requirements of section 308, subparagraphs (A) through (D) and (H) of subsection (c)(1), and subsection (c)(2). 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.

[16 U.S.C. 470w-8(b) — Net sale proceeds]

(b) Net sale proceeds from the disposal of a historic light station —

(1) located on public domain lands shall be transferred to the National Maritime Heritage Grant Program, established by the National Maritime Heritage Act of 1994 (Public Law 103-451) within the Department of the Interior; and

(2) under the administrative control of the Coast Guard shall be credited to the Coast Guard's Operating Expenses appropriation account, and shall be available for obligation and expenditure for the maintenance of light stations remaining under the administrative control of the Coast Guard, such funds to remain available until expended and shall be available in addition to funds available in the Operating Expense appropriation for this purpose.

There are hereby authorized to be appropriated to the Secretary of the Interior such sums as may be necessary to carry out this Act.

TITLE IV

Section 401

[16 U.S.C. 470x — National initiative to coordinate and promote research, distribute information and provide training about preservation skills and technologies]

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.

Section 402

[16 U.S.C. 470x-1— Definitions]

For the purposes of this title —

(1) The term **"Board"** means the National Preservation Technology and Training Board established pursuant to section 404 of this Act.

(2) The term **"Center"** means the National Center for Preservation Technology and Training established pursuant to section 403 of this Act.

(3) The term **"Secretary"** means the Secretary of the Interior.

Section 403

[16 U.S.C. 470x-2(a) — Establish a National Center for Preservation Technology and Training]

(a) There is hereby 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 Nacthitoches, Louisiana.

[16 U.S.C. 470x-2(b) — Purposes of Center]

(b) 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 prehistoric and historic resources;

(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, but not limited to 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.

[16 U.S.C. 470x-2(c) — Programs]

(c) Such 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 405 of this Act.

[16 U.S.C. 470x-2(d) — Executive Director]

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

[16 U.S.C. 470x-2(e) — Assistance from Secretary]

(e) 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.

Section 404

[16 U.S.C. 470x-3(a) — Establish a Preservation Technology and Training Board]

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

[16 U.S.C. 470x-3(b) — Duties]

(b) 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 the Congress.

[16 U.S.C. 470x-3(c) — Membership]

(c) The Board shall be comprised of —

(1) The Secretary, or the Secretary's designee;

(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 archaeology, architecture, conservation, curation, engineering, history, historic preservation, landscape architecture, planning, or preservation education.

Section 405

[16 U.S.C. 470x-4(a) — Grants for research, information distribution and skill training]

(a) 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.

[16 U.S.C. 470x-4(b) — Grant Requirements]

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

(2) No grant recipient may receive more than 10 percent of the grants allocated under this section within any year.

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

[16 U.S.C. 470x-4(c) — Eligible applicants]

(c) Eligible applicants may include Federal and non-Federal laboratories, accredited museums, universities, non-profit organizations; offices, units, and Cooperative Park Study Units of the National Park System, State Historic Preservation Offices, tribal preservation offices, and Native Hawaiian organizations.

[16 U.S.C. 470x-4(d) — Standards]

(d) All such grants shall be awarded in accordance with accepted professional standards and methods, including peer review of projects.

[16 U.S.C. 470x-4(e) — Authorization of appropriations]

(e) There is authorized to be appropriated to carry out this section such sums as may be necessary.

Section 406

[16 U.S.C. 470x-5(a) — Center may accept grants, donations, and other Federal funds; may enter into contracts and cooperative agreements]

(a) 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.

[16 U.S.C. 470x-5(b) — Contracts and cooperative agreements]

(b) 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 title of the Act.

[16 U.S.C. 470x-5(c) — Authorization of appropriations]

(c) There are authorized to be appropriated such sums as may be necessary for the establishment, operation, and maintenance of the Center. Funds for the Center shall be in addition to existing National Park Service programs, centers, and offices.

Section 407

[16 U.S.C. 470x-6 — Improve use of existing NPS centers and regional offices]

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

[Addendum]

[National Historic Preservation Act Amendments of 1980, Public Law 96-515, December 12, 1980, 94 Stat. 3000

This addendum contains related legislative provisions enacted in the National Historic Preservation Act Amendments of 1980 but that are not part of the National Historic Preservation Act.]

Section 401

[16 U.S.C. 470a-1(a) — International activities and World Heritage Convention]

(a) The Secretary of the Interior shall direct and coordinate United States participation in the Convention Concerning the Protection of the World Cultural and Natural Heritage, approved by the Senate on October 26, 1973, in cooperation with the Secretary of State, the Smithsonian Institution, and the Advisory Council on Historic Preservation. 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.

[16 U.S.C. 470a-1(b) — Nominations of properties to World Heritage List]

(b) The Secretary of the Interior shall periodically nominate properties he determines are of international significance to the World Heritage Committee on behalf of the United States. No property may be so nominated unless it has previously been determined to be of national significance. Each such 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 such nomination, the Secretary shall notify the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

[16 U.S.C. 470a-1(c) — Concurrence of non-Federal property]

(c) No non-Federal property may be nominated by the Secretary of the Interior to the World Heritage Committee for inclusion on the World Heritage List unless the owner of the property concurs in writing to such nomination.

Section 402

[16 U.S.C. 470a-2 — International Federal activities affecting historic properties]

Prior to the approval of any Federal undertaking outside the United States which may directly and adversely affect a property which 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 such undertaking shall take into account the effect of the undertaking on such property for purposes of avoiding or mitigating any adverse effects.

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NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

Q:\COMP\ENMISC\NEPA69

December 31, 2000

NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

(Public Law 91–190)

[As Amended Through Dec. 31, 2000]

AN ACT To establish a national policy for the environment, to provide for the establishment of a Council on Environmental Quality, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Environmental Policy Act of 1969".

[42 U.S.C. 4321 note]

PURPOSE

SEC. 2. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare or man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

[42 U.S.C. 4321]

TITLE I

DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

SEC. 101. (a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

(b) In order to carry out the policy set forth in this Act, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of

national policy, to improve and coordinate Federal plans, functions, programs and resources to the end that the Nation may—

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undersirable and unintended consequences;

(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

[42 U.S.C. 4331]

SEC. 102. The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall—

(A) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

(B) identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by title II of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the existing agency review processes;

(D) Any detailed statement required under subparagraph (C) after January 1, 1970, for any major Federal action funded under a program of grants to States shall not be deemed to be legally insufficient solely by reason of having been prepared by a State agency or official, if:

(i) the State agency or official has statewide jurisdiction and has the responsibility for such action,

(ii) the responsible Federal official furnishes guidance and participates in such preparation,

(iii) the responsible Federal official independently evaluates such statement prior to its approval and adoption, and

(iv) after January 1, 1976, the responsible Federal official provides early notification to, and solicits the views of, any other State or any Federal land management entity of any action or any alternative thereto which may have significant impacts upon such State or affected Federal land management entity and, if there is any disagreement on such impacts, prepares a written assessment of such impacts and views for incorporation into such detailed statement.

The procedures in this subparagraph shall not relieve the Federal official of his responsibilities for the scope, objectivity, and content of the entire statement or of any other responsibility under this Act; and further, this subparagraph does not affect the legal sufficiency of statements prepared by State agencies with less than statewide jurisdiction.

(E) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(F) recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

(G) make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(H) initiate and utilize ecological information in the planning and development of resource-oriented projects; and

(I) assist the Council on Environmental Quality established by title II of this Act.

[42 U.S.C. 4332]

SEC. 103. All agencies of the Federal Government shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this Act and shall propose to the President not later than July 1, 1971, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this Act.

[42 U.S.C. 4333]

SEC. 104. Nothing in section 102 or 103 shall in any way affect the specific statutory obligations of any Federal agency (1) to comply with criteria or standards of environmental quality, (2) to coordinate or consult with any other Federal or State agency, or (3) to act, or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency.

[42 U.S.C. 4334]

SEC. 105. The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.

[42 U.S.C. 4335]

TITLE II

COUNCIL ON ENVIRONMENTAL QUALITY

SEC. 201. The President shall transmit to the Congress annually beginning July 1, 1970, an Environmental Quality Report (hereinafter referred to as the "report") which shall set forth (1) the status and condition of the major natural, manmade, or altered environmental classes of the Nation, including, but not limited to, the air, the aquatic, including marine, estuarine, and fresh water, and the terrestrial environment, including, but not limited to, the forest, dryland, wetland, range, urban, suburban, and rural environment; (2) current and foreseeable trends in the quality, management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation; (3) the adequacy of available natural resources for fulfilling human and economic requirements of the Nation in the light of expected population pressures; (4) a review of the programs and activities (including regulatory activities) of the Federal Government, the State and local governments, and nongovernmental entities or individuals, with particular reference to their effect on the environment and on the conservation, development and utilization of natural resources; and (5) a program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation.

[42 U.S.C. 4341]

SEC. 202. There is created in the Executive Office of the President a Council on Environmental Quality (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. The President shall designate one of the members of the Council to serve as Chairman. Each member shall be a person who, as a result of his training, experience, and attainments, is exceptionally well qualified to analyze and interpret environmental trends and information of all kinds; to appraise programs and activities of the Federal Government in the light of the policy set forth in title I of this Act; to be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of the Nation; and to formulate and recommend national policies to promote the improvement of the quality of the environment.

[42 U.S.C. 4342]

SEC. 203. (a) The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

(b) Notwithstanding section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)), the Council may accept and employ voluntary and uncompensated services in furtherance of the purposes of the Council.

[42 U.S.C. 4343]

SEC. 204. It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the Environmental Quality Report required by section 201;

(2) to gather timely and authoritative information concerning the conditions and trends in the quality of the environment both current and prospective, to analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in title I of this Act, and to compile and submit to the President studies relating to such conditions and trends;

(3) to review and appraise the various programs and activities of the Federal Government in the light of the policy set forth in title I of this Act for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto;

(4) to develop and recommend to the President national policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the Nation;

(5) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(6) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(7) to report at least once each year to the President on the state and condition of the environment; and

(8) to make and furnish such studies, reports, thereon, and recommendations with repect to matters of policy and legislation as the President may request.

[42 U.S.C. 4344]

SEC. 205. In exercising its power, functions, and duties under this Act, the Council shall—

(1) consult with the Citizen's Advisory Committee on Environmental Quality established by Executive Order numbered 11472, dated May 29, 1969, and with such representatives of science, industry, agriculture, labor, conservation organizations, State and local governments and other groups, as it deems advisable; and

(2) utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided, thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established agencies.

[42 U.S.C. 4345]

SEC. 206. Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

[42 U.S.C. 4346]

ACCEPTANCE OF TRAVEL REIMBURSEMENT

SEC. 207. The Council may accept reimbursements from any private nonprofit organization or from any department, agency, or instrumentality of the Federal Government, any State, or local government, for the reasonable travel expenses incurred by an officer or employee of the Council in connection with his attendance at any conference, seminar, or similar meeting conducted for the benefit of the Council.

[42 U.S.C. 4346a]

EXPENDITURES FOR INTERNATIONAL TRAVEL

SEC. 208. The Council may make expenditures in support of its international activities, including expenditures for: (1) international travel; (2) activities in implementation of international

agreements; and (3) the support of international exchange programs in the United States and in foreign countries.

[42 U.S.C. 4346b]

SEC. 209. There are authorized to be appropriated to carry out the provisions of this Act not to exceed $300,000 for fiscal year 1970, $700,000 for fiscal year 1971, and $1,000,000 for each fiscal year thereafter.

[42 U.S.C. 4347]

COUNCIL ON ENVIRONMENTAL QUALITY
EXECUTIVE OFFICE OF THE PRESIDENT
AND
ADVISORY COUNCIL ON HISTORIC PRESERVATION

NEPA and NHPA

A Handbook for Integrating NEPA and Section 106

MARCH 2013

COUNCIL ON ENVIRONMENTAL QUALITY
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AND
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MARCH 2013

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1. INTRODUCTION

The environmental review process initiated with the passage of the 1966 National Historic Preservation Act (NHPA) (P.L. 89-665; 80 Stat. 915; 16 U.S.C. 470) by Congress ushered in a new approach to Federal project planning. The passage of the National Environmental Policy Act of 1969 (NEPA) (P.L. 91-190; 83 Stat. 852; 42 U.S.C. 4321) in December 1969 and its subsequent signing into law on January 1, 1970, expanded environmental reviews and formally established environmental protection as a Federal policy. NEPA and NHPA require Federal officials to "stop, look, and listen" before making decisions that impact historic properties and the human environment.

NEPA and NHPA each created agencies to implement major environmental programs that shape Federal project planning. The Advisory Council on Historic Preservation (ACHP) and the Council on Environmental Quality (CEQ) administer regulations viewed as the cornerstones of the Federal environmental review procedures. The CEQ *Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act,* (40 C.F.R. Parts 1500-1508) (CEQ regulations) encourage integration of the NEPA process (NEPA review) with other planning and environmental reviews, such as Section 106 of NHPA (Section 106). The regulations that implement Section 106, *Protection of Historic Properties* (36 C.F.R. Part 800), encourage agencies to plan Section 106 consultations coordinated with other requirements of other statutes, as applicable, such as NEPA. The concepts of "coordination" and "integration" are found in both the CEQ regulations and Section 106 regulations, because they provide efficiencies, improve public understanding, and lead to more informed decisions.

This handbook provides advice on implementing provisions added to the Section 106 regulations in 1999 that address both "coordination" of the Section 106 and NEPA reviews and the "substitution" of the NEPA reviews for the Section 106 process. Coordination, addressed in 36 C.F.R. § 800.8(a), *"Coordination With the National Environmental Policy Act,"* encourages agencies to coordinate compliance with Section 106 with any steps taken to meet NEPA review requirements. Substitution,

WHAT IS A "HISTORIC PROPERTY?"

"Historic property" means any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places maintained by the Secretary of the Interior (National Park Service). This term includes artifacts, records, and material remains that are related to and located within such properties. Properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization may be determined eligible for inclusion in the National Register.
[36 C.F.R. § 800.16(l)(1)]

For more information on the National Register of Historic Places and its eligibility requirements, see: http://www.nps.gov/history/nr

WHAT IS A "CULTURAL RESOURCE?"

Effects considered under NEPA include cultural and historic. [40 C.F.R. § 1508.8]
The term "cultural resources" covers a wider range of resources than "historic properties," such as sacred sites, archaeological sites not eligible for the National Register of Historic Places, and archaeological collections.

See the DEFINITIONS AND TRANSLATIONS in Attachment A.

addressed in 36 C.F.R. § 800.8(c), "*Use of the NEPA process for section 106 purposes,*" authorizes agencies to use the procedures and documentation required for the preparation of an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) or an Environmental Impact Statement (EIS) and Record of Decision (ROD) to comply with Section 106 in lieu of the procedures in 36 C.F.R. § 800.3 through 36 C.F.R. § 800.6 of the Section 106 regulations.

This handbook also provides advice on implementing CEQ regulations that require agencies to "integrate the NEPA process with other planning at the earliest possible time to insure that planning and decisions reflect environmental values, to avoid delays in the process, and to head off potential conflicts."[1] A 2003 report from the NEPA Task Force, Modernizing NEPA Implementation, recommended that CEQ develop a handbook to integrate the NEPA environmental review with Section 106 and other environmental review laws.[2] CEQ has issued a suite of guidances and memoranda to agencies on topics such as improving the efficiency of the NEPA process, establishing categorical exclusions, and mitigation and monitoring to reaffirm the NEPA principles of early integration of statutes and interagency cooperation.

This handbook is a joint effort between CEQ and the ACHP and has benefitted from broad agency review. It is intended to help practitioners take advantage of opportunities to coordinate NEPA and Section 106 compliance procedures to improve environmental reviews. The handbook will also help Federal agencies, project sponsors, and applicants identify early in project planning when they might benefit from the NEPA-Section 106 substitution process. A checklist of information needed to complete a legally sufficient substitution process is included at the end of the handbook to help agencies make an informed decision about which approach is most practical in a specific situation.

The ACHP and CEQ understand that agencies will apply concepts in this handbook consistent with their own mission, policies, and regulations, as well as the CEQ and Section 106 regulations to meet the increasingly complex challenges of project planning in the 21st century.

Accordingly, NEPA practitioners, preservationists, project sponsors, applicants, and the general public are encouraged to become familiar with and apply the key concepts for integrating NEPA and Section 106 compliance procedures:

- Begin integration of NEPA and Section 106 processes early—the earlier it begins, the better it works.
- Educate stakeholders on the benefits of integrating, through coordination or substitution, the NEPA and Section 106 processes.
- Develop comprehensive planning schedules and tracking mechanisms for the NEPA and Section 106 processes to keep them synchronized.
- Develop comprehensive communication plans that meet agency outreach and consultation requirements to maximize opportunities for public and consulting party involvement and minimize duplication of effort by agency staff. Plans should specify whether the agency will use coordination or substitution.
- Use NEPA documents to facilitate Section 106 consultation, and use Section 106 to inform the development and selection of alternatives in NEPA documents.
- Develop an integrated strategy to accomplish specialized studies to provide information and analysis needed under NEPA and Section 106.
- Complete Section 106 and the appropriate NEPA review (Categorical Exclusion, EA, or EIS) before issuing a final agency decision.

THE ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP)

The ACHP provides guidance and advice and generally oversees the operation of the Section 106 process. The ACHP also consults with and comments to agency officials on individual undertakings and programs that affect historic properties.

THE PRESIDENT'S COUNCIL ON ENVIRONMENTAL QUALITY (CEQ)

CEQ coordinates Federal environmental efforts and works closely with agencies and other White House offices in the development of environmental policies and initiatives.

Federal agencies are encouraged to coordinate compliance with Section 106 with any steps taken to meet the requirements of NEPA. Agencies should consider their Section 106 responsibilities as early as possible in the NEPA process, and plan their public participation, analysis, and review in such a way that they can meet the purposes and requirements of both statutes in a timely and efficient manner.
36 C.F.R. § 800.8(a)(1)

Federal agencies are encouraged to integrate the NEPA process with other planning at the earliest possible time to insure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts.
40 C.F.R. § 1501.2

II. BACKGROUND

Federal agencies have independent statutory obligations under NEPA and NHPA. Section 106 and the NEPA reviews help ensure that our natural, cultural, and historic environment is given consideration in Federal project planning. Federal courts have characterized both laws as requiring the Federal Government to "stop, look, and listen" before making decisions that might affect historic properties as one component of the human environment. The ACHP and CEQ present this handbook to address a long-standing need to improve the abilities of Federal agencies, applicants, project sponsors, and consultants to conduct these environmental reviews in the most efficient and effective way possible. It provides advice on implementing a 1999 provision in the Section 106 regulations, "Coordination with the National Environmental Policy Act," 36 C.F.R. § 800.8. It also provides advice on implementing CEQ regulations, requiring agencies to "integrate the NEPA process with other planning at the earliest possible time to insure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts."[3]

This handbook uses the term "integrate" to encompass the terms used in both Section 106 and the CEQ regulations. "Integrate" as used in 40 C.F.R. §§ 1500.2(c) and 1502.25 encompasses "coordinate" as used in 36 C.F.R. § 800.8(a), and "substitution" of a NEPA process for Section 106 as used in 36 C.F.R. § 800.8(c). This handbook is intended to assist Federal planners, cultural resource managers, and other responsible parties in improving the integration of the NEPA analysis and documentation process and Section 106 compliance. The benefits of integrating compliance have long been recognized for maximizing staff resources, facilitating coordinated public participation in decision making, and leading to more informed decisions. The CEQ recently issued guidance on the topic of making NEPA reviews more efficient and timely,[4] and this handbook furthers many of the principles presented therein.

This handbook will illustrate that integrating the two procedures:

- Supports broad discussion of effects to the human environment and integrates the consideration of historic properties with other environmental factors.
- Facilitates the development of a comprehensive environmental review schedule that helps agencies reduce litigation risk by ensuring that requirements under both statutes and their implementing regulations are met in a timely manner.
- Provides agencies with opportunities to save time and expense by gathering information and developing public engagement strategies and documents that meet the statutory requirements of NEPA and NHPA with less duplication of agency effort.
- Enhances public engagement by providing State Historic Preservation Officer (SHPO); Tribal Historic Preservation Officer (THPO); applicants; tribal, state, and local governments; and other interested parties with opportunities to engage under both statutes at the same time.
- Helps ease potential duplication and time consuming processes for potential applicants.
- Promotes transparency and accountability in Federal decision making, and more informed, better decisions.

As agencies pursue project planning for more complex and expansive activities that have the potential to affect a myriad of resources, collaboration of NEPA and Section 106 practitioners and involvement of appropriate stakeholders early in project planning can inform the development and analysis of alternatives and the assessment and resolution of effects that meet the purpose and intent of Section 106 and the NEPA reviews. When the NEPA review and Section 106 are integrated, whether through coordination or substitution, an agency assesses ways to avoid, minimize, or mitigate adverse effects while identifying alternatives and preparing NEPA documentation. It is important for agencies to consider ways to avoid affecting historic properties before assessing potential mitigation measures to resolve adverse effects. If the proposed undertaking would have an adverse effect on a historic property and that effect cannot be avoided, then the agency can focus its consultation on the development of specific mitigation measures for that historic property.

WHAT IS CONSULTATION IN SECTION 106?

Consultation means the process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the Section 106 process.

For more information, see: http://www.achp.gov and http://www.nps.gov/hps/fapa_110.htm

STATE HISTORIC PRESERVATION OFFICER (SHPO) AND TRIBAL HISTORIC PRESERVATION OFFICER (THPO)

Pursuant to the NHPA, the SHPO and the THPO advise and assist, as appropriate, Federal agencies in carrying out their historic preservation responsibilities.
16 U.S.C. 470a(b)(3)(E) and (d)(2).

WHAT IS A SIGNIFICANT IMPACT IN NEPA?

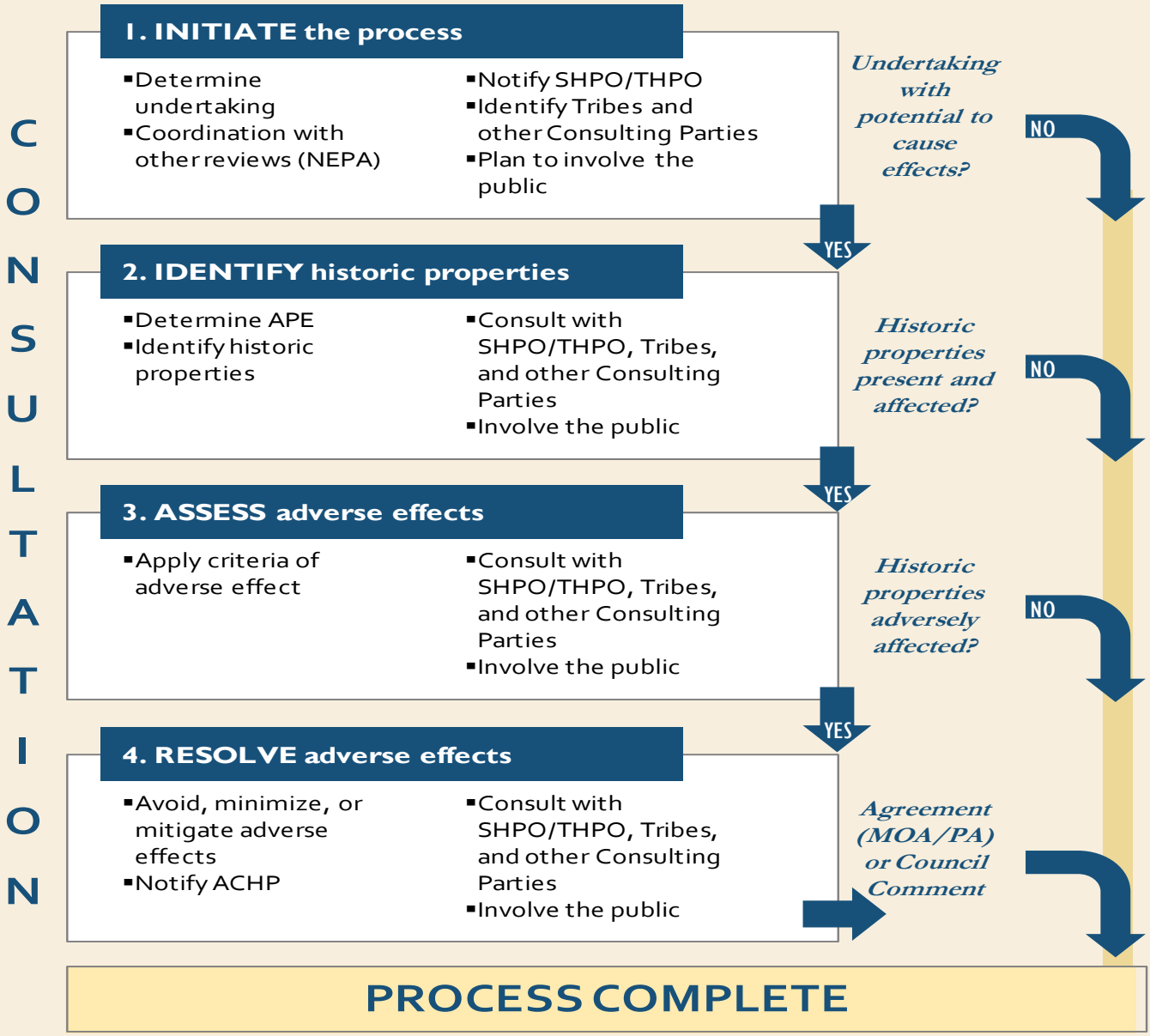
Under NEPA, significance is determined based on context and intensity. Impacts are analyzed in several contexts such as society as a whole, the affected region, the affected interests, and the locality. Intensity refers to the severity of effect, which includes factors such as the magnitude, geographic extent, duration, and frequency of the effect.
[40 C.F.R. § 1508.27]

WHAT IS AN ADVERSE EFFECT IN 106?

An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the property's integrity. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance, or be cumulative.
[36 C.F.R. § 800.5(a)(1)]

See the DEFINITIONS AND TRANSLATIONS in Attachment A.

THE SECTION 106 PROCESS



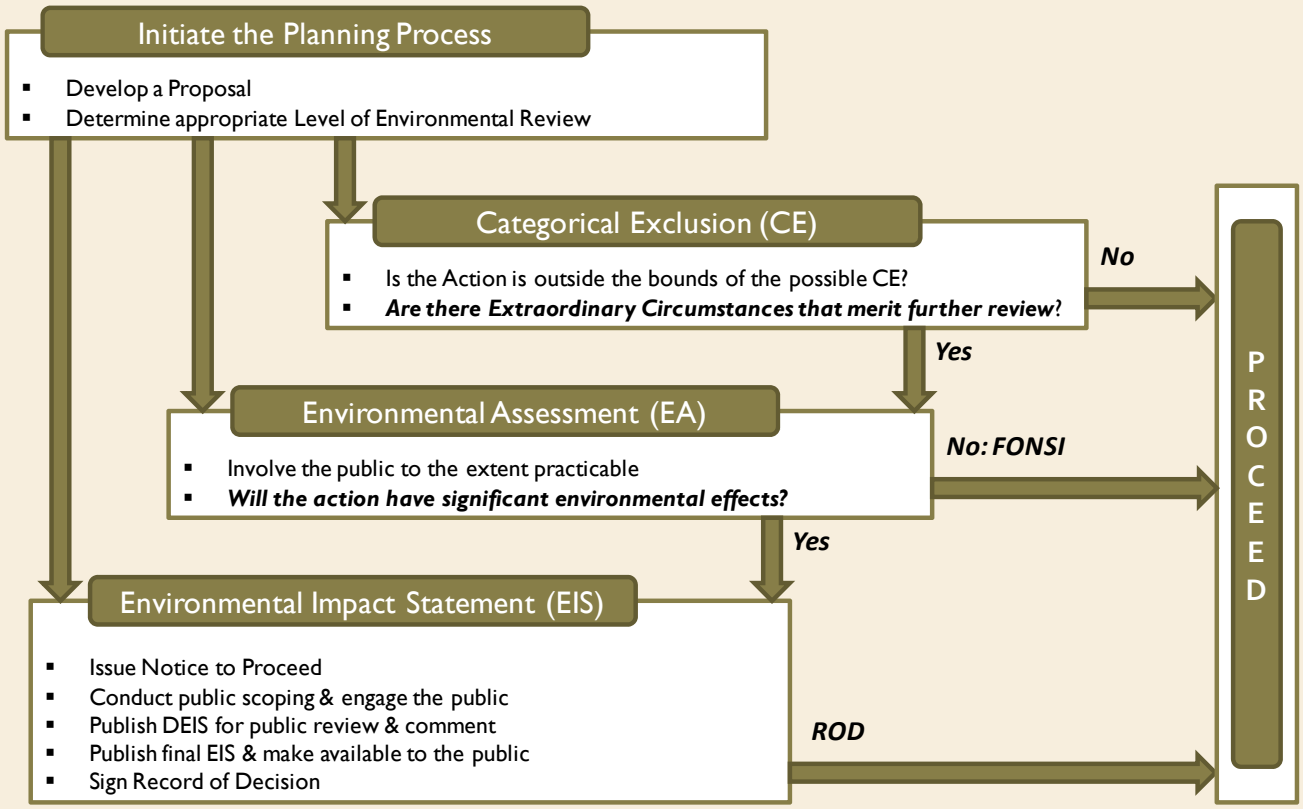
SECTION 106 OF THE NHPA

Congress enacted the National Historic Preservation Act in 1966, mandating that Federal decision makers consider historic properties during project planning. Section 106 of the NHPA requires Federal agencies to take into account the effects of undertakings they carry out, assist, fund, or permit on historic properties and to provide the ACHP a reasonable opportunity to comment on such undertakings.

Federal agencies meet this requirement by completing the Section 106 process set forth in the implementing regulations, "Protection of Historic Properties," 36 C.F.R. Part 800. The goal of the Section 106 process is to identify and to consider historic properties that might be affected by an undertaking and to attempt to resolve any adverse effects through consultation. The process provides for participation by SHPO, THPO, tribal, state, and local governments, Indian tribes and Native Hawaiian organizations, applicants for Federal assistance, permits, or licenses, representatives from interested organizations, private citizens, and the public. Federal agencies and consulting parties strive to reach agreement on measures to avoid, minimize, and mitigate adverse effects on historic properties and to find a balance between project goals and preservation objectives.

For more information, see: http://www.achp.gov

THE NEPA PROCESS



NEPA

The National Environmental Policy Act was signed into law on January 1, 1970. NEPA mandates that Federal agencies assess proposed Federal actions' environmental impacts, including impacts on historic and cultural resources. Federal agencies meet their NEPA review responsibilities by completing the NEPA processes set forth in their NEPA implementing procedures and CEQ's regulations, 40 C.F.R. Parts 1500-1508. There are three forms of NEPA review: Categorical Exclusion, Environmental Assessments, and Environmental Impact Statements.

CATEGORICAL EXCLUSION (CE)

A CE describes a category of actions that are expected not to have individually or cumulatively significant environmental impacts. Each agency's procedures for implementing NEPA sets out the agency's CEs, which are established after CEQ and public review. A proposed action within such a category does not require further review in an Environmental Assessment or an Environmental Impact Statement when there are no "extraordinary circumstances" associated with the site- or project-specific proposal that indicate further environmental review is warranted.

ENVIRONMENTAL ASSESSMENT (EA)

When a CE is not appropriate and the agency has not determined or is uncertain whether the proposed action will cause significant environmental effects, then an EA is prepared. If, as a result of the EA, a finding of no significant impact (FONSI) is made, then the NEPA review process is completed with the FONSI; otherwise an EIS is prepared.

ENVIRONMENTAL IMPACT STATEMENT (EIS)

NEPA and CEQ's regulations require the preparation of an EIS when a proposed Federal action may significantly affect the human environment. When an EIS is prepared, the NEPA review process is concluded when a record of decision (ROD) is issued. Historic properties, as a subset of cultural resources, are one aspect of the "human environment" defined by the NEPA regulations. Consequently, impacts on historic properties and cultural resources must be considered in determining whether to prepare an EIS.

For more information, see: http://www.nepa.gov

Most Federal agencies have their own implementing regulations or administrative protocols for implementing NEPA or approved program alternatives for Section 106. The advice provided in this handbook should serve as a foundation from which Federal agencies may develop or revise their own procedures or protocols to best suit their agencies' missions, their agencies' frameworks for implementing their programs, and their agencies' approaches to specific undertakings to satisfy the requirements of both Section 106 and NEPA.

Recently enacted legislation and administrative policies encourage agencies to seek new efficiencies in the environmental review process. Implementing the advice and recommendations made in this handbook can help agencies achieve these goals. It is important to recognize, however, that special circumstances may impact how an agency proceeds through NEPA and Section 106 compliance. For example, new legislation can change what an agency is required to do, litigation may inform agency procedures and policies, an agency may need to revisit determinations or decisions, or circumstances may dictate expedited timelines. These special situations can challenge agency decision makers in determining the best way forward. As such, CEQ and the ACHP are available to provide advice to agencies on a case by case basis as these situations arise.

III. RELATIONSHIP OF NEPA AND SECTION 106 REVIEWS

NEPA and Section 106 reviews may be triggered by a Federal or Federally funded, licensed, or permitted action and apply whether that action is on Federal, private, state, or tribal land. They share the goal of more informed agency decisions with respect to environmental consequences, including the effects on historic and cultural properties. Both encourage coordination with other environmental reviews.

NEPA and Section 106 implementation are overseen by Federal agencies that have promulgated regulations implementing the statutory procedures. The CEQ oversees 40 C.F.R. Parts 1500-1508, Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act. The ACHP oversees 36 C.F.R. Part 800, Protection of Historic Properties. These regulations are similar in several respects. Both regulatory procedures:

- Authorize development of agency-specific alternative procedures provided those procedures meet certain standards and approval requirements.
- Require agencies to gather information on the potential effects of the proposed action on historic properties and consider alternatives that may avoid or minimize the potential for adverse effects.
- Vary depending on the scope of the proposed action and its potential to have environmental effects.
- Emphasize the importance of initiating the environmental review process early in project planning.
- Emphasize notifying the public about the proposed Federal actions and involving the public in the decision making process.
- Require the process to be completed prior to a Federal decision.

Distinctions exist between the NEPA and Section 106 reviews in terms of the types, scope, and geographical area of environmental review procedures, the nature of public engagement and tribal consultation, information requirements, procedures for developing alternatives,

documentation, and timing. These distinctions are important for understanding opportunities for coordination and for following the substitution process.

A. Action and Undertaking

An environmental review under NEPA is required for all "Federal actions" which include projects, plans, policies, and programs financed, assisted, conducted, regulated, or approved by Federal agencies. Federal agencies must comply with Section 106 for all "undertakings," defined as "a project, activity or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval."[5] Under Section 106, if the agency determines that the undertaking is a type of activity that does not have the potential to cause effects on historic properties, then there is no further Section 106 responsibility.

TIP:
When a Federal agency makes its initial determination under Section 106, it considers whether the project is the type of activity that could affect historic properties, assuming such properties were present. This evaluation must be independent of the real context (e.g., actual location) for the activity. The Federal agency should never proceed on the assumption that the potential to affect historic properties is absent based on location, previous disturbance, or because no historic properties are believed to be present in the area. Such findings should be subject to the Section 106 notification and consultation provisions.
36 C.F.R. § 800.3(a)(1)

B. Type of Review

Compliance procedures for NEPA and Section 106 vary depending on the potential of the proposed action to cause environmental effects. Federal agencies determine the type of NEPA review they will undertake for a proposed action based on the context and intensity of its impacts.[6] Context is defined as the geographic and social context in which the effect will occur, while intensity refers to the severity of the impact. Agencies may meet their responsibilities with a Categorical Exclusion (CE), Environmental Assessment that results in a Finding of No Significant Impact, or Environmental Impact Statement and Record of Decision. CEs are agency-specific and require consideration of whether there are "extraordinary circumstances" in which a normally excluded action may have a significant environmental effect that will then require further analysis in an EA or an EIS.

If a project, activity, or program is categorically excluded from NEPA review under an agency's NEPA procedures, the agency official shall determine if it still qualifies as an undertaking requiring review under Section 106.
36 C.F.R. § 800.8(b)

Under Section 106, a Federal agency considers the potential effects of its undertaking on historic properties. When a Federal agency has found that an undertaking may adversely affect historic properties, it must develop and consider alternatives or measures to avoid, minimize, or mitigate such effects.[7] The Section 106 process

TIP:
NEPA and NHPA are statutory requirements that can be waived only by specific provision in an Act of Congress. Unless a waiver has been authorized in legislation, the administrative record for each Federal project or program should document compliance with NEPA and NHPA.

NEPA REVIEW AND TIERING

The NEPA regulations at 40 C.F.R. §§ 1502.4(c), 1502.20, and 1508.28, and CEQ guidance ("Improving the Process for Preparing Efficient and Timely Environmental Reviews under the National Environmental Policy Act") encourage agencies to tier their EAs and EISs to eliminate repetitive discussions of the same issues and to focus on the actual issues ripe for decision at each level of environmental review. Whenever a broad EA or EIS has been prepared, such as a program or policy statement, and a subsequent EIS or EA is then prepared on an action included within the entire program or policy, such as a site specific action, the subsequent EIS or EA need only summarize the issues discussed in the broader EIS or EA by incorporation by reference and shall concentrate on the issues specific to the subsequent action. Materials incorporated by reference must be briefly described and appropriately cited, and available for review by interested parties.

For more information, see CEQ's Memorandum for Heads of Federal Departments and Agencies, "Improving the Process for Preparing Efficient and Timely Environmental Reviews under the National Environmental Policy Act" (March 6, 2012), *available at* http://ceq.hss.doe.gov/current_developments/docs/Improving_NEPA_Efficiencies_06Mar2012.pdf.

SECTION 106 AGREEMENTS

A Memorandum of Agreement is used to resolve adverse effects to historic properties and conclude the Section 106 process when implementing a discrete project with identified adverse effects. A Programmatic Agreement is a program alternative that may be used to implement the Section 106 process for a complex project situation. Programmatic Agreements can be developed on a national, statewide, or regional scope for similar or repetitive undertakings, for undertakings with repetitive effects on historic properties, or for situations where the effects to historic properties cannot be fully determined prior to the approval of an undertaking.

normally concludes with an agency finding of "no historic properties affected," "no adverse effect," or "adverse effects" resolved through avoidance, minimization, or mitigation. For undertakings with adverse effects, the Federal agency usually executes a legally binding document, a Memorandum of Agreement (MOA) or Programmatic Agreement (PA), that stipulates the resolution of adverse effects agreed to by the signatories. In those rare circumstances where there is a failure to reach an agreed-upon solution, the ACHP issues formal advisory comments to the head of the agency. The head of the agency must then take into account and respond to those comments.[8]

C. Scope of Review

Environmental review under NEPA includes a description of the affected human environment and the environmental consequences of the proposed action on that environment. NEPA regulations require NEPA documents to list all Federal permits, licenses, and other entitlements and to integrate to the fullest extent possible its information gathering and analyses with other Federal environmental review laws and executive orders—such as the Endangered Species Act (ESA), Clean Air Act General Conformity Rule, and the Marine Mammal Protection Act. As a result, NEPA is sometimes referred to as "an umbrella law." Nevertheless, agencies must still fulfill the requirements under those independent statutes, including the NHPA. Both NEPA and Section 106 require agencies to consider historic properties and effects to them. The affected human environment reviewed under NEPA includes aesthetic, historic, and cultural resources as these terms are commonly understood, including such resources as sacred sites. Section 106 is concerned exclusively with impacts to historic properties, defined in NHPA[9] as properties that are listed, or may be eligible for listing, in the National Register of Historic Places (National Register).[10] These may include prehistoric or historic districts, sites, buildings, structures, objects, or properties of traditional religious and cultural importance to an Indian tribe or a Native Hawaiian organization, that meet the National Register criteria.[11] Cultural resources that are not eligible

for or listed in the National Register may be considered as part of the NEPA review.

D. Study Area and Area of Potential Effects

The NEPA review's study area will vary depending on the extent of the potential impacts associated with the alternative courses of action. If reasonable alternatives exist, NEPA requires agencies to rigorously explore and objectively evaluate them.[12] Agencies should give a similar level of attention to historic properties as that given to other resources for all alternatives to establish a baseline of information to consider during consultation and review. Section 106 requires agencies to identify historic properties within the area of potential effects[13] for the proposed undertaking. In practice, the preferred alternative in a NEPA review may be considered equivalent to the proposed undertaking under Section 106. Early in the Section 106 review process, the Federal agency determines the area of potential effects for its undertaking. The area of potential effects is the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The Section 106 process does not require agencies to identify and evaluate historic properties in the area of potential effects for all NEPA alternatives; however, the preferred alternative may not be selected until late in the NEPA review, or may change during that review. In addition, Section 106 may require additional identification of historic resources as part of an effort to develop and evaluate alternatives to the proposed undertaking to avoid or mitigate adverse effects. Agencies should therefore establish the schedule, geographic area, and specifications for specialized studies, including historic property surveys, for more than the preferred alternative when there are adverse effects, to have the information they need in each step of the NEPA and Section 106 processes.

Section 106 allows the identification and evaluation of historic properties and assessment of effects to be phased for large land areas or in cases of restricted access. In some circumstances, the agency may defer identification, evaluation, and assessment of effects through a formal agreement, such as a PA. As specific aspects or locations

The Department of Veterans Affairs (VA) lost its Veterans Medical Center in New Orleans as a result of Hurricanes Katrina and Rita in 2005. It proposed to replace the facility with a new facility, adjacent to the proposed replacement for the public Charity Hospital, which would be partially funded by the Federal Emergency Management Agency (FEMA). VA, FEMA, and the City of New Orleans (as the responsible entity for NEPA under HUD delegation) cooperated to conduct a programmatic (or tier 1) Environmental Assessment (PEA) for siting the two hospitals together in the Mid-City Historic District. Since the agencies did not wish to identify a preferred alternative prior to issuing the PEA, the Section 106 Programmatic Agreement was developed to address the potential adverse effects of each of the alternatives under study.

Since the approval of the programmatic Finding of No Significant Impact (FONSI) in 2007, each of the agencies have completed their own site-specific (or tier 2) Environmental Assessments.

VA issued a mitigated FONSI in November 2008, and reports that its effort to satisfy the Programmatic Agreement is roughly 90 percent complete as of February 2013.

For more information and updates, go to:

http://www.neworleans.va.gov/Project_Legacy.asp

http://www.fema.gov/environmental-planning-and-historic-preservation-program/environmental-documents-public-notices-2

TIP:
An "effect" under Section 106 means an alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register of Historic Places. A Federal agency must assess the effects of the proposed undertaking on historic properties prior to applying the criteria of adverse effect.

PARTICIPANTS IN THE SECTION 106 REVIEW PROCESS

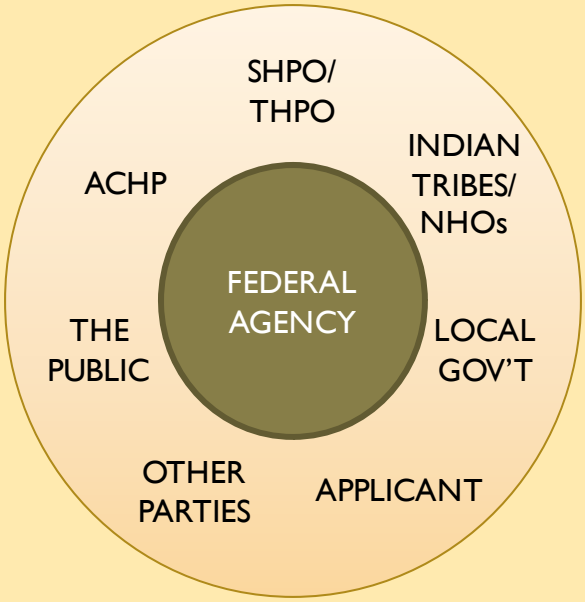
The regulations implementing Section 106, "Protection of Historic Properties" (36 C.F.R. Part 800), require Federal agencies to consult–seek, discuss, and consider the views and seek agreement with–the following stakeholders:

- State and Tribal Historic Preservation Officers (SHPOs/ THPOs)
- Federally recognized Indian tribes, including Native villages, Regional Corporations or Village Corporations, as those terms are defined in Section 3 of the Alaska Native Claims Settlement Act, and Native Hawaiian organizations (NHOs)
- Local governments
- Applicants for Federal permits, licenses, or assistance
- The National Park Service, if a National Historic Landmark may be affected by the undertaking
- The ACHP, if historic properties may be adversely affected or other circumstances warrant its participation

Federal agencies may also invite other consulting parties with a legal or economic relation to the undertaking or affected properties or concern with the undertaking's effects on historic properties.

The views of the public are also essential to informed Federal decision making in the Section 106 process.

For more information, go to: http://www.achp.gov



of an alternative are refined or access is gained, the agency should complete its efforts to identify and evaluate the potential effects to historic properties.

E. Stakeholder and Public Involvement

CEQ's NEPA regulations require agencies to "make diligent efforts to involve the public in preparing and implementing their NEPA procedures" and "to provide public notice of NEPA-related hearings, public meetings, and the availability of environmental documents."[14] The extent will vary with the level of review. CEs provide limited opportunities for public and tribal involvement. Where an EA is prepared, the type and extent of public involvement is at the discretion of the authorized officer. For an EIS, scoping involves notification and opportunities for comments on a proposed action by other agencies, organizations, tribes, local governments, and the public for the purpose of determining the scope of issues and identifying significant issues related to the proposed action. Agencies are required to make the draft EIS available for public review, invite comments, and respond to any comments submitted. In addition, a Federal, state, local, and tribal government with jurisdiction or special expertise may be offered a special role as a "cooperating agency."

Section 106 requires that agencies "provide the public with information about an undertaking and its effects and seek public comment."[15] The manner in which the agency official is to seek and consider the views of the general public should reflect "the nature and complexity of the undertaking and its effects on historic properties, the likely interest of the public in the effects on historic properties, confidentiality concerns of private individuals and businesses, and the relationship of the Federal involvement in the undertaking."[16]

Agencies should plan public involvement appropriate to the scale of the undertaking and scope of Federal involvement.[17] Section 106 encourages agencies to use their own procedures implementing NEPA or other programs to satisfy the Section 106 general public outreach requirements, provided they include adequate opportunities for public involvement.[18]

In addition to requiring public involvement, Section 106 is a consultative process that "seeks to accommodate historic preservation concerns with the needs of the Federal undertakings through consultation among the agency official and other parties with an interest in the effects of the undertaking on historic properties."[19] Consulting parties include other Federal, state, and local agencies, Indian tribes, Native Hawaiian organizations, applicants, and the interested public. Consultation is defined in the Section 106 regulations as "the process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the Section 106 process."[20] The consultation process is used to identify and evaluate historic properties potentially affected by an undertaking, assess effects, and seek ways to avoid, minimize, or mitigate any adverse effects on those properties. Consulting parties are provided a more active role in these steps than the general public.

An agency should consider the implications for their communications strategy when determining whether to use coordination or substitution. When agencies plan to fulfill NEPA requirements for a proposed action through the preparation of CEs or EAs, Section 106 may require more public involvement than that afforded by the NEPA review. More public involvement may also be required when preparing an EIS, particularly when using the substitution process. Effective communications plans for engaging stakeholders and the public should satisfy all the NEPA review and Section 106 public involvement and consultation requirements.

F. Tribal Consultation

Under NEPA, Federal agencies are encouraged to consult with Indian tribes early in the planning process, and to invite Indian tribes to be cooperating agencies in preparation of an EIS, when potential effects are on a reservation or affect tribal interests.[21] Tribal consultation under NEPA can include effects to treaty, trust, and other natural resource issues, as well as to cultural resources in general, whether or not they meet the specific definition of historic property under the NHPA. The NEPA review may also include the government's responsibilities under Executive Order (EO) 12898,

FEDERALLY RECOGNIZED INDIAN TRIBES

The Federal Government has a unique relationship with Indian tribes derived from the Constitution of the United States, treaties, Supreme Court decisions, and Federal statutes. Consultation with an Indian tribe must recognize the government-to-government relationship between the Federal Government and Indian tribes, and should be conducted in a sensitive manner respectful of tribal sovereignty.
[36 C.F.R. § 800.2(c)(2)(ii)(B) and (C)]

NATIVE HAWAIIAN ORGANIZATION

An Native Hawaiian organization is any organization which serves and represents the interests of Native Hawaiians; has as a primary and stated purpose the provision of services to Native Hawaiians; and has demonstrated expertise in aspects of historic preservation that are culturally significant to Native Hawaiians. The term includes, but is not limited to, the Office of Hawaiian Affairs of the State of Hawaii and Hui Malama I Na Kupuna O Hawai'i Nei, an organization incorporated under the laws of the State of Hawaii. The NHPA requires the agency official to consult with any Native Hawaiian organization that attaches religious and cultural significance to historic properties that may be affected by an undertaking.
[36 C.F.R. § 800.2(c)(2)(ii) and § 800.16(s)(1)]

TIP:
The development of consultation protocols or communication agreements between a Federal agency and an Indian tribe or Native Hawaiian organization may help focus consultation and create common expectations.

INVOLVING CONSULTING PARTIES IN NEPA

A Section 106 review should begin prior to a Federal agency's identification of a preferred alternative under NEPA. While many SHPOs, THPOS, Indian tribes, and NHOs may find early involvement in the NEPA process challenging, it is important that agencies engage these Section 106 consulting parties early in project planning. Their involvement in the development of alternatives and consideration of historic preservation issues will benefit both the NEPA and the Section 106 processes. The development of alternatives which resolve adverse effects and prevent the need to review or revisit previously eliminated alternatives advances environmental reviews.

ENVIRONMENTAL JUSTICE

Environmental justice issues encompass a broad range of impacts covered by NEPA, including impacts on the natural or physical environment and interrelated social, cultural, and economic effects. In Section 106 consultations, representatives of affected communities may also raise environmental justice issues. Such issues which can be addressed through historic preservation considerations may contribute to the agency's overall environmental justice compliance.

Section 304 of the NHPA provides that the head of a Federal agency or other public official receiving grant assistance pursuant to the act, after consultation with the Secretary of the Interior, shall withhold from public disclosure information about the location, character, or ownership of a historic property when disclosure may cause a significant invasion of privacy, risk harm to the historic property, or impede the use of a traditional religious site by practitioners.

36 C.F.R. § 800.11(c)(1)

Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations; EO 13175, Consultation and Coordination with Indian Tribal Governments; the American Indian Religious Freedom Act; and related statutes and policies that have a consultation component.

Under the NHPA, consultation with Indian tribes and Native Hawaiian organizations is mandatory. It focuses on identifying and evaluating historic properties, assessing effects, and, where appropriate, resolving adverse effects to those properties. Consultation is required with any Indian tribe or Native Hawaiian organization that may attach religious and cultural significance to historic properties that may be affected by a proposed undertaking, regardless of whether the property is located on or off tribal lands.[22]

G. Information Requirements

The CEQ regulations require agencies to describe the environment, including cultural resources, likely to be affected by the proposed action and alternatives, and to discuss and consider the environmental effects of the proposed action and alternatives, so decision makers and the public may compare the consequences associated with alternate courses of action. Data and analysis vary depending on the importance of the impact, and the description should be no longer than necessary to understand the effects of the alternatives, with less important material summarized, consolidated, or referenced.[23]

Section 106 requires agencies to make a reasonable and good faith effort to identify historic properties. The level of effort is determined in consultation with the SHPO or the THPO. Agencies take into account information provided by consulting parties, individuals, organizations, tribes, and Native Hawaiian organizations about the location, character, and ownership of historic properties. They also consider past planning efforts and research, the magnitude and nature of the undertaking, the degree of Federal involvement, the nature and extent of potential effects on historic properties, and the likely nature and location of historic properties within the area of potential effects. Information about the location, character, or

ownership of historic properties, may be subject to the confidentiality provisions of Section 304 of the NHPA. Further, it may be necessary to withhold protected business analysis where the project sponsor or applicant wants to keep competitive information confidential. The request for confidentiality is often made early in the consultation process. It is important for an agency to carefully review solicitations and information that would be released or made available to the general public to ensure confidential information is protected as appropriate.

H. Documentation

At the end of the NEPA and Section 106 reviews, Federal agencies select an alternative to implement. The NEPA review may conclude with documentation of a CE, a FONSI for EAs, or a ROD for EISs, or a No Action decision. Only the ROD is a decision document under the CEQ regulations.[25] The Section 106 process normally concludes with documentation of one of three findings: "no historic properties affected;" "no adverse effect;" or "adverse effect" to historic properties that the Federal agency has resolved through the measures they have agreed to in an MOA or PA.[26] In rare circumstances, an agency is unable to resolve adverse effects, terminates consultation, and requests the ACHP to issue formal advisory comments.[27] The agency head then concludes the process by providing the ACHP with a summary of its decision and evidence of consideration of the ACHP's comments prior to reaching a final decision on the undertaking.[28] Copies of the agency's response and summary are provided to consulting parties and made available to the public. By statute, Federal agencies must conclude the Section 106 process before approving the expenditure of funds on an undertaking or before the issuance of any license, permit, or approval for an undertaking to proceed.[29] This requirement does not apply to the use of funds for non-destructive planning, provided that such actions do not restrict the subsequent consideration of alternatives to avoid, minimize, or mitigate the undertaking's adverse effects on historic properties.[30]

Applicants are likely to carry out a significant amount of the work including the following: gathering and providing baseline information on resources that may be impacted by the proposed action; administrative and technical facilitation of public engagement and tribal consultation; and helping to prepare or review draft documentation. Officials may authorize an applicant to initiate consultation with the SHPO/THPO and other consulting parties with the exception of Indian tribes by notifying the SHPO/THPO.[31] This delegation authority does not extend to an agency's government-to-government relationship with Indian tribes. The Federal agency alone is responsible for all findings and determinations under Section 106, and for government-to-government consultation with Indian tribes.

PROGRAM ALTERNATIVES FOR SECTION 106

Federal agencies may develop other "Program Alternatives" to fulfill their Section 106 compliance responsibilities. The Section 106 regulations outline options including the following: nationwide, regional, or complex project Programmatic Agreements; prototype Programmatic Agreements; exemptions; standard treatments; and program comments. Program Alternatives can be used to tailor the Section 106 review process to meet the needs of a particular Federal project or program.

For more information, see: http://www.achp.gov

PROGRAMMATIC AGREEMENTS

A Programmatic Agreement is a flexible tool that allows agencies to tailor the Section 106 process to their program or series of undertakings. A Programmatic Agreement may be helpful when an agency is developing a programmatic EA or EIS to establish a process for concluding future consultation and considering effects to historic properties. Consulting party involvement in the development of a Programmatic Agreement enables the Federal agency to identify major policy and historic preservation issues and focus consultation in relevant areas.

For example, a Programmatic EA and related Section 106 Programmatic Agreement were successfully developed to address environmental issues in recovery activities related to Hurricanes Rita and Katrina in Louisiana. For more information about FEMA's historic preservation program, see http://www.achp.gov/fema.html.

For more information about Section 106 Programmatic Agreements, see http://www.achp.gov

IV. ROAD MAP FOR COORDINATION

Coordinating the Section 106 and NEPA reviews is most effective when the responsible parties begin them simultaneously so that each process will fully inform the other. The general principles in 36 C.F.R. § 800.8(a) provide a framework for this coordination. The following section provides advice for putting those principles into practice for each level of NEPA review.

The initiation of the environmental review process is a critical part of planning a proposed action. The objectives and goals of the proposed action are usually outlined at this stage, and the agency begins to identify the potentially impacted resources and those entities and individuals that have an interest in the action or its potential effects. Agencies may be able to identify whether the proposed action meets the regulatory definition of undertaking and has the potential to cause effects on historic properties. If the action is not an undertaking with such potential, the agency has no further Section 106 responsibilities and should include this determination in the NEPA documentation.

Opportunities for Coordination:

- Begin both NEPA and Section 106 reviews early in project planning so each process can inform the other.
- Plan public involvement to satisfy both NEPA and Section 106 requirements.

A. Categorical Exclusions

The majority of Federal actions reviewed under NEPA qualify for a CE. A CE is established administratively as part of an agency's NEPA implementation procedures. It is specific to an agency's programs and is based on an agency's determination that the activities described in the CE typically do not have any potential for significant effects. A CE can be used to satisfy NEPA requirements for a proposed action when that action is described by the CE and the agency determines that there are no "extraordinary circumstances" that would warrant further analysis in an EA or EIS.[32] Because Section 106 is an independent statutory requirement, compliance with

NEPA through a CE does *not* satisfy an agency's obligations under Section 106 of the NHPA.[33]

If the proposed action is a type of undertaking with the potential to affect historic properties, the agency initiates the Section 106 consultation process by identifying the appropriate SHPO/THPO and other parties with an interest in the effects of the undertaking on historic properties, and consults to determine the area of potential effects, and the scope of identification efforts, consistent with 36 C.F.R. Part 800. The Section 106 consultation can assist an agency in determining whether "extraordinary circumstances" related to historic properties are present. "Extraordinary circumstances," in which a normally excluded action may have a significant environmental effect, typically consider the "degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources." [34]

When the Section 106 process concludes there are no historic properties present in the area of potential effects for the proposed action or that the proposed action will have no effect or no adverse effect to historic properties, the agency may proceed with the CE, if there are no other extraordinary circumstances, after documenting completion of its Section 106 requirement. However, if an agency determines there may be adverse effects to historic properties, it must consider whether the adverse effects constitute "extraordinary circumstances" that merit further analysis in an EA or EIS, either alone or in combination with other environmental effects. When the agency resolves the adverse effects to historic properties through the Section 106 process by avoiding, minimizing, or mitigating them such that the potential adverse effects no longer constitute "extraordinary circumstances," it may still meet its NEPA responsibilities through a CE. The agency documents the Section 106 analysis to support the application of the CE, and the Section 106 analysis should be completed before or concurrent with the use of a CE. If an agency uses CE documentation as its decision document and the proposed action constitutes a type of undertaking with the potential to

Congress has delegated the responsibility to comply with NEPA and Section 106 for certain programs of the Department of Housing and Urban Development (HUD) to the state and local governments which receive HUD funds, such as Community Development Block Grants (CDBG). In order to use CDBG funds to demolish a derelict structure or to design infill redevelopment in a blighted neighborhood, local governments must comply with Section 106 and NEPA. Many state and local governments have executed Programmatic Agreements which tailor the Section 106 review process to their HUD-delegated programs.

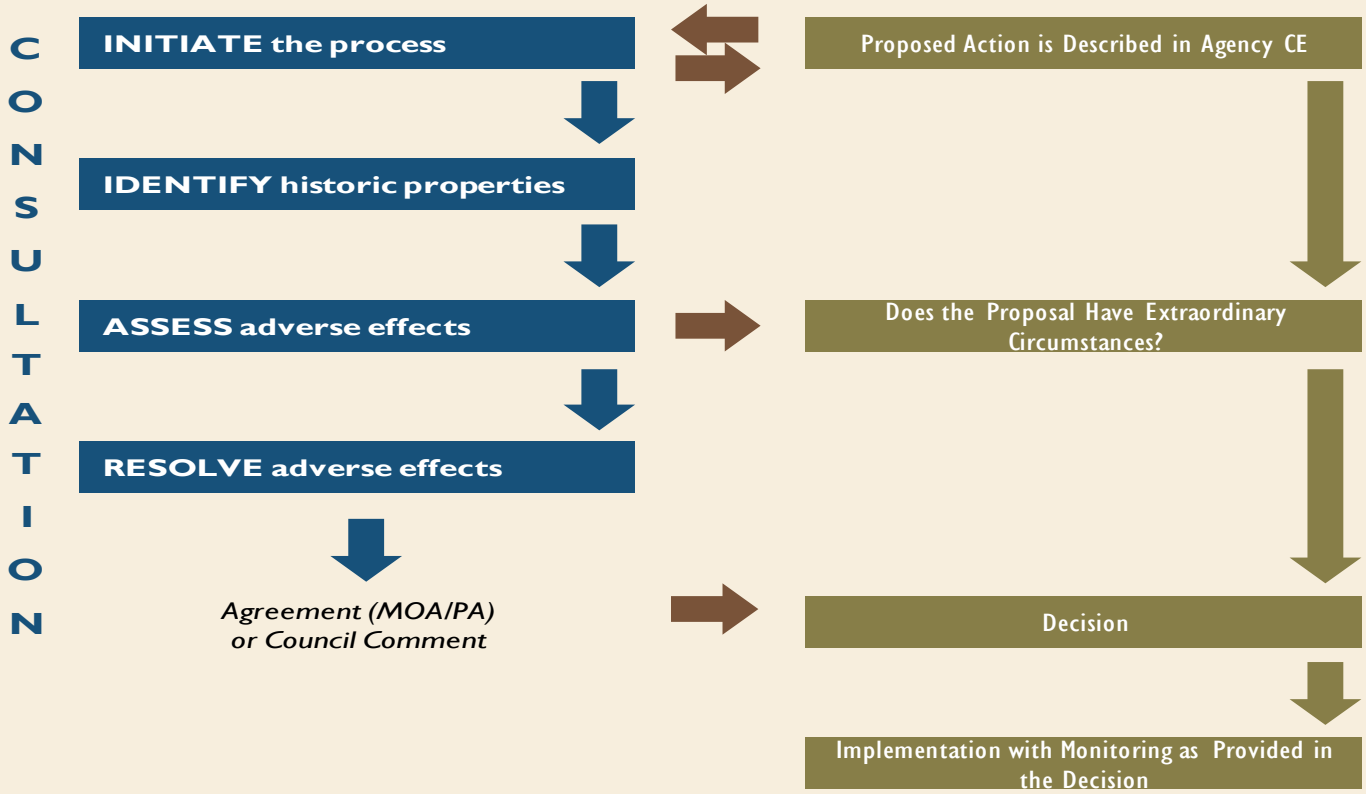
To review examples of these Section 106 Programmatic Agreements, go to:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/section106

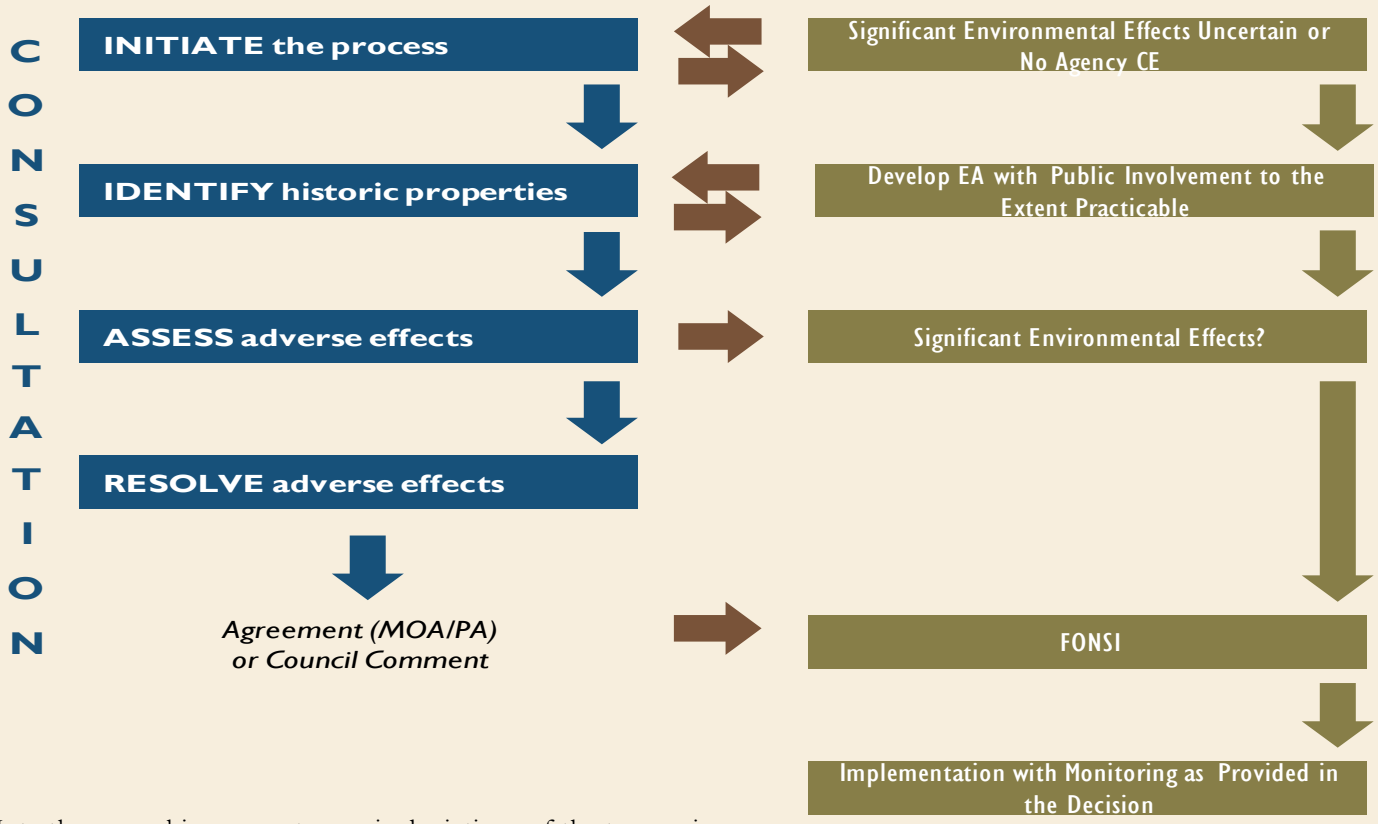
TIP:
Federal agencies can facilitate the early involvement of consulting parties by highlighting the relevant parts of the NEPA document that address the Section 106 process and historic preservation concerns.

TIMING AND COMMUNICATION

SECTION 106 AND CE



SECTION 106 AND EA



Note these graphics present generic depictions of the two review processes.

affect historic properties, then it would have to wait until the Section 106 process was concluded to issue such a CE document.

Opportunities for Coordination:

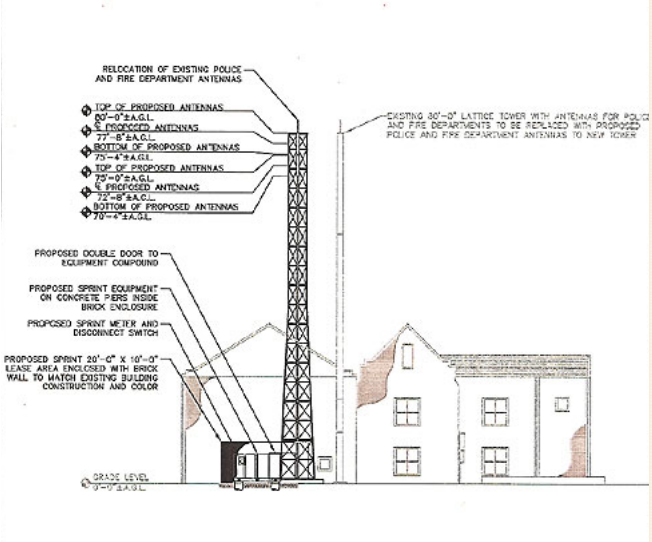
- Synchronizing NEPA and Section 106 reviews can allow potential adverse effects to be avoided, minimized, or mitigated and documented so that a CE can be applied.
- The Section 106 process can identify those circumstances in which the adverse effects to historic properties, individually or in combination with other potential effects, constitute "extraordinary circumstances" such that application of a CE is not appropriate, and additional NEPA analysis is required.

B. Environmental Assessments

When a CE is not appropriate and the agency has not determined that a proposed action has the potential to cause "significant environmental effects" requiring an EIS, the agency prepares an EA. An EA is typically a concise public document that provides sufficient evidence and analysis for determining whether to prepare an EIS or FONSI.[35] The EA includes brief discussions of the need for the proposed action, the environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted. It includes the development and description of appropriate reasonable alternatives for proposals that involve unresolved conflicts concerning alternative uses of available resources. If the result of the EA is a FONSI, then the NEPA review process is complete; otherwise, an EIS is prepared or the proposal is not advanced.

1. Preliminary Analysis

During initial project formulation, the agency identifies the SHPO/THPO, Indian tribes and Native Hawaiian organizations, and other parties who may be concerned with the effects of the proposed action and its potential to affect historic properties.[36] Initiation of Section 106 consultation on an undertaking's area of potential effects and the identification of any historic properties that might be located within this geographically designated area can assist the agency in refining the issues for analysis and the



In 2001 and 2004, the Federal Communications Commission (FCC) executed nationwide Programmatic Agreements (NPAs) to streamline the Section 106 review of the proposed collocation of wireless antennae on existing tower facilities and the proposed construction and modification of certain wireless communications tower facilities. Concurrently, the FCC amended its regulations at 47 C.F.R. § 1.1307(a)(4) to state that new facilities that may affect historic properties, as determined through the Section106 review process, are "actions that may have a significant environmental effect, for which Environmental Assessments (EAs) must be prepared." New facilities and collocations that do not affect historic properties may be categorically excluded from NEPA.

To learn more about the NPAs and the FCC regulations, go to:

http://wireless.fcc.gov/siting/npa.html

RESPONSIBLE PARTIES AND APPLICANTS

Federal agencies are responsible for complying with NEPA and Section 106. Other "responsible parties"- such as state or local governments, tribal governments, or applicants for Federal licenses, permits, or approvals– may be delegated the authority to complete certain agency obligations. Even where a delegation is not authorized, a Federal agency may use information, analyses, and recommendations prepared by these parties in the NEPA and Section 106 processes. The Federal agency remains responsible for NEPA and Section 106 findings, determinations, and government-to-government consultation with Federally recognized Indian tribes.
[36 C.F.R. § 800.2(a)(3)]

TIP:
When working with applicants, project sponsors, and consultants, Federal agencies should communicate with them early and clearly define the scope of the project, roles and responsibilities for both NEPA and Section 106 review, timelines, and information sharing. Early involvement means before major decisions are made about the planning process and preferred alternatives are selected.

scope of NEPA review. This includes the assessment of how alternatives to avoid, minimize, or mitigate potential adverse effects to historic properties will be considered in the NEPA review.

2. Plan to Involve the Public

Some form of public involvement is required for an EA; however, the type and extent of outreach is up to the discretion of the authorized agency official. Examples of public involvement include external scoping, public notification before or during preparation of the EA, public meetings, or public review and comment on the draft EA. Section 106 requires both public involvement and consultation with the SHPO and/or THPO and other consulting parties. A comprehensive communications plan that includes NEPA public involvement, any additional public involvement requirements under Section 106, Section 106 consultation requirements, and additional tribal consultation requirements will help meet the public engagement responsibilities with less duplication of effort. A good plan will include information on the background and context for the project, the agency points of contact, stakeholders, and scheduling milestones. Having a clear communications plan for all public outreach in the beginning of the project review will make the overall decision making process more transparent and provide a better opportunity for interested members of the public to contribute to the body of information assessed.

3. Preparing the EA

The Federal agency may assess the environmental impacts of the proposed action and alternatives in the EA concurrent with the potential effects of the action on historic properties. The assessment of effects to resources under an EA includes the Section 106 focus on which part of the proposed action could specifically affect a historic property and describes how the resource might be affected.

When considering effects on historic properties in the Section 106 process, the assessment should similarly focus on what aspect of the proposed undertaking would affect the historic property and what character-defining features of the historic property would be affected. Adverse effects are found when an undertaking might

alter, directly or indirectly, any of the characteristics of a historic property that qualify it for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.[37]

To coordinate Section 106 and an EA, an agency would use the Section 106 adverse effect criteria in evaluating and describing effects on historic properties. Agencies may also find it helpful to relate adverse effects under Section 106 to the criteria for determining the significance of impacts under NEPA. One approach to assessing the impacts to historic properties, as relative to the scope of the EA, is to consider the importance of the resource as its "context" and the severity of the proposed impacts as the action's "intensity."[38] Historic preservation professionals generally recognize that adverse effects are often complex and varied. Federal agencies should clearly define the specific characteristics that make an individual property or district eligible for the National Register to determine whether an action might alter, directly or indirectly, those qualifying characteristics in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association, and thus, to determine the severity of impacts to that historic property.

Agencies should take particular care when the proposed undertaking will affect types of historic properties whose boundaries might not be well defined or include natural features. The intensity of the action's effect on a property such as a cultural landscape or historic property of religious and cultural significance to Indian tribes or Native Hawaiian organizations might not be as immediately apparent as it would be when considering effects on a discrete structure or archaeological site. The intensity of the proposed action in these situations is likely to affect the more intangible aspects of the property, such as "feeling" as this term is used in the criteria for evaluating properties for the National Register. Consultation with Indian tribes and Native Hawaiian organizations to identify the character-defining features of such a cultural landscape is vital.

Traditional cultural landscapes describe an area considered to be culturally significant. They can and often do embrace one or more of the property types defined in the NHPA: districts, buildings, structures, sites, and objects. It is important to note that the challenges associated with the management of such sites, and their potential size, do not excuse the consideration of their significance. (Image: Sacred Sand Dunes in Monument Valley, © Sergey Yasny - Fotolia.com)

TIP:
When a project for which an agency has completed NEPA and Section 106 processes is delayed a long time or requires changes, the agency should re-engage consulting parties and provide them with new or updated information. An agency may need to reinitiate Section 106 consultation if the nature of the effects to historic properties have changed during this period. This information will also inform the agency's determination whether to supplement the NEPA review.

The Section 106 documentation should have the length, detail, and technical information necessary to provide sufficient information to consulting parties about the nature of the historic properties involved and the reasoning behind the effect findings.[39] To communicate Section 106 information in the EA and FONSI, agencies may list consulting parties, outline findings and determinations, and briefly describe consulting party meetings. Tables and charts might be helpful to identify historic properties within the area of potential effects and organize descriptions of National Register eligibility, potential effects, and proposed treatment or mitigation measures. Because this information is generally presented in a summary format in the EA, agencies and applicants are encouraged to append or incorporate by reference those documents, findings, analyses, and letters developed or produced for the Section 106 process, particularly correspondence from the SHPOs and THPOs. In the EA, the agency should identify where the Section 106 findings and determinations are located to allow for easier reference and review, and consider using joint mailings that meet Section 106 consultation requirements.

WHAT IS MITIGATION?

In the Section 106 process, the term "mitigate" is distinct from the terms "avoid" and "minimize," and means to compensate for the adverse effects to historic properties. In the NEPA environmental review process, the term "mitigate" includes avoiding, minimizing, reducing, as well as compensating for the impact to the human environment.

Understanding the similarities and differences between the terminology in Section 106 and NEPA is crucial to coordinate the two processes.

See Attachment A for a comprehensive comparison of terms and definitions.

The EA provides opportunities for considering mitigation measures that will avoid, minimize, rectify, reduce, eliminate over time, or compensate for adverse effects.[40] In the NEPA context, the term "mitigation" can refer to changes in the project that would lessen the overall impact to the human environment. A FONSI can be based on mitigation that would reduce the impacts of an action below the threshold of NEPA significance.[41] The term "mitigation" in Section 106 refers to measures to resolve the adverse effects to identified historic properties. If adverse effects cannot be avoided or minimized, then the Federal agency seeks other ways to mitigate those effects to historic properties.[42] Such measures might include redesign of new buildings, modification of site plans, realignment of corridors or rights of way, documentation, or preservation-in-place of certain historic properties. Any treatment and mitigation measures developed through the Section 106 process should be referenced in the EA and documented in an MOA or PA developed in consultation with consulting parties. For example, drafts of agreement documents

TIP:
When the Section 106 process results in a finding of adverse effects to historic properties and mitigation measures are proposed through the development of a Section 106 agreement document, the NEPA review process may conclude with an EA and FONSI, or may require the development of an EIS and ROD.

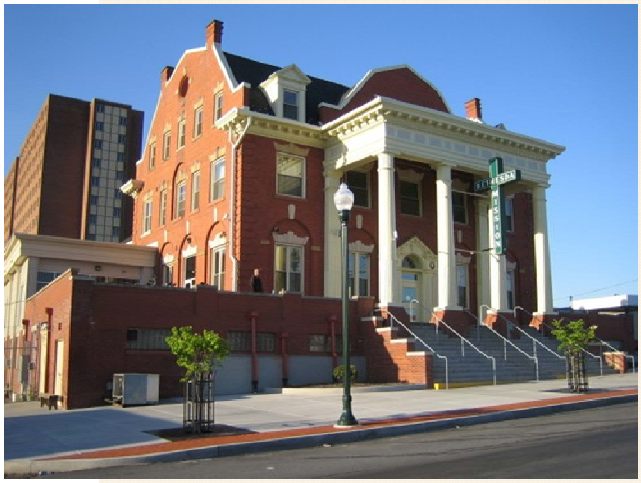
may be included as appendices to a draft EA and attached to a final EA or FONSI to document how the agency intends to fulfill its Section 106 responsibilities. Agencies that use a FONSI as a decision document for an undertaking must conclude the Section 106 process prior to issuing the FONSI.

4. FONSI or EIS?

The resolution of adverse effects to historic properties through the Section 106 process is a factor to consider in determining whether, for NEPA purposes, there are any potentially significant effects that require the preparation of an EIS. An adverse effect in the Section 106 process does not necessarily mean an agency will be unable to reach a FONSI. The Section 106 regulations state that the NEPA determination of whether an undertaking is a "major Federal action significantly affecting the quality of the human environment" that requires preparation of an EIS should include consideration of the likely effects on historic properties.[43] However, neither NEPA nor Section 106 requires the preparation of an EIS solely because the proposed undertaking has the potential to adversely affect a historic property.[44] Consequently, the agency will still need to determine whether the environmental effects of the action on historic properties are "significant" (or are still "significant") within the meaning of 40 C.F.R. § 1508.27.

Opportunities for Coordination:

- Incorporate Section 106 and the EA process, including tribal consultation, into an overall project schedule that includes milestones and a tracking system.
- Develop a comprehensive communication plan for the EA, Section 106, and consultation requirements.
- Include current project descriptions in all staff level and government-to-government consultation meetings.
- Include a statement in any public notice about the project that the agency intends to comply with Section 106 as well as EA public notification requirements.
- Ensure all public communications and the EA include Section 106 information.
- Where adverse effects to historic properties are avoided, minimized, or mitigated, a FONSI may be appropriate to conclude the EA process.



The General Services Administration (GSA) received authorization and an appropriation to acquire a site and design a new $100 million, 262,970 square foot Federal courthouse in Harrisburg, Pennsylvania. GSA published its Environmental Assessment (EA) that identified three site alternatives, all of which would adversely affect historic properties. The Bethesda Mission, pictured here, was one historic property that would have been adversely affected. Due to historic preservation and other community concerns, GSA determined that none of the three sites would be selected. GSA then released a revised site selection study, considering three new sites and published a new EA that selected a site at North 6th and Reily Streets, which is adequate for the courts, serves the needs of the community, and avoids adverse effects to historic properties. The Finding of No Significant Impact was approved. (Image: Bethesda Mission)

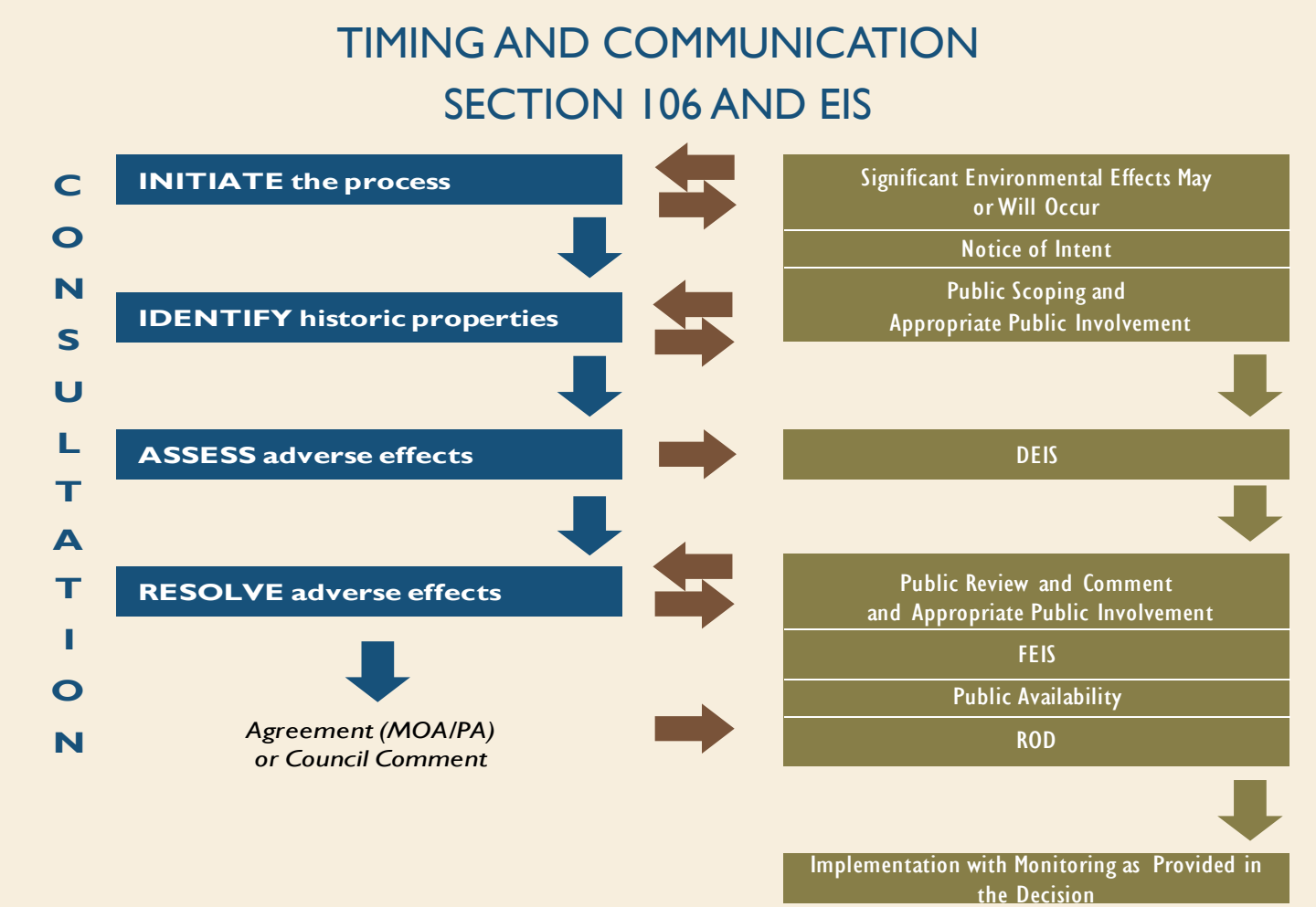
For more information, go to:

http://harrisburgcourthouse.com/

The determination of whether an undertaking…requires preparation of an EIS under NEPA, should include consideration of the undertaking's likely effects on historic properties.

A finding of adverse effect on a historic property does not necessarily require an EIS under NEPA.

36 C.F.R. § 800.8(a)(1)



Note these graphics present generic depictions of the two review processes.

C. Environmental Impact Statements

When an agency determines at the outset of the review process or through preparation of an EA that a proposed action is a major Federal action that may significantly affect the quality of the human environment, it prepares an EIS. When an EIS is prepared, the NEPA review process is concluded when a ROD is issued.[45] When coordinating preparation of an EIS with the Section 106 process, agencies are encouraged to incorporate and build upon the discussion and recommendations for EAs as outlined above.

1. Preliminary Analysis

The Federal agency should begin coordinating the EIS and Section 106 processes when developing the statement of Purpose and Need and identifying interested parties including potential cooperating agencies and consulting parties. This early effort will facilitate the development of a comprehensive schedule and tracking system that incorporates EIS, Section 106, as well as other environmental review requirements and milestones. The agency should also include tribal consultation requirements under EO 13175 and related authorities into a comprehensive communication plan to ensure the public, tribes, and consulting parties receive clear and complete information on when and how to provide their input. This will enable these parties to engage the agency in a manner that makes the best use of their time and expertise.

2. Scoping

The agency should include language in the Notice of Intent (NOI) and any notices of scoping, stating the agency's intent to discuss Section 106 and utilize scoping to partially fulfill the Section 106 public notification and consultation requirements. Scoping may be an opportunity to identify consulting parties and initiate consultation. Agencies should ensure all public communications and scoping meetings include Section

106 information. The agency should clearly describe the form and format of public meetings, hearings, or listening sessions,[46] and clarify that Section 106 will be coordinated with the EIS process; including how and when that coordination will take place. The agency should present this information in plain language so that diverse members of the public and potential consulting parties can understand what will be discussed. In addition, the public should be given enough information so that it can determine whether, or how, comments might be provided and considered by the agency.

When an EIS is being prepared, agencies consider alternatives that address the purpose and need for the action[47] and the affected environment, meaning the environment of the area to be potentially affected or created by the alternatives under consideration.[48] As stated earlier, the "cultural resources" that are to be identified and assessed as part of the affected environment include a broader array of properties than the "historic properties" defined in Section 106. For example, the identification of cultural resources when preparing an EIS might include resources such as cultural institutions, resources that embody cultural practices, and sacred sites that do not otherwise meet the definition of a historic property.

By initiating consultation with the SHPO, THPO, tribes, Native Hawaiian organizations, and other consulting parties early in the process, the agency can begin to identify historic properties and effects to historic properties before the early drafting stages of the cultural resources section of the EIS. An agency may plan the timing of Section 106 consultation and the extent and timing of sharing EIS related information with consulting parties, to maximize the opportunity for Section 106 consultation to assist in describing the affected environment and in the development of alternatives for the EIS. Consulting parties can contribute information that is relevant and timely to both procedures. Consulting parties can provide the agency with new information, suggestions, and creative options that might help it to better understand the impacts associated with its potential and proposed alternatives or in developing new alternatives. Agencies should be aware that initial alternatives might need to be reevaluated, revised, or modified as additional information about historic properties and potential effects come to light. The administrative record should document all relevant discussions and reviews.

3. Preparing the EIS

An EIS includes the analysis of the environmental impacts of each reasonable alternative. The relative scope of this analysis depends upon the level of probable effects and the complexity of the proposed alternative, and should be informed by consultation with the SHPO/THPO, affected Indian tribes, and Native Hawaiian organizations under Section 106, particularly with regard to the potential for large scale properties of religious or cultural significance. The agency should include any information obtained from the Section 106 consultation in the draft EIS sections on affected environment and impacts, subject to the confidentiality provisions of Section 304 of the NHPA. This ensures that determinations regarding which alternatives to advance for detailed analysis and which alternative is selected as the preferred alternative are made with an appropriate awareness of historic preservation concerns.

In addition to consultation, the EIS and Section 106 processes typically require specialized studies, including historic resource surveys, to fill data gaps. The EIS may need to include such studies for all alternatives, and Section 106 may require more detailed studies, particularly in the area of potential effects, for the preferred alternative. Agencies will want to establish the timing and specifications for specialized studies so that sufficient information is available to meet the requirements for both the EIS and Section 106 at each step in the compliance process, particularly with regard to the alternative that may likely be selected. Early consideration and coordination of the EIS and Section 106 processes will help achieve this, avoid duplication of effort, and lessen the risk that issues raised late in the process will require development of additional alternatives specifically to address historic property concerns.

4. Public Comment

By including Section 106 information in the Notices of Availability (NOA) and other public notices, agencies may meet the Section 106 requirements for public notification together with the EIS public review and comment requirements. The draft EIS or preliminary draft EIS can also be used to facilitate consultation efforts, including the development of draft MOAs and PAs. Public comments received by the agency should be considered in the identification of historic properties, the assessment of effects, and in the resolution of adverse effects.

5. Record of Decision

When there is a need to resolve adverse effects to historic properties, the agency develops mitigation measures that are typically memorialized in the signed MOA or PA. These documents should be included in the final EIS or ROD. Agencies and applicants should ensure there is an adequate mechanism for monitoring compliance with those measures, and that any commitments made in the final EIS and MOA or PA are supported by the appropriate authority, resources, and funding.

Opportunities for Coordination:

- Include language in any notification of scoping (including NOI) stating how it meets Section 106 public notification requirements.
- Ensure all public communications and scoping meetings include relevant Section 106 information.
- Use scoping and Section 106 consultation to identify historic resources and key issues, especially landscape level concerns.
- Develop an integrated strategy for completing studies to fill data gaps that meet information standards and timing requirements for both the EIS and Section 106 processes.
- Include information obtained from the Section 106 consultation in the draft EIS or preliminary draft EIS sections on affected environment, impacts, and potential mitigation for public review and comment to help meet Section 106 documentation requirements (remember to keep in mind confidentiality concerns).
- Include any draft MOA and PA in the Appendices of the Draft EIS. Include the draft final or final MOA or PA in an Appendix to the final EIS.
- Update the public on the status of the EIS and Section 106 reviews on agency Web sites, if available.
- Keep tribes and Native Hawaiian organizations informed by including project information and the proposed schedule at all regular meetings.
- Review comments received through the EIS process to identify any unresolved cultural, historic, and/or tribal issues.
- Where appropriate to resolve adverse effects, describe the mitigation commitments in the decision record.

V. ROAD MAP FOR SUBSTITUTION

A. Choosing Substitution

Substitution under 36 C.F.R. § 800.8(c) permits agencies to use the NEPA review to comply with Section 106 as an alternative to the process set out in 36 C.F.R. §§ 800.3-800.6. The use of a substitution approach allows agencies to use the procedures and documentation required for the preparation of an EA/FONSI or EIS/ROD to comply with the Section 106 procedures. To do so, the agency must notify the ACHP and SHPO/THPO in advance that it intends to do so and meet certain specified standards and documentation requirements as set forth in 36 C.F.R. § 800.8(c)(1). Substitution is appropriate for a proposed action for which an EA or EIS will be prepared, but not for a categorically excluded action. Those projects using a CE must follow the normal Section 106 procedures at 36 C.F.R. §§ 800.3-800.6 or an applicable program alternative.[49]

There are instances where the substitution approach might not work as well as the coordinated approach. For instance, where a project involves multiple, complicated impacts on many different types of resources, but Section 106 issues appear to be minor and straightforward, it may be more efficient to fulfill the requirements of Section 106 in a concurrent but parallel manner to avoid complicating a single review process. In addition, where a high level of public controversy or complex procedural issues have emerged over the potential impacts to historic properties, an agency might recognize the benefit of keeping the review processes separate so that attention can be focused on managing and resolving discrete controversies. The decision to substitute NEPA for Section 106 purposes may also be influenced by factors stemming from an agency's compliance with other environmental laws, such as the ESA and the Clean Water Act. The ACHP, CEQ, and other agency decision makers, as appropriate, can assist with the decision to use substitution. Prior agency experience with similar actions or projects within the same geographic area can also help to guide the decision.

The National Park Service (NPS) proposed a General Management Plan (GMP) that will provide a comprehensive direction for resource preservation and visitor use, direction for management of the Site, and a basic foundation for decision making for Abraham Lincoln Home National Historic Site for the next 15 to 20 years. The selected alternative focuses on providing visitors the opportunity to experience the historic Lincoln neighborhood as Lincoln knew it during his residence in Springfield, Illinois. This goal would be accomplished in part through rehabilitation and restoration of historic buildings and new construction within the National Historic Site. The implementation of all projects and programs stemming from the GMP is contingent upon congressional funding.

The NPS used the NEPA process to fulfill its Section 106 responsibilities in accordance with 36 C.F.R. § 800.8(c). Through Section 106 consultation, the NPS found that the GMP, as a plan without appropriated funding to implement the projects, would not affect historic properties. Consulting parties, however, anticipate the infrastructure projects stemming from the GMP to have the potential to adversely affect historic properties. Accordingly, NPS committed in its Record of Decision to meet the requirements of Section 106 when planning any of the individual projects or programs that might stem from the GMP. (Image: NPS)

To learn more about the General Management Plan and review the combined NEPA/106 documentation, go to:

http://parkplanning.nps.gov/projectHome.cfm?projectID=13436

The Federal Transit Administration (FTA) proposed a grant to the Regional Transportation District (RTD) of Denver, Colorado, for the construction of the Gold Line, an 11.2-mile electric commuter rail transit line. FTA notified the ACHP and the Colorado State Historic Preservation Office (SHPO) of its intent to use the NEPA process for Section 106 purposes in accordance with 36 C.F.R. § 800.8(c). Through Section 106 consultation, the FTA found that the preferred alternative would adversely affect several historic properties. FTA also found it was necessary to phase the identification, evaluation, and assessment of effects to archaeological sites on properties inaccessible prior to the approval of the grant. FTA documented its commitment to phased identification and mitigation measures in a Section 106 Memorandum of Agreement (MOA). The Record of Decision was approved in 2009, and the project is currently under construction. (Image: RTD)

For more information, go to:

http://www.rtd-fastracks.com/gl_3

An agency official may use the process and documentation required for the preparation of an EA/FONSI or an EIS/ROD to comply with Section 106 in lieu of the procedures in §§ 800.3—800.6 if the agency official has notified in advance the SHPO/THPO and the ACHP that it intends to do so and the…standards are met [as provided in 36 C.F.R. §800.8(c)(1)].
36 C.F.R. § 800.8(c)

Early in the project planning stage, an agency should consider the following questions when determining whether substitution under 36 C.F.R. § 800.8(c) is appropriate:

- Will the Federal agency be actively involved in the development of the NEPA document (as opposed to an applicant, project sponsor, or contractor) and therefore be able to ensure its consultation responsibilities are being met?
- Are the agency delegations of authority and staff and other resources well positioned to support the substitution process?
- Will a single participation process enhance public engagement?
- Will substitution enhance the opportunity to resolve adverse effects because resource conflicts are related, or will it complicate other analyses?

Agencies will generally be able to answer "yes" to the majority of these questions for projects that make good candidates to the substitution approach.

The substitution approach requires advance planning to ensure that the NEPA review will meet the standards set forth in 36 C.F.R. § 800.8(c)(1). The substitution approach can clearly save time and documentation where an agency's undertaking would have adverse effects on multiple historic properties and cultural resources and the agency is preparing an EIS. The agency may document the final resolution of adverse effects in the ROD and if the ROD is used in this way, then the agency is not required to develop a separate Section 106 agreement document to conclude the Section 106 process.[50]

B. Meeting the Substitution Procedural Requirements and Standards

The substitution process requires that during the preparation of an EA or EIS, agencies must meet certain procedural requirements set out in 36 C.F.R. § 800.8(c) (1), (2), (3), and (4) and the four "standards," set out in 36 C.F.R.§ 800.8(c)(i)-(iv). The requirements and standards of the substitution process and advice on how to meet them during a NEPA review are outlined below. Attachment C to this handbook provides a checklist for

practitioners to use in preparing or reviewing a draft EIS or EA used for Section 106 purposes. This checklist should be particularly helpful for those practitioners working through the substitution approach for the first time.

1. Notification (36 C.F.R. § 800.8(c))

An agency must provide advance notice to the ACHP and SHPO/THPO that it intends to use the process and documentation for preparing an EA/FONSI or EIS/ROD to comply with Section 106 in lieu of 36 C.F.R. § 800.3 through § 800.8. Agencies may prepare a comprehensive project schedule and communication plan at this time to assist with internal coordination and timely completion of all substitution requirements. Roles and responsibilities should be clearly specified. This is also a good opportunity to ensure that agency decision making authority and staff and other resources are aligned to support successful execution of the plan.

2. Identifying Consulting Parties (36 C.F.R. § 800.8(c)(1)(i))

Section 106 is predicated on the active involvement of consulting parties. Agencies must keep them informed and engaged. An agency intending to use 36 C.F.R. §800.8(c) must identify consulting parties (standard 36 C.F.R. § 800.8(c)(1)(i)) during NEPA scoping consistent with the comprehensive project schedule and communication plan. Identifying and engaging diverse consulting parties (as defined in 36 C.F.R. § 800.2(c)) at this time is vital to explain the structure and context of the substitution process and to avoid potential confusion about the forthcoming NEPA process and documentation. Stakeholders may be unfamiliar with the substitution process, and agencies should explain the opportunities for enhancing stakeholder participation, as well as the efficiencies for the agency, and be prepared to respond to questions. The agency must ensure all consulting parties are included in any notification and distribution lists for NEPA documents, and that the ACHP is included in the notification and distribution when the agency is preparing a draft EIS and EIS.[51]

3. Identifying Historic Properties (36 C.F.R. § 800.8(c)(1)(ii)) & Involving the Public (36 C.F.R. § 800.8(c)(1)(iv))

As an agency develops its alternatives for an EA or EIS, it must determine its area of potential effects and make a reasonable and good faith effort to identify historic properties in the area of potential effects.[52] This effort must include consultation with consulting parties. Agencies may phase the scope and timing of their identification efforts to synchronize with their consideration of alternatives in the NEPA process, provided consideration of historic properties is commensurate with the assessment of other environmental factors. Where large land areas or large corridors are involved, final identification and evaluation of properties may be deferred through execution of a PA or in the ROD. When an agency defers completion of final identification of historic properties, it should establish the likely presence of historic properties for each alternative through background research, consultation, and the appropriate level of field identification, taking into account the number of alternatives, the magnitude of the undertaking and its likely effects, and the views of the SHPO/THPO and any other consulting party.[53]

The results of the agency's identification and evaluation efforts must be clearly identified in the NEPA documents so that agencies may effectively use draft NEPA documents as a way to share information with the public[54] and consulting parties during public comment periods. If draft documents are not normally made available for public review and comment (such as preliminary draft EISs or draft EAs), agencies will need to consider how they will provide that information to the public and consulting parties. Providing the public the opportunity to review NEPA documents without an opportunity to provide comments will typically not be sufficient to satisfy Section 106 public involvement requirements.

4. Consulting on Effects (36 C.F.R. § 800.8(c)(1)(iii))

The NEPA documentation must clearly state the agency's determination of effect, and this information must be provided to the SHPO/THPO and other consulting parties for their review and comment. To focus and help expedite the consulting party's review, the agency can send a draft or final NEPA document to the consulting parties and inform them where the relevant Section 106 information is located and how the NEPA document does or will address Section 106 findings and determinations. Where the Section 106 process can be concluded with a finding that no historic properties are affected or that there are no adverse effects, the agency must clearly state that finding in the final NEPA document (EA or EIS).

5. Resolving Adverse Effects (36 C.F.R. § 800.8(c)(1)(v))

Where the assessment of effects finds that there are potential adverse effects to historic properties, the agency consults to develop alternatives and proposed measures that might avoid, minimize, or mitigate those adverse effects. Substitution does not relieve an agency of its Section 106 responsibility to resolve adverse effects to historic properties through consultation. Alternatives and proposed measures that are developed through that consultation must be described in the EA, draft EIS (DEIS), or EIS. The description in the NEPA document should not be the first time the consulting parties see the measures proposed for resolving adverse effects.

6. Providing Opportunity for Review and Objection (36 C.F.R. §§ 800.8(c)(2-3))

Agencies must submit the EA, DEIS, or EIS to the SHPO/THPO and other consulting parties for review. A DEIS or final EIS must also go to the ACHP for review.[55] During or prior to the time allowed for public review and comment during the EA or EIS process or the review required by Section 800.8(c)(2)(i) (if these do not coincide), a consulting party may report an objection to the agency that the process has not met the standards of Section 800.8(c)(1) or that the resolution of adverse effects is inadequate.[56] Consequently, the comprehensive project schedule must include sufficient time for the opportunity for review and the possibility of an objection. Agencies planning to publish a Record of Decision 30 days after the publication of the final EIS should note that the opportunity for review and objection must occur prior to publication of the final EIS.

If there is an objection, the agency shall refer the objection to the ACHP for its opinion, which the ACHP has 30 days to provide.[57] If the ACHP does not agree with the objection or does not respond within 30 days, the agency may proceed to conclude its NEPA and Section 106 reviews. When the ACHP agrees with the objection, the agency takes the ACHP opinion into account in reaching a final decision regarding the issue following the process set out at 36 C.F.R. § 800.8(c)(3)(i).

7. Terminating the Substitution Process

If, as the result of an objection under 36 C.F.R. § 800.8(c)(2)(ii) or during consultation to resolve adverse effects, disagreement reaches a point where the substitution process is no longer prudent, then agencies may return to the appropriate step in the standard Section 106 process with notification to consulting parties. This notification must be in writing and state how previous steps met the standard procedural requirements and how the agency intends to meet the remaining Section 106 procedural requirements. If such a situation arises, the agency should consider meeting with all consulting parties to explain the specifics of complying with Section 106 and how it will continue to engage consulting parties. It is also helpful for the agency to develop a comprehensive project schedule to avoid unnecessary delays. The agency can still make use of opportunities to coordinate the remaining steps in the Section 106 process with the remaining NEPA review process, as outlined earlier in this handbook.

8. Concluding the Substitution Process (36 C.F.R. § 800.8(c)(4))

Following review of the EA, DEIS, or EIS and resolution of any objections under 36 C.F.R. § 800.8(c)(3) and before approving the undertaking, the agency must conclude the Section 106 substitution process. If, during preparation of the EA or EIS, an agency found there were no adverse effects to historic properties from the

proposed undertaking, it documents this in the EA or EIS.

When the agency is preparing an EA and there are adverse effects to historic properties, then the agency will have to develop an MOA (or a PA under 36 C.F.R. § 800.14(b)) or consider formal ACHP comments to conclude the Section 106 process before making the decision whether to proceed with the proposed action. A FONSI should make it clear that adverse effects have been resolved and an MOA, PA, or formal ACHP comment process was concluded. Use of a mitigated FONSI does not replace the requirement and procedures in the regulations implementing Section 106 to conclude the process with an MOA, PA, or ACHP comment.

If during preparation of an EIS, an agency finds there would be adverse effects from the proposed undertaking, it must document the resolution of those effects in one of the following ways: (1) incorporating a description of the agency's binding commitment to measures to avoid, minimize, or mitigate such effects in the ROD, if such measures were proposed in the DEIS or EIS and available for the consulting parties' review and opportunity to object; (2) executing an MOA in compliance with 36 C.F.R. § 800.6(c); or (3) receiving ACHP formal comments under 36 C.F.R. § 800.7 and responding to them. When an agency makes a binding commitment to mitigation measures in the ROD, the ROD should be specific regarding who will do what. The ROD should also include such administrative provisions as a process for any continued consultation during implementation, timelines for implementation, procedures for post-review discoveries, a dispute resolution process, and a provision addressing future changes to the undertaking as described in 36 C.F.R. § 800.8(c)(5).

A final point to consider is whether the proposed action is a program or complex action occurring in stages. For example, when a programmatic EA or EIS is being completed and there will be subsequent project specific NEPA documents, a PA may be used to conclude the Section 106 process for the programmatic EA or EIS. A PA will document the agreement of signatories on a process for ongoing or future Section 106 responsibilities. In instances where an agency believes that future flexibility may be needed, a PA can include amendment and dispute resolution procedures.

C. Challenges of the Substitution Process

The timing of the decision to pursue a substitution approach is extremely important. This decision must be made very early in the planning process and before either the Section 106 or NEPA review is substantively underway.[58]

At that early stage, agencies should devise a strategy for involving the SHPO, THPO, and consulting parties and for meeting the requirements of 36 C.F.R. § 800.8(c)(1)-(2). A good working relationship with the relevant SHPO or THPO will help the substitution approach move forward more smoothly. Consider any agency-specific policies or practices that might complicate the process, such as delegation to local governments or applicants to act in the Federal agency's stead. In addition, take into consideration those responsibilities, including government-to-government consultation with Indian tribes that cannot be delegated. Finally, consider whether the SHPO is involved in a state environmental review, in which case the scope of their state role and authority needs to be taken into consideration. This could include a state environmental review with overlapping requirements that have distinct provisions.

VI. EMERGENCY PROCEDURES

The NEPA and Section 106 regulations both include provisions for emergency situations, which would include natural disasters and security threats. Under NEPA, agencies must consult with CEQ to receive alternative arrangements for actions with potentially significant environmental impacts that must be taken in a time frame that does not allow for the normal EIS process.[59] Under Section 106, when an emergency represents an immediate threat to life or property, or is officially declared by the President, a tribal government, or a state governor, an agency may expedite consultation through notification to the ACHP and SHPO/THPO and provide an abbreviated opportunity to comment, instead of following the standard process in 36 C.F.R. §§ 800.3-800.6. This provision only applies to undertakings that will be implemented within 30 days after the emergency declaration.

The National Disaster Recovery Framework[60] provides a structure for disaster recovery efforts that encourages coordination among state and Federal agencies, nongovernmental partners, and other stakeholders. Agencies are encouraged to use the NEPA and Section 106 coordination and substitution advice provided in this handbook to expedite their support to communities for recovery actions.

In addition, agencies are encouraged by the ACHP to collaborate with consulting parties in advance of a disaster to develop procedures that respond to the effects of disasters on historic properties and are responsive to agency programs. Once these procedures are approved by the ACHP, such procedures will govern the agency's compliance with Section 106.[61]

TIP:
Over the years, FEMA has developed template language that it proposes to consulting parties when drafting a Statewide PA. A Statewide PA is an umbrella agreement that sets forth compliance procedures for pre- and post-disaster recovery programs authorized by FEMA. This template language is meant to provide FEMA a consistent approach for their Statewide PAs to help expedite the Section 106 process for their assistance and grant programs. Statewide PAs can help states prepare for emergency situations and improve coordination when emergencies occur. FEMA may include in a Statewide PA provisions that authorize other agencies to operate under its terms. They may also allow FEMA to comply with its own Section 106 responsibilities with regard to an undertaking by adopting the findings of another agency that has already completed its Section 106 review of the same undertaking.

VII. TIMING OF DECISIONS AND CONTINUING COLLABORATION

The goal of the Section 106 process is for agencies to identify historic properties potentially affected by a proposed undertaking, assess the effects of the undertaking, and seek ways to avoid, minimize, or mitigate any adverse effects. The initiation of Section 106 should occur early in project planning and in advance of an agency making binding decisions regarding the location, design, and siting of a project. By statute, the Section 106 requirements must be met prior to an agency approving the expenditure of funds on an undertaking (other than funds for non-destructive planning) or prior to issuance of a license, permit, or approval needed by the undertaking. Further, an agency must complete the NEPA and Section 106 reviews before signing a decision document.

The NEPA review may conclude with a CE, a FONSI, or a ROD. Under CEQ regulations, CEs, EAs, FONSIs, and EISs are not decision documents. Agencies should avoid issuing NEPA documents that present a final agency decision before they have completed their Section 106 process because the Section 106 process may result in a finding that requires the NEPA document to be revised or supplemented.

If the undertaking is modified after approval of the FONSI or the ROD in a manner that changes the undertaking or alters its effects on historic properties, or if the agency official fails to ensure that the measures to avoid, minimize, or mitigate adverse effects (as specified in either the FONSI or the ROD, or in the binding commitment in the MOA) are carried out , then the agency must notify the ACHP and all consulting parties that supplemental NEPA documentation will be completed or that the agency will revert to the standard Section 106 process by completing the procedures in 36 C.F.R. §§ 800.3-800.6, as necessary.[62] The supplemental process must be coordinated with consulting parties and meet the same requirements under 36 C.F.R. § 800.8(c) as the original NEPA documentation in those cases where the agency is continuing the substitution approach and not reverting to the standard Section 106 process.

Although CEQ's regulations allow an agency to adopt another agency's EA or EIS to fulfill its NEPA requirements,[63] such an adoption on its own may not fulfill the adopting agency's Section 106 responsibilities unless specifically written into a Section 106 compliance agreement. Such a stipulation in an MOA or PA should be explicit regarding how another Federal agency may join the process and sign the agreement at a later date should its role in the program or undertaking be defined after the agreement has been executed. In the event that such a stipulation is not included in an MOA or PA, an agency should consult with the appropriate SHPO/THPO, ACHP, and other consulting parties to determine the necessity and extent of any further Section 106 review.

When mitigation is used to resolve adverse effects, agencies should incorporate the monitoring of Section 106 mitigation measures with mitigation monitoring under NEPA, ESA, or other environmental review laws and track them concurrently. In 2011, CEQ issued guidance about the importance of monitoring mitigation measures that agencies commit to making when they finalize their NEPA documents and issue their decision, both for ensuring that the mitigation commitments are implemented and for assessing their efficacy in mitigating the action's impacts to the environment.[64] Consistent with the basic NEPA tenets of public participation, as well as recent executive directives on openness and transparency in government, the guidance encourages agencies to make information about mitigation monitoring available to the public. Similarly, agencies resolving adverse effects to historic properties under 36 C.F.R. § 800.8(c), particularly when formalizing the mitigation through a ROD rather than MOA or PA, should ensure that the monitoring and reporting on the status of agreed-upon mitigation is available to consulting parties and the general public as the action proceeds. An example of how the agency can meet this obligation is to post regular status reports on the implementation of the project's mitigation measures on its Web site.

VIII. LESSONS LEARNED AND BEST PRACTICES

Finally, whether using coordination or substitution, it is important to keep track of any lessons learned to share within the agency or with other agencies to assist in making the process more efficient and manageable in the future. Best management practices should also be shared with CEQ and the ACHP and made available on agency Web sites. If agencies that have mastered the use of substitution share their successes, then other agencies may be more amenable to applying this process to their actions and take the opportunity to garner similar benefits. By sharing information, CEQ and the ACHP can also determine the type of training that will be most helpful to diverse practitioners and stakeholders. Sharing information also enables CEQ and the ACHP to stay abreast of trends that inform our policies and procedures.

IX. CONCLUSION

This handbook is intended to help NEPA and Section 106 practitioners administer or participate in NEPA and Section 106 processes in an effective and efficient manner in the 21st century. Going forward, the NEPA and Section 106 review processes should never be considered in isolation or as sequential environmental reviews that never intersect and operate under different schedules and requirements. The current paradigm for environmental reviews advanced by CEQ and the ACHP envision these reviews occurring simultaneously, continually exchanging information, and allowing determinations and recommendations in one to inform the other. Coordination or substitution not only improves the efficiency of the review procedures, but ultimately allows for the fullest consideration of effects to historic properties. Rather than allowing the lag in initiating Section 106 reviews to result in delays in NEPA review, the Section 106 process should be integrated with the NEPA review process–either through coordination or substitution.

The ultimate goal for both NEPA environmental reviews and Section 106 is to ensure the Federal Government considers the effects of its actions upon the environment, acts in the public interest, works efficiently, and makes decisions in an open, efficient, and transparent manner. Integrating the NEPA and Section 106 review processes fulfills the goals set forth in NEPA and the CEQ regulations, and by the ACHP in its Section 106 regulations. These significant environmental reviews have been in existence for almost five decades and are still relevant. By applying this handbook to future reviews, environmental and historic review processes will be synchronized to improve the overall decision making for proposed projects.

X. ENDNOTES

1. 40 C.F.R. § 1501.2.
2. "Modernizing NEPA Implementation," Section 7.2.1, *available at* http://ceq.hss.doe.gov/ntf/report/index.html.
3. 40 C.F.R. § 1501.2.
4. Memorandum for Heads of Federal Departments and Agencies, Improving the Process for Preparing Efficient and Timely Environmental Reviews under the National Environmental Policy Act, March 6, 2012, *available at* http://ceq.hss.doe.gov/current_developments/docs/Improving_NEPA_Efficiencies_06Mar2012.pdf.
5. 36 C.F.R. § 800.16(y).
6. See 40 C.F.R. § 1508.27 (defining significantly).
7. 36 C.F.R. § 800.6.
8. 36 C.F.R. § 800.7(c).
9. 16 USC § 470w(5).
10. See 36 C.F.R. § 60.4 (listing the eligibility criteria for the National Register).
11. 36 C.F.R. § 800.16(l)(1).
12. See 40 C.F.R. § 1502.14 (requiring an agency to rigorously explore and objectively evaluate all reasonable alternatives, and to devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits); CEQ NEPA's Forty Most Asked Questions, Question 5.b., *available at* http://ceq.hss.doe.gov/nepa/regs/40/40p3.htm.
13. 36 C.F.R. § 800.16(d).
14. 40 C.F.R. § 1506.6
15. 36 C.F.R. § 800.2(d)(2)
16. 36 C.F.R. § 800.2(d)(1)
17. 36 C.F.R. § 800.2(a)(4)
18. 36 C.F.R. § 800.2(a)(4)
19. 36 C.F.R. § 800.1(a).
20. 36 C.F.R. § 800.16(f)
21. 40 C.F.R. §§ 1501.6,1508.5; Memorandum for the Heads of Federal Agencies, Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act, January 30, 2002, *available at* http://ceq.hss.doe.gov/nepa/regs/cooperating/cooperatingagenciesmemorandum.html; Memorandum for the Heads of Federal Agencies, Designation of Non-Federal Agencies to be Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act, July 28, 1999, *available at* http://ceq.hss.doe.gov/nepa/regs/ceqcoop.pdf.
22. 16 U.S.C. 470a(d). See also Consultation with Native Hawaiian Organizations in the Section 106 Review Process: A Handbook, June 2011, *available at* http://www.achp.gov/Native%20Hawaiian%20Consultation%20Handbook.pdf; Consultation with Indians Tribes in the Section 106 Review Process: A Handbook, June 2012, *available at* http://www.achp.gov/pdfs/consultation-with-indian-tribes-handbook-june-2012.pdf. See also U.S Department of Housing and Urban Development, Tribal Directory Assessment Tool (TDAT) v2.0, *available at* http://egis.hud.gov/tdat/Tribal.aspx.
23. 40 C.F.R. § 1502.15.
24. 16 U.S.C. 470w-3.
25. 40 C.F.R. § 1505.2
26. 16 U.S.C. 470h-2(l).
27. 36 C.F.R. § 800.7.
28. 36 C.F.R. § 800.7 (c)(4)
29. 16 U.S.C. 470f.
30. 36 C.F.R. § 800.1(c)
31. 36 C.F.R. § 800.2(c)(4).
32. 40 C.F.R. § 1508.4.
33. 36 C.F.R. § 800.8(b).

34. 40 C.F.R. § 1508.27(b)(8).
35. 40 C.F.R. § 1508.9.
36. 36 C.F.R. § 800.3(c), (f); 40 C.F.R. § 1501.7.
37. 36 C.F.R. § 800.5(a)(1).
38. See 40 C.F.R. § 1508.27 (defining significantly).
39. See 36 C.F.R. § 800.11(a) (providing for adequacy of Section 106 documentation).
40. 40 C.F.R. § 1508.20.
41. Memorandum for the Heads of Federal Agencies, Appropriate Use of Mitigation and Monitoring and Appropriate Use of Mitigated Findings of No Significant Impact, January 14, 2011, *available at* http://ceq.hss.doe.gov/current_developments/docs/Mitigation_and_Monitoring_Guidance_14Jan2011.pdf.
42. See 36 C.F.R. § 800.6(b) (instructing the Federal agency official to consult with the SHPO/THPO and other consulting parties to seek ways to avoid, minimize, or mitigate the adverse effects to historic properties).
43. 36 C.F.R. § 800.8(a)(1).
44. 16 U.S.C. 470h-2(i); 36 C.F.R. § 800.8(a)(1).
45. 40 C.F.R. § 1505.2.
46. 40 C.F.R. § 1501.7; See 40 C.F.R. § 1506.6.
47. 40 C.F.R. § 1502.14.
48. 40 C.F.R. § 1502.15.
49. 36 C.F.R. § 800.8(b).
50. 36 C.F.R. § 800.8(c)(4)(i)(A).
51. 36 C.F.R. § 800.8(c)(2)(i).
52. 36 C.F.R. 800.8(c)(1)(ii).
53. 36 C.F.R. § 800.4(b)(2)
54. 36 C.F.R. 800.8(c)(1)(iv).
55. 36 C.F.R. § 800.8(c)(2)(i).
56. 36 C.F.R. § 800.8(c)(2)(ii).
57. 36 C.F.R. § 800.8(c)(2)(ii), (c)(3).
58. See 36 C.F.R. § 800.8(c) ("an agency official may use the [substitution process] … if the agency official has notified in advance the SHPO/THPO and the Council that it intends to do so …").
59. 40 C.F.R. § 1506.11.
60. National Response Framework, January 2008, *available at* http://www.fema.gov/pdf/emergency/nrf/nrf-core.pdf.
61. 36 C.F.R. § 800.12.
62. 36 C.F.R. § 800.8(c)(5).
63. 40 C.F.R. § 1506.3; Memorandum for Heads of Federal Departments and Agencies, Improving the Process for Preparing Efficient and Timely Environmental Reviews under the National Environmental Policy Act, March 6, 2012, *available at* http://ceq.hss.doe.gov/current_developments/docs/Improving_NEPA_Efficiencies_06Mar2012.pdf.
64. Memorandum for Heads of Federal Departments and Agencies, Appropriate Use of Mitigation and Monitoring and Appropriate Use of Mitigated Findings of No Significant Impact, January 14, 2011, *available at* http://ceq.hss.doe.gov/current_developments/docs/Mitigation_and_Monitoring_Guidance_14Jan2011.pdf.

ATTACHMENT A
DEFINITIONS AND TRANSLATIONS

The Advisory Council on Historic Preservation (ACHP) advises Federal agencies to coordinate compliance with Section 106 of the National Historic Preservation Act (NHPA) and the procedures in the regulations implementing Section 106, "Protection of Historic Properties" (36 C.F.R. Part 800), with steps taken to meet the requirements of the National Environmental Policy Act (NEPA). The ACHP recommends that participants in the Section 106 process and NEPA practitioners familiarize themselves with the vocabulary of the two processes in order to better understand the relationship between the requirements and to realize opportunities to avoid unnecessary duplication of effort. The following is a selection of defined terms with highlighted comparisons and contrasts regarding their use in the NEPA and NHPA contexts.

TERM/PHRASE	NEPA	NHPA
Cultural Resources (NEPA)/ Historic Properties (Section 106)	Effects considered under NEPA include cultural and historic. [40 C.F.R. § 1508.8]	Any prehistoric or historic district, site, building structure, or object included in or eligible for inclusion in the National Register of Historic Places. [36 C.F.R. § 800.16.(l)(1)] Properties of religious and cultural significance to Indian tribes and Native Hawaiian organizations may be determined to be eligible for inclusion in the National Register. [16 U.S.C. 470a(d)(6)(A)]
Federal Action (NEPA)/ Undertaking (Section 106)	Federal actions includes activities entirely or partially financed, assisted, conducted, regulated, or approved by Federal agencies. Federal actions include adopting policies such as, rules or regulations; adopting plans; adopting programs; or approving projects; ongoing activities; issuing permits; or financing projects completed by another entity. [40 C.F.R. § 1508.18]	A project, activities, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license, or approval. [36 C.F.R. § 800.16(y)]
Affected Environment (NEPA)/ Area of Potential Effects (Section 106)	The environment of the area(s) to be affected or created by the alternatives under consideration. [40 C.F.R. § 1502.15]	The geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking. [36 C.F.R. § 800.16(d)]
Significance (NEPA)/ Significant (Section 106)	Used to describe the level of impact a proposed action may have. Context and intensity have to be evaluated when assessing significance. Context is described below; intensity refers to the severity of the impact, in whatever context(s) it occurs.	Use to describe the historic resource that has certain character defining features that make it historically significant and therefore eligible for listing in the National Register with the requisite integrity. See National Register of Historic Places eligibility criteria. [40 C.F.R. § 60.4]
Significant Impact (NEPA)/ Adverse effect (Section 106)	See Significance (NEPA) above.	Alteration to the characteristics of a historic property that qualify it for inclusion in the National Register of Historic Places in a manner that would diminish its integrity. [36 C.F.R. § 800.5(a)(1)]

TERM/PHRASE	NEPA	NHPA
Public Involvement (NEPA)/ Consultation (Section 106)	Agencies shall provide notice of NEPA-related public hearings or meetings and the availability of environmental documents. They shall solicit information and comments from the public, and make EISs and their supporting documentation available subject to the Freedom of Information Act. [40 C.F.R. § 1506.6]	The process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them. [36 C.F.R. § 800.16(f)] Agencies are required to consult with certain parties (see below) and give the public an opportunity to comment.
Stakeholders (NEPA)/ Consulting Parties (Section 106)	The term "stakeholder" is used throughout this handbook to refer to potentially impacted entities, including members of the public, who participate in some part of the NEPA process.	Parties that have consultative roles in the Section 106 process, including SHPOs; THPOs; Indian tribes; Native Hawaiian organizations; representatives of local governments; applicants for Federal assistance, permits, licenses, and other approvals; the ACHP; and other individuals and organizations with a demonstrated interest in the undertaking or the affected historic properties. [36 C.F.R. § 800.2(c)]
Cooperating Agency (NEPA)/ Consulting Party (Section 106)	Any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment. A state or local agency of similar qualifications or, when the effects are on a reservation, an Indian tribe, may by agreement with the lead agency become a cooperating agency. [40 C.F.R. § 1508.5]	See Consulting Party (Section 106) above.
Context	"Context" is the geographic biophysical, and social context in which the effects will occur. The CEQ regulations [40 C.F.R. § 1508.27] mention society as a whole, the region, and affected interests as examples of context. Considering contexts does not mean giving greater attention to, for example, effects on society as a whole than to effects on a local area. The importance of a small-scale impact must be considered in the context of the local area and not dismissed because it lacks impacts on larger areas.	"Historic context" or "context" is background information gathered to evaluate the historic significance of a historic property.
Mitigation	Mitigation includes avoiding the impact altogether by not taking a certain action or parts of an action; minimizing impacts by limiting the degree or magnitude of the action and its implementation; rectifying the impact by repairing, rehabilitating, or restoring the affected environment; reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and compensating for the impact by replacing or providing substitute resources or environments. [40 C.F.R. § 1508.20]	A measure to resolve specific adverse effects to identified historic property or properties by offsetting such effects. A nexus is required between the mitigation measure(s) and the adverse effects to historic properties.

TERM/PHRASE	NEPA	NHPA
Type of Effects/ Impacts	Effects and impacts are synonymous terms under NEPA. The magnitude, duration, and timing of the effect to different aspects of the human environment are evaluated in the impact section of an EA or an EIS for their significance. Effects can be beneficial or adverse, and direct, indirect, or cumulative. [40 C.F.R. § 1508.8]	An "effect" means alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register of Historic Places. [36 C.F.R. § 800.16(i)] Adverse effects are described above and may include direct, indirect, or cumulative effects.
Cumulative Effects	The impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertaking such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. [40 C.F.R. § 1508.7] An individual action may not have much effect, but it may be part of a pattern of actions whose combined effects on a resource are significant.	Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance, or be cumulative. [36 C.F.R. § 800.5(a)(1)] While the Section 106 regulations do not define "cumulative effects," the CEQ regulation definition of "cumulative impact" is analogous and instructive.
Indirect Effects	Reasonably foreseeable impacts that occur later in time or are further removed in distance from the proposed action. [40 C.F.R. § 1508.8] These are often referred to as "downstream" impacts, or future impacts.	Indirect effects may change the character of the property's use or physical features within the property's setting that contribute to its historic significance; are often audible, atmospheric, and visual effects; and may relate to viewshed issues.
Direct Effects	An impact that occurs as a result of the proposal or alternative in the same place and at the same time as the action. Direct effects include actual changes to cultural or historic resources. [40 C.F.R. § 1508.8]	A direct effect to a historic property would include demolition of a historic building, major disturbance of an archaeological site, or any other actions that occur to the property itself.

ATTACHMENT B
TEXT OF 36 C.F.R. § 800.8(c)

Use of the NEPA process for Section 106 purposes. An agency official may use the process and documentation required for the preparation of an EA/FONSI or an EIS/ROD to comply with section 106 in lieu of the procedures set forth in §§ 800.3 through 800.6 if the agency official has notified in advance the SHPO/THPO and the Council that it intends to do so and the following standards are met.

(1) *Standards for developing environmental documents to comply with Section 106*. During preparation of the EA or draft EIS (DEIS) the agency official shall:

(i) Identify consulting parties either pursuant to § 800.3(f) or through the NEPA scoping process with results consistent with § 800.3(f);

(ii) Identify historic properties and assess the effects of the undertaking on such properties in a manner consistent with the standards and criteria of §§ 800.4 through 800.5, provided that the scope and timing of these steps may be phased to reflect the agency official's consideration of project alternatives in the NEPA process and the effort is commensurate with the assessment of other environmental factors;

(iii) Consult regarding the effects of the undertaking on historic properties with the SHPO/THPO, Indian tribes and Native Hawaiian organizations that might attach religious and cultural significance to affected historic properties, other consulting parties, and the Council, where appropriate, during NEPA scoping, environmental analysis, and the preparation of NEPA documents;

(iv) Involve the public in accordance with the agency's published NEPA procedures; and

(v) Develop in consultation with identified consulting parties alternatives and proposed measures that might avoid, minimize or mitigate any adverse effects of the undertaking on historic properties and describe them in the EA or DEIS.

(2) *Review of environmental documents*.

(i) The agency official shall submit the EA, DEIS or EIS to the SHPO/THPO, Indian tribes and Native Hawaiian organizations that might attach religious and cultural significance to affected historic properties, and other consulting parties prior to or when making the document available for public comment. If the document being prepared is a DEIS or EIS, the agency official shall also submit it to the Council.

(ii) Prior to or within the time allowed for public comment on the document, a SHPO/THPO, an Indian tribe or Native Hawaiian organization, another consulting party or the Council may object to the agency official that preparation of the EA, DEIS or EIS has not met the standards set forth in paragraph (c)(1) of this section or that the substantive resolution of the effects on historic properties proposed in an EA, DEIS or EIS is inadequate. If the agency official receives such an objection, the agency official shall refer the matter to the Council.

(3) *Resolution of objections*. Within 30 days of the agency official's referral of an objection under paragraph (c)(2)(ii) of this section, the Council shall review the objection and notify the agency as to its opinion on the objection.

(i) If the Council agrees with the objection:

(A) The Council shall provide the agency official and, if the Council determines the issue warrants it, the head of the agency with the Council's opinion regarding the objection. A Council decision to provide its opinion to the head of an agency shall be guided by the criteria in appendix A to this part. The person to whom the Council addresses its opinion (the agency official or the

head of the agency) shall take into account the Council's opinion in reaching a final decision on the issue of the objection.

(B) The person to whom the Council addresses its opinion (the agency official or the head of the agency) shall prepare a summary of the decision that contains the rationale for the decision and evidence of consideration of the Council's opinion, and provide it to the Council. The head of the agency may delegate his or her duties under this paragraph to the agency's senior Policy Official. If the agency official's initial decision regarding the matter that is the subject of the objection will be revised, the agency official shall proceed in accordance with the revised decision. If the final decision of the agency is to affirm the initial agency decision, once the summary of the final decision has been sent to the Council, the agency official shall continue its compliance with this section.

(ii) If the Council disagrees with the objection, the Council shall so notify the agency official, in which case the agency official shall continue its compliance with this section.

(iii) If the Council fails to respond to the objection within the 30 day period, the agency official shall continue its compliance with this section.

(4) *Approval of the undertaking*. If the agency official has found, during the preparation of an EA or EIS that the effects of an undertaking on historic properties are adverse, the agency official shall develop measures in the EA, DEIS, or EIS to avoid, minimize, or mitigate such effects in accordance with paragraph (c)(1)(v) of this section. The agency official's responsibilities under Section 106 and the procedures in this subpart shall then be satisfied when either:

(i) a binding commitment to such proposed measures is incorporated in

(A) the ROD, if such measures were proposed in a DEIS or EIS; or

(B) an MOA drafted in compliance with § 800.6(c); or

(ii) the Council has commented under § 800.7 and received the agency's response to such comments.

(5) *Modification of the undertaking*. If the undertaking is modified after approval of the FONSI or the ROD in a manner that changes the undertaking or alters its effects on historic properties, or if the agency official fails to ensure that the measures to avoid, minimize or mitigate adverse effects (as specified in either the FONSI or the ROD, or in the binding commitment adopted pursuant to paragraph (c)(4) of this section) are carried out, the agency official shall notify the Council and all consulting parties that supplemental environmental documents will be prepared in compliance with NEPA or that the procedures in §§ 800.3 through 800.6 will be followed as necessary.

ATTACHMENT C
CHECKLIST FOR SUBSTITUTION

This checklist was developed by the Advisory Council on Historic Preservation (ACHP) as a guide for those preparing or reviewing a NEPA document – Environmental Impact Statement (EIS) or Environmental Assessment (EA) – used for Section 106 purposes in accordance with Section 800.8(c) of the Section 106 implementing regulations, "Protection of Historic Properties" (36 C.F.R. Part 800). The checklist is based on the standards for developing environmental documents to comply with Section 106 at 36 C.F.R. § 800.8(c)(1). Ideally, the preparer or reviewer will be able to answer "yes" to all items.

NOTIFICATION	YES	NO	COMMENTS
Did the agency notify *in advance* the SHPO/THPO and the ACHP of its intent to use the NEPA process for Section 106 purposes?			
Is the notification correspondence included in the EA/DEIS or appendices?			
IDENTIFICATION OF CONSULTING PARTIES	**YES**	**NO**	**COMMENTS**
Is the effort to identify consulting parties described in the EA/DEIS?			
Is a list of the consulting parties provided in the EA/DEIS?			
Are all consulting parties included? (Indian tribes, Native Hawaiian organizations, local governments, applicants, and/or other consulting parties)			
Has the agency reviewed and responded to all requests to be consulting parties? Has the agency documented the exchange in its administrative record?			
IDENTIFICATION OF HISTORIC PROPERTIES	**YES**	**NO**	**COMMENTS**
Is the effort to identify historic properties of all types (buildings, structures, objects, districts, and sites) described, including the Area of Potential Effects and the methodology for investigation? If no, has the agency disclosed its intent to phase the identification and assessments?			
Is the effort to identify historic properties commensurate with the assessment of other environmental factors?			
Are determinations of eligibility for the National Register of Historic Places (NRHP) clearly stated?			
Can a layman understand the characteristics of each historic property and why it is significant (eligible for the NRHP) and retains integrity?			

ASSESSMENT OF EFFECTS	YES	NO	COMMENTS
Has one of the following Section 106 effect findings for the undertaking been clearly stated? ▸ No historic properties affected ▸ No historic properties adversely affected ▸ Historic properties adversely affected			
If adverse effects may result, is the application of the criteria of adverse effect described?			
Was all of the above information presented during scoping meetings and/or other public and stakeholder outreach?			
CONSULTATION AND PUBLIC INVOLVEMENT	**YES**	**NO**	**COMMENTS**
Is the SHPO/THPO concurrence with eligibility determinations documented? Is the documentation included in the document and appendices?			
Is the SHPO/THPO concurrence with the Section 106 effect finding documented? Is the correspondence included?			
Has an adequate opportunity for consulting with the SHPO/THPO, Indian tribes, Native Hawaiian organizations, local governments, applicants, and/or other consulting parties been provided prior to the release of the DEIS/EA? Is all relevant documentation (subject to confidentiality) included?			
Do any of the consulting parties substantively disagree with the agency's determinations of eligibility or findings of effect? If so; is the process for seeking agreement on those issues disclosed?			
If a National Historic Landmark (NHL) may be affected by the undertaking, has the agency notified the National Park Service (pursuant to 36 C.F.R. § 800.10(c)) and invited its participation where there may be an adverse effect? Is all relevant correspondence included?			
Does the document cover sheet or distribution letter clearly indicate that the DEIS/EA also documents the Section 106 process?			
Have historic preservation concerns expressed by members of the public been addressed? If appropriate, have such commenters been invited to be consulting parties in the Section 106 review?			
Have the scoping notices and other public meeting notices included information about Section 106?			

DEVELOPMENT OF ALTERNATIVES OR MEASURES TO AVOID, MINIMIZE, OR MITIGATE ADVERSE EFFECTS	YES	NO	COMMENTS
Is the development and evaluation of alternatives or modifications that could avoid or minimize adverse effects to historic properties documented?			
Where appropriate have mitigation measures been proposed?			
Is the consultation with SHPO/THPO, Indian tribes, Native Hawaiian organizations, local governments, applicants, and/or other consulting parties about avoidance, minimization, or mitigation measures documented? Is all relevant documentation (subject to confidentiality) included in the EA/DEIS or appendices?			
STEPS TO CONCLUSION	**YES**	**NO**	**COMMENTS**
Is there a potential for the preferred alternative to adversely affect at least one historic property? If no, Section 106 is complete if no objections are raised by the SHPO/THPO, Indian tribes, Native Hawaiian organizations, local governments, applicants, other consulting parties, or the ACHP. Is the final Section 106 finding documented?			
If the preferred alternative could adversely affect historic properties, is one of the following strategies for completing the Section 106 process identified? ▸ Execution of a Memorandum of Agreement or a Programmatic Agreement ▸ Incorporation of the binding commitment to mitigation measures in the Record of Decision ▸ Termination, formal ACHP comments pursuant to 36 C.F.R. § 800.7, and response by head of the agency			

If incorporating binding commitment to mitigation measures in the ROD, does the ROD include the following:
▸ Commitments clearly identifying who will do what by when
▸ Administrative provisions including:
  ▸ Process for continued consultation during implementation (for example, regarding design review, data recovery, development of mitigation products)
  ▸ Deadlines/timelines for implementation
  ▸ Post-review discoveries
  ▸ Dispute resolution process
  ▸ Contingency for changes to the undertaking referencing 36 C.F.R. § 800.8(c)(5)			

IMPLEMENTATION	**YES**	**NO**	**COMMENTS**
Is the agency prepared to carry out the commitments made in: ▸ Memorandum of Agreement or a Programmatic Agreement, ▸ Record of Decision, or ▸ Response by head of the agency to formal ACHP comments following termination?			

ATTACHMENT D
LINKS TO MORE INFORMATION

National Historic Preservation Act:

http://www.achp.gov/docs/nhpa%202008-final.pdf

National Environmental Policy Act:

http://ceq.hss.doe.gov/laws_and_executive_orders/the_nepa_statute.html

Protection of Historic Properties, 36 C.F.R. Part 800:

http://www.achp.gov/regs-rev04.pdf

Regulations for Implementing NEPA, 40 C.F.R. Parts 1500-1508:

http://ceq.hss.doe.gov/ceq_regulations/regulations.html

ACHP's Guidance on Section 106:

http://www.achp.gov/work106.html

ACHP's Guidance on Section 106 Program Alternatives:

http://www.achp.gov/progalt/

Section 106 Archaeology Guidance:

http://www.achp.gov/docs/ACHP%20ARCHAEOLOGY%20GUIDANCE.pdf

ACHP's Office of Native American Affairs:

http://www.achp.gov/nap.html

Collaboration in NEPA: A Handbook for Practitioners:

http://ceq.hss.doe.gov/nepa/nepapubs/Collaboration_in_NEPA_Oct2007.pdf.

Modernizing NEPA Implementation:

http://ceq.hss.doe.gov/publications/modernizing_nepa_implementation.html

CEQ Guidance on the "Appropriate Use of Mitigation and Monitoring and Clarifying the Appropriate Use of Mitigated Findings of No Significant Impact:"

http://ceq.hss.doe.gov/current_developments/docs/Mitigation_and_Monitoring_Guidance_14Jan2011.pdf

CEQ Guidance on Categorical Exclusions:

http://ceq.hss.doe.gov/ceq_regulations/NEPA_CE_Guidance_Nov232010.pdf.

FOR MORE INFORMATION ON THE CEQ, PLEASE VISIT:

ceq.hss.doe.gov

The Council on Environmental Quality coordinates Federal environmental efforts and works closely with agencies and other White House offices in the development of environmental policies and initiatives.

CEQ was established within the Executive Office of the President by Congress as part of the National Environmental Policy Act of 1969, and additional responsibilities were provided by the Environmental Quality Improvement Act of 1970.

Executive Office of the President
COUNCIL ON ENVIRONMENTAL QUALITY
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FOR MORE INFORMATION ON THE ACHP, PLEASE VISIT:

www.achp.gov

The Advisory Council on Historic Preservation, an independent Federal agency, 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.

ADVISORY COUNCIL ON HISTORIC PRESERVATION
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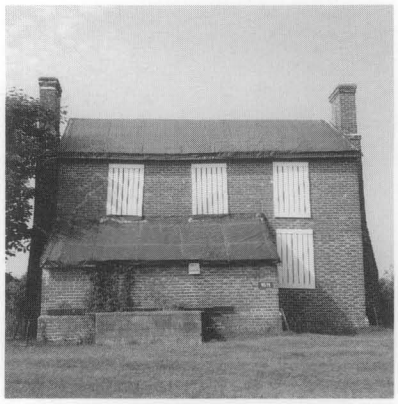
EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES
COUNCIL ON ENVIRONMENTAL QUALITY

ADVISORY COUNCIL ON HISTORIC PRESERVATION
ACHP

31 PRESERVATION BRIEFS



Mothballing Historic Buildings

Sharon C. Park, AIA

U.S. Department of the Interior
National Park Service
Cultural Resources

Heritage Preservation Services

When all means of finding a productive use for a historic building have been exhausted or when funds are not currently available to put a deteriorating structure into a useable condition, it may be necessary to close up the building temporarily to protect it from the weather as well as to secure it from vandalism. This process, known as mothballing, can be a necessary and effective means of protecting the building while planning the property's future, or raising money for a preservation, rehabilitation or restoration project. If a vacant property has been declared unsafe by building officials, stabilization and mothballing may be the only way to protect it from demolition.

This Preservation Brief focuses on the steps needed to "de-activate" a property for an extended period of time. The project team will usually consist of an architect, historian, preservation specialist, sometimes a structural engineer, and a contractor. Mothballing should not be done without careful planning to ensure that needed physical repairs are made prior to securing the building. The steps discussed in this Brief can protect buildings for periods of up to ten years; long-term success will also depend on continued, although somewhat limited, monitoring and maintenance. For all but the simplest projects, hiring a team of preservation specialists is recommended to assess the specific needs of the structure and to develop an effective mothballing program.

A vacant historic building cannot survive indefinitely in a boarded-up condition, and so even marginal interim uses where there is regular activity and monitoring, such as a caretaker residence or non-flammable storage, are generally preferable to mothballing. In a few limited cases when the vacant building is in good condition and in a location where it can be watched and checked regularly, closing and locking the door, setting heat levels at just above freezing, and securing the windows may provide sufficient protection for a period of a few years. But if long-term mothballing is the only remaining option, it must be done properly (see fig. 1 & 2). This will require stabilization of the exterior, properly designed security protection, generally some form of interior ventilation - either through mechanical or natural air exchange systems - and continued maintenance and surveillance monitoring.

Figure 1. Proper mothballing treatment: This building has been successfully mothballed for 10 years because the roof and walls were repaired and structurally stabilized, ventilation louvers were added, and the property is maintained. Photo: Charles E. Fisher, NPS.

Comprehensive mothballing programs are generally expensive and may cost 10% or more of a modest rehabilitation budget. However, the money spent on well-planned protective measures will seem small when amortized over the life of the resource. Regardless of the location and condition of the property or the funding available, the following 9 steps are involved in properly mothballing a building:

Figure 2. Improper treatment: Boarding up without adequate ventilation, lack of maintenance, and neglect of this property have accelerated deterioration. Photo; NPS file.

Documentation

1. Document the architectural and historical significance of the building.

2. Prepare a condition assessment of the building.

Stabilization

3. Structurally stabilize the building, based on a professional condition assessment.

4. Exterminate or control pests, including termites and rodents.

5. Protect the exterior from moisture penetration.

Mothballing

6. Secure the building and its component features to reduce vandalism or break-ins.

7. Provide adequate ventilation to the interior.

8. Secure or modify utilities and mechanical systems.

9. Develop and implement a maintenance and monitoring plan for protection.

These steps will be discussed in sequence below. Documentation and stabilization are critical components of the process and should not be skipped over. Mothballing measures should not result in permanent damage, and so each treatment should be weighed in terms of its reversibility and its overall benefit.

Documentation

Documenting the historical significance and physical condition of the property will provide information necessary for setting priorities and allocating funds. The project team should be cautious when first entering the structure if it has been vacant or is deteriorated. It may be advisable to shore temporarily areas appearing to be structurally unsound until the condition of the structure can be fully assessed (see fig. 3). If pigeon or bat droppings, friable asbestos or other health hazards are present, precautions must be taken to wear the appropriate safety equipment when first inspecting the building. Consideration should be given to hiring a firm specializing in hazardous waste removal if these highly toxic elements are found in the building.

Documenting and recording the building. Documenting a building's history is important because evidence of its true age and architectural significance may not be readily evident. The owner should check with the State Historic Preservation Office or local preservation commission for assistance in researching the building. If the building has never been researched for listing in the National Register of Historic Places or other historic registers, then, at a minimum, the following should be determined:

- The overall historical significance of the property and dates of construction;
- the chronology of alterations or additions and their approximate dates; and,
- types of building materials, construction techniques, and any unusual detailing or regional variations of craftsmanship.

Old photographs can be helpful in identifying early or original features that might be hidden under modern materials. On a walk-through, the architect, historian, or preservation specialist should identify the architecturally significant elements of the building, both inside and out (see fig.4).

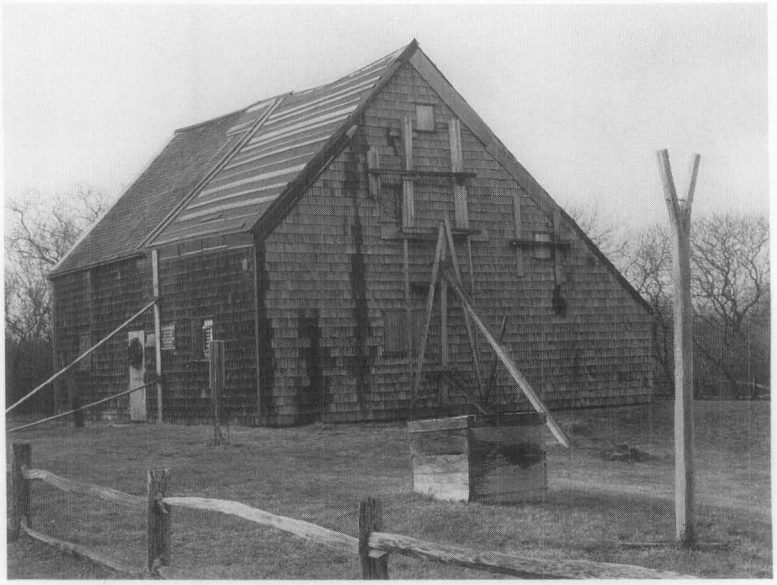


Figure 3. Buildings seriously damaged by storms or deterioration may need to be braced before architectural evaluations can be made. Jethro Coffin House. Photo: John Milner Architects.

Figure 4. Documenting the building's history, preparing schematic plans, and assessing the condition of the building will provide necessary information on which to set priorities for stabilization and repair prior to securing the building. Photo: Frederick Lindstrom, HABS.

By understanding the history of the resource, significant elements, even though deteriorated, may be spared the trash pile. For that reason alone, any materials removed from the building or site as part of the stabilization effort should be carefully scrutinized and, if appearing historic, should be photographed, tagged with a number, inventioried, and safely stored, preferably in the building, for later retrieval (see fig. 5).

A site plan and schematic building floor plans can be used to note important information for use when the building is eventually preserved, restored, or rehabilitated. Each room should be given a number and notations added to the plans regarding the removal of important features to storage or recording physical treatments undertaken as part of the stabilization or repair.

Because a mothballing project may extend over a long period of time, with many different people involved, clear records should be kept and a building file established. Copies of all important data, plans, photographs, and lists of consultants or contractors who have worked on the property should be added to the file as the job progresses.

Figure 5. Loose or detached elements should be identified, tagged and stored, preferably on site. Photo: NPS files.

Recording all actions taken on the building will be helpful in the future.

The project coordinator should keep the building file updated and give duplicate copies to the owner. A list of emergency numbers, including the number of the key holder, should be kept at the entrance to the building or on a security gate, in a transparent vinyl sleeve.

Preparing a condition assessment of the building. A condition assessment can provide the owner with an accurate overview of the current condition of the property. If the building is deteriorated or if there are significant interior architectural elements that will need special protection during the mothballing years, undertaking a condition assessment is highly recommended, but it need not be exhaustive.

A modified condition assessment, prepared by an architect or preservation specialist, and in some case a structural engineer, will help set priorities for repairs necessary to stabilize the property for both the short and long-term. It will evaluate the age and condition of the following major elements: foundations; structural systems; exterior materials; roofs and gutters; exterior porches and steps; interior finishes; staircases; plumbing, electrical, mechanical systems; special features such as chimneys; and site drainage.

To record existing conditions of the building and site, it will be necessary to clean debris from the building and to remove unwanted or overgrown vegetation to expose foundations. The interior should be emptied of its furnishing (unless provisions are made for mothballing these as well), all debris removed, and the interior swept with a broom. Building materials too deteriorated to repair, or which have come detached, such as moldings, balusters, and decorative plaster, and which can be used to guide later preservation work, should be tagged, labeled and saved.

Photographs or a videotape of the exterior and all interior spaces of the resource will provide an invaluable record of "as is" conditions. If a videotape is made, oral commentary can be provided on the significance of each space and architectural feature. If 35mm photographic prints or slides are made, they should be numbered, dated, and appropriately identified. Photographs should be cross-referenced with the room numbers on the schematic plans. A systematic method for photographing should be developed; for example, photograph each wall in a room and then take a corner shot to get floor and ceiling portions in the picture. Photograph any unusual details as well as examples of each window and door type.

For historic buildings, the great advantage of a condition assessment is that architectural features, both on the exterior as well as the interior, can be rated on a scale of their importance to the integrity and significance of the building. Those features of the highest priority should receive preference when repairs or protection measures are outlined as part of the mothballing process. Potential problems with protecting these features should be identified so that appropriate interim solutions can be selected. For example, if a building has always been heated and if murals, decorative plaster walls, or examples of patterned wall paper are identified as highly significant, then special care should be taken to regulate the interior climate and to monitor it adequately during the

mothballing years. This might require retaining electrical service to provide minimal heat in winter, fan exhaust in summer, and humidity controls for the interior.

Stabilization

Stabilization as part of a mothballing project involves correcting deficiencies to slow down the deterioration of the building while it is vacant. Weakened structural members that might fail altogether in the forthcoming years must be braced or reinforced; insects and other pests removed and discouraged from returning; and the building protected from moisture damage both by weatherizing the exterior envelope and by handling water run-off on the site. Even if a modified use or caretaker services can eventually be found for the building, the following steps should be addressed.

Structurally stabilizing the building. While bracing may have been required to make the building temporarily safe for inspection, the condition assessment may reveal areas of hidden structural damage. Roofs, foundations, walls, interior framing, porches and dormers all have structural components that may need added reinforcement. Structural stabilization by a qualified contractor should be done under the direction of a structural engineer or a preservation specialist to ensure that the added weight of the reinforcement can be sustained by the building and that the new members do not harm historic finishes (see fig. 6). Any major vertical post added during the stabilization should be properly supported and, if necessary, taken to the ground and underpinned.

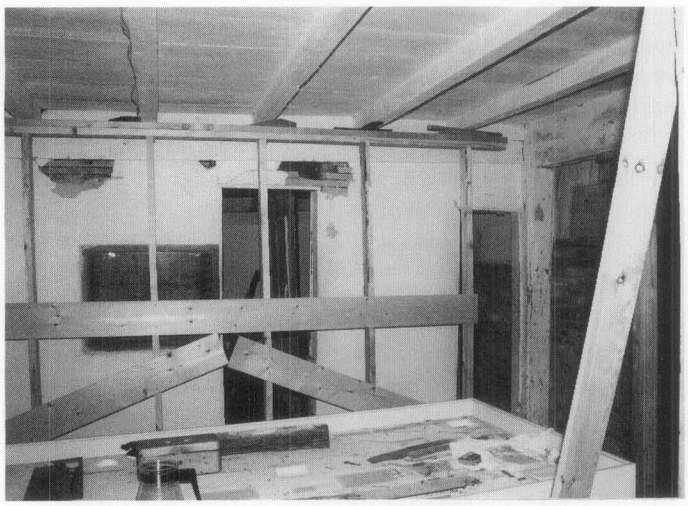


Figure 6. Interior bracing which will last the duration of the mothballing will protect weakened structural members. Jethro Coffin House. Photo: John Milner Architects.

If the building is in a northern climate, then the roof framing must be able to hold substantial snow loads. Bracing the roof at the ridge and mid-points should be considered if sagging is apparent. Likewise, interior framing around stair openings or under long ceiling spans should be investigated. Underpinning or bracing structural piers weakened by poor drainage patterns may be a good precaution as well. Damage caused by insects, moisture, or from other causes should be repaired or reinforced and, if possible, the source of the damage removed. If features such as porches and dormers are so severely deteriorated that they must be removed, they should be documented, photographed, and portions salvaged for storage prior to removal.

If the building is in a southern or humid climate and termites or other insects are a particular problem, the foundation and floor framing should be inspected to ensure that there are no major structural weaknesses. This can usually be done by observation from the crawl space or basement. For those structures where this is not possible, it may be advisable to lift selective floor boards to expose the floor framing. If there is evidence of pest damage, particularly termites, active colonies should be treated and the structural members reinforced or replaced, if necessary.

Controlling pests. Pests can be numerous and include squirrels, raccoons, bats, mice, rats, snakes, termites, moths, beetles, ants, bees and wasps, pigeons, and other birds. Termites, beetles, and carpenter ants destroy wood. Mice, too, gnaw wood as well as plaster, insulation, and electrical wires. Pigeon and bat droppings not only damage wood finishes but create a serious and sometimes deadly health hazard.

If the property is infested with animals or insects, it is important to get them out and to seal off their access to the building. If necessary, exterminate and remove any nests or hatching colonies. Chimney flues may be closed off with exterior grade plywood caps, properly ventilated, or protected with framed wire screens. Existing vents, grills, and louvers in attics and crawl spaces should be screened with bug mesh or heavy duty wire, depending on the type of pest being controlled. It may be advantageous to have damp or infected wood treated with insecticides (as permitted by each state) or preservatives, such as borate, to slow the rate of deterioration during the time that the building is not in use.

Securing the exterior envelope from moisture penetration. It is important to protect the exterior envelope from moisture penetration before securing the building. Leaks from deteriorated or damaged roofing, from around windows and doors, or through deteriorated materials, as well as ground moisture from improper site run-off or rising damp at foundations, can cause long-term damage to interior finishes and structural systems. Any serious deficiencies on the exterior, identified in the condition assessment, should be addressed.

To the greatest extent possible, these weatherization efforts should not harm historic materials. The project budget may not allow deteriorated features to be fully repaired or replaced in-kind. Non-historic or modern materials may be used to cover historic surfaces temporarily, but these treatments should not destroy valuable evidence necessary for future preservation work. Temporary modifications should be as visually compatible as possible with the historic building.

Roofs are often the most vulnerable elements on the building exterior and yet in some ways they are the easiest element to stabilize for the long term, if done correctly. "Quick fix" solutions, such as tar patches on slate roofs, should be avoided as they will generally fail within a year or so and may accelerate damage by trapping moisture. They are difficult to undo later when more permanent repairs are undertaken. Use of a tarpaulin over a leaking roof should be thought of only as a very temporary

Figure 7. Non-historic materials are appropriate for mothballing projects when they are used to protect historic evidence remaining for future preservation. This lightweight aluminum channel frame and roofing covers the historic wooden shingle roof. Galvanized mesh panels secure the window openings from intrusion by raccoons and other unwanted guests. Photo: Williamsport Preservation Training Center, NPS.

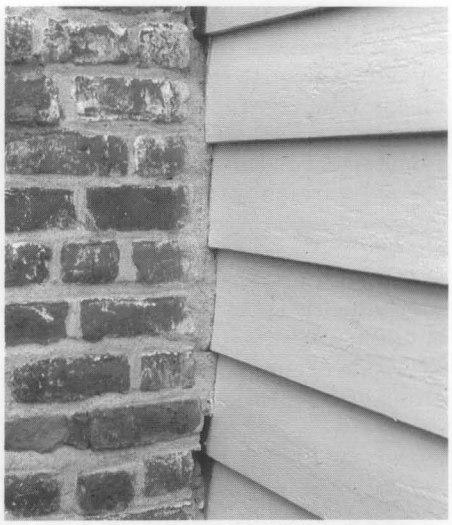


Figure 8. Appropriate mortar mixes should be used when masonry repairs are undertaken. In this case, a soft lime based mortar is used as an infill between the brick and wooden elements. When full repairs are made during the restoration phase, this soft mortar can easily be removed and missing bricks replaced.

emergency repair because it is often blown off by the wind in a subsequent storm.

If the existing historic roof needs moderate repairs to make it last an additional ten years, then these repairs should be undertaken as a first priority. Replacing cracked or missing shingles and tiles, securing loose flashing, and reanchoring gutters and downspouts can often be done by a local roofing contractor. If the roof is in poor condition, but the historic materials and configuration are important, a new temporary roof, such as a lightweight aluminum channel system over the existing, might be considered (see fig. 7). If the roofing is so deteriorated that it must be replaced and a lightweight aluminum system is not affordable, various inexpensive options might be considered. These include covering the existing deteriorated roof with galvanized corrugated metal roofing panels, or 90 lb. rolled roofing, or a rubberized membrane (refer back to cover photo). These alternatives should leave as much of the historic sheathing and roofing in place as evidence for later preservation treatments.

For masonry repairs, appropriate preservation approaches are essential. For example, if repointing deteriorated brick chimneys or walls is necessary to prevent serious moisture penetration while the building is mothballed, the mortar should match the historic mortar in composition, color, and tooling. The use of hard portland cement mortars or vapor-impermeable waterproof coatings are not appropriate solutions as they can cause extensive damage and are not reversible treatments (see fig. 8).

For wood siding that is deteriorated, repairs necessary to keep out moisture should be made; repainting is generally warranted. Cracks around windows and doors can be beneficial in providing ventilation to the interior and so should only be caulked if needed to keep out bugs and moisture. For very deteriorated wall surfaces on wooden frame structures, it may be necessary to sheathe in plywood panels, but care should be taken to minimize installation damage by planning the location of the nailing or screw patterns or by installing panels over a frame of battens (see fig. 9). Generally, however, it is better to repair deteriorated features than to cover them over.

Foundation damage may occur if water does not drain away from the building. Run-off from gutters and downspouts should be directed far away from the foundation wall by using long flexible extender pipes equal in length to twice the depth of the basement or crawl space. If underground drains are susceptible to clogging, it is recommended that the downspouts be disconnected from the drain boot and attached to flexible piping. If gutters and downspouts are in bad condition, replace them with inexpensive aluminum units.

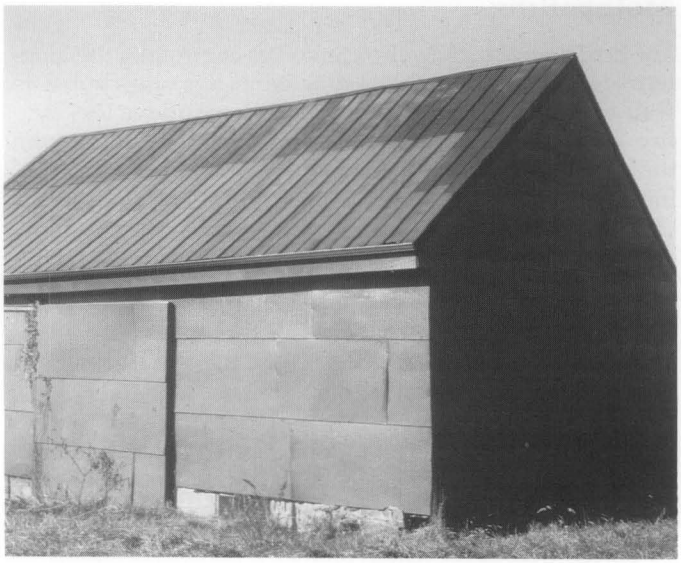


Figure 9. Severely deteriorated wooden siding on a farm building has been covered over with painted plywood panels as a temporary measure to eliminate moisture penetration to the interior. Foundation vents and loose floor boards allow air to circulate inside.

If there are no significant landscape or exposed archeological elements around the foundation, consideration should be given to regrading the site if there is a documented drainage problem (see fig. 10). If building up the grade, use a fiber mesh membrane to separate the new soil from the old and slope the new soil 6 to 8 feet (200 cm-266 cm) away from the foundation making sure not to cover up the dampcourse layer or come into contact with skirting boards. To keep vegetation under control, put down a layer of 6 mil black polyethylene sheeting or fiber mesh matting covered with a 2"-4" (5-10 cm.) of washed gravel. If the building suffers a serious rising damp problem, it may be advisable to eliminate the plastic sheeting to avoid trapping ground moisture against foundations.

Figure 10. Regrading around the Booker Tenement at Colonial Williamsburg has protected the masonary foundation wall from excessive damp. This building has been successfully mothballed for over 10 years. Note the attic and basement vents, the temporary stairs, and the informative sign interpreting the history of this building.

Mothballing

The actual mothballing effort involves controlling the long-term deterioration of the building while it is unoccupied as well as finding methods to protect it from sudden loss by fire or vandalism. This requires securing the building from unwanted entry, providing adequate ventilation to the interior, and shutting down or modifying existing utilities. Once the building is de-activated or secured, the long-term success will depend on periodic maintenance and surveillance monitoring.

Securing the building from vandals, break-ins, and natural disasters. Securing the building from sudden loss is a critical aspect of mothballing. Because historic buildings are irreplaceable, it is vital that vulnerable entry points are sealed. If the building is located where fire and security service is available then it is highly recommeded that some form of monitoring or alarm devices be used.

To protect decorative features, such as mantels, lighting fixtures, copper downspouts, iron roof cresting, or stained glass windows from theft or vandalism, it may be advisable to temporarily remove them to a more secure location if they cannot be adequately protected within the structure.

Mothballed buildings are usually boarded up, particularly on the first floor and basement, to protect fragile glass windows from breaking and to reinforce entry points (see fig. 11). Infill materials for closing door and window openings include plywood, corrugated panels, metal grates, chain fencing, metal grills, and cinder or cement blocks (see fig. 12). The method of installation should not result in the destruction of the opening and all associated sash, doors, and frames should be protected or stored for future reuse.

Figure 11. Urban buildings often need additional protection from unwanted entry and graffiti. This commercial building uses painted plywood panels to cover expansive glass storefronts and chain link fencing is applied on top of the panels. The upper windows on the street sides have been covered and painted to resemble 19th century sash. Photo: Thomas Jester, NPS.

Generally exterior doors are reinforced and provided with strong locks, but if weak historic doors would be damaged or disfigured by adding reinforcement or new locks, they may be removed temporarily and replaced with secure modern doors (see fig. 13). Alternatively, security gates in a new metal frame can be installed within existing door openings, much like a storm door, leaving the historic door in place. If plywood panels are installed over door openings, they should be screwed in place, as opposed to nailed, to avoid crowbar damage each time the panel is removed. This also reduces pounding vibrations from hammers and eliminates new nail holes each time the panel is replaced.

For windows, the most common security feature is the closure of the openings; this may be achieved with wooden or pre-formed panels or, as needed, with metal sheets or concrete blocks. Plywood panels, properly installed to protect wooden frames and properly ventilated, are the preferred treatment from a preservation standpoint.

There are a number of ways to set insert plywood panels into windows openings to avoid damage to frame and sash (see fig. 14). One common method is to bring the upper and lower sash of a double hung unit to the mid-point of the opening and then to install pre-cut plywood panels using long carriage bolts anchored into horizontal wooden bracing, or strong backs, on the inside face of the window. Another means is to build new wooden blocking frames set into deeply recessed openings, for example in an industrial mill or warehouse, and then to affix the plywood panel to

the blocking frame. If sash must be removed prior to installing panels, they should be labeled and stored safely within the building.

Plywood panels are usually 1/2"-3/4" (1.25-1.875 cm.) thick and made of exterior grade stock, such as CDX, or marine grade plywood. They should be painted to protect them from delamination and to provide a neater appearance. These panels may be painted to resemble operable windows or treated decoratively (see fig. 15). With extra attention to detail, the plywood panels can be

Figure 12. First floor openings have been filled with cinderblocks and doors, window sash and frames have been removed for safe keeping. Note the security light over the windows and the use of a security metal door with heavy duty locks. Photo: H. Ward Jandl, NPS.

Figure 13. If historic doors would be damaged by adding extra locks, they should be removed and stored and new security doors added. At this lighthouse, the historic door has been replaced with a new door (seen both inside and outside) with an inset vent and new deadbolt locks. The heavy historic hinges have not been damaged. Photo: Williamsport Preservation Training Center, NPS.

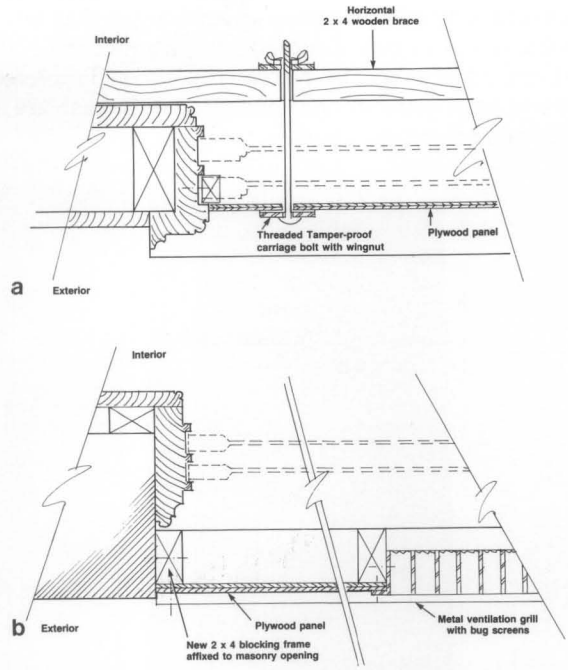


Figure 14. A: Plan detail showing plywood security panel anchored with carriage bolts through to the inside horizontal bracing, or strong backs. B: Plan detail showing section of plywood window panel attached to a new pressure treated wood frame set within the masonry opening. Ventilation should be included whenever possible or necessary.

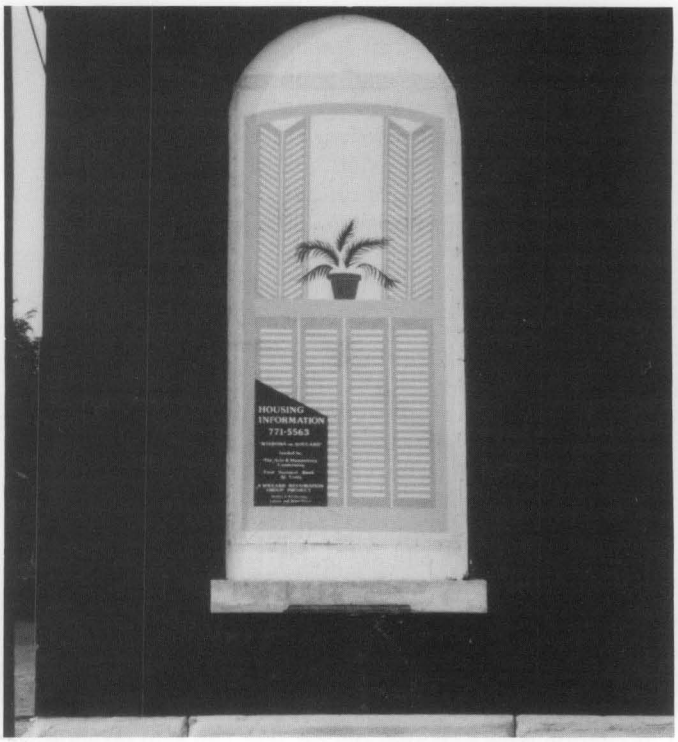


Figure 15. Painting trompe l'oeil scenes on plywood panels is a neighborhood friendly device. In addition, the small sign at the bottom left corner gives information for contacting the organization responsible for the care of the mothballed building. Photo: Lee H. Nelson, FAIA.

trimmed out with muntin strips to give a shadow line simulating multi-lite windows. This level of detail is a good indication that the building is protected and valued by the owner and the community.

If the building has shutters, simply close the shutters and secure them from the interior (see fig. 16). If the building had shutters historically, but they are missing, it may be appropriate to install new shutters, even in a modern material, and secure them in the closed position. Louvered shutters will help with interior ventilation if the sash are propped open behind the shutters.

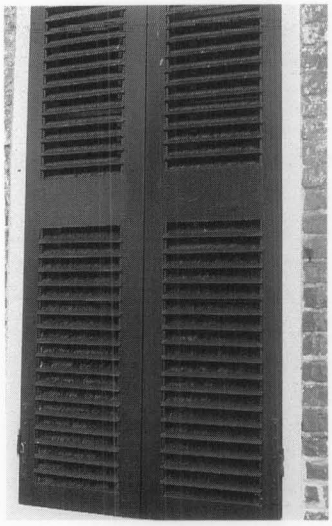


Figure 16. Historic louvered shutters make excellent security closures with passive ventilation.

There is some benefit from keeping windows unboarded if security is not a problem. The building will appear to be occupied, and the natural air leakage around the windows will assist in ventilating the interior. The presence of natural light will also help when periodic inspections are made. Rigid polycarbonate clear storm glazing panels may be placed on the window exterior to protect against glass breakage. Because the sun's ultraviolet rays can cause fading of floor finishes and wall surfaces, filtering pull shades or inexpensive curtains may be options for reducing this type of deterioration for significant interiors. Some acrylic sheeting comes with built-in ultraviolet filters.

Securing the building from catastrophic destruction from fire, lightning, or arson will require additional security devices. Lightning rods properly grounded should be a first consideration if the building is in an area susceptible to lightning storms. A high security fence should also be installed if the property cannot be monitored closely. These interventions do not require a power source for operation. Since many buildings will not maintain electrical power, there are some devices available using battery packs, such as intrusion alarms, security lighting, and smoke detectors which through audible horn alarms can alert nearby neighbors. These battery packs must be replaced every 3 months to 2 years, depending on type and usage. In combination with a cellular phone, they can also provide some level of direct communication with police and fire departments.

If at all possible, new temporary electric service should be provided to the building (see fig. 17). Generally a telephone

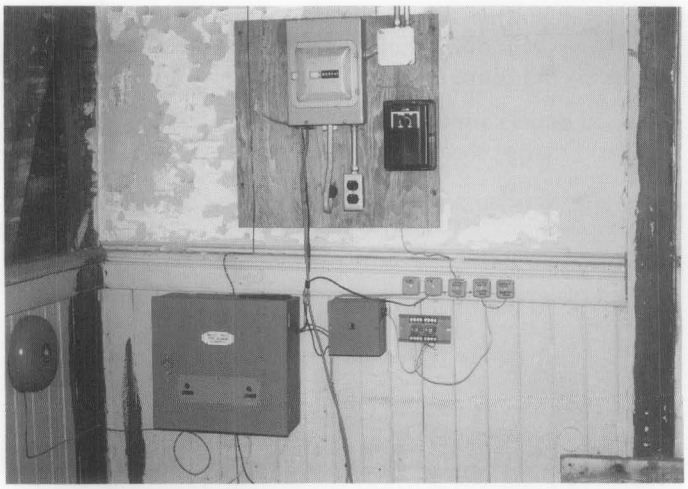


Figure 17. Security systems are very important for mothballed buildings if they are located where fire and security services are available. A temporary electric service with battery back-up has been installed in this building. Intrusion alarms and ionization smoke/fire detectors are wired directly to the nearby security service.

line is needed as well. A hard wired security system for intrusion and a combination rate-of-rise and smoke detector can send an immediate signal for help directly to the fire department and security service. Depending on whether or not heat will be maintained in the building, the security system should be designed accordingly. Some systems cannot work below 32°F (0°C). Exterior lighting set on a timer, photo electric sensor, or a motion/infra-red detection device provides additional security.

Providing adequate ventilation to the interior. Once the exterior has been made weathertight and secure, it is essential to provide adequate air exchange throughout the building. Without adequate air exchange, humidity may rise to unsafe levels, and mold, rot, and insect infestation are likely to thrive (see fig. 18). The needs of each historic resource must be individually evaluated because there are so many variables that affect the performance of each interior space once the building has been secured. A

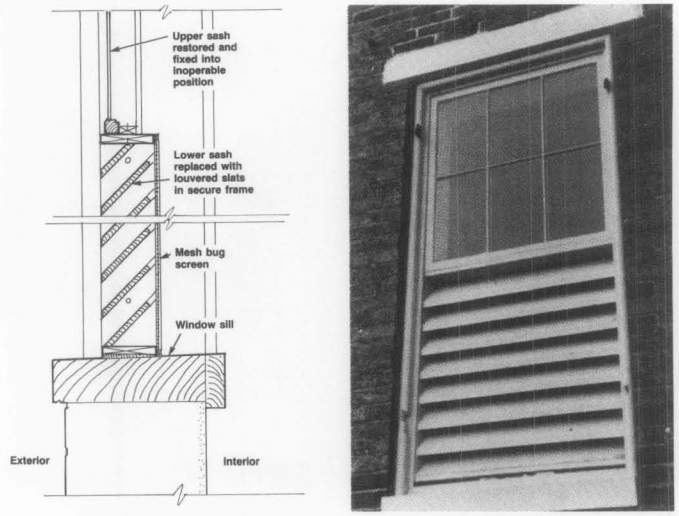


Figure 18. Heavy duty wooden slated louvers were custom fabricated to replace the deteriorated lower sash. The upper sash were rebuilt to retain the historic appearance and to allow light into this vacant historic building. Refer back to Fig. 1 for a view of the building. Photo: Charles E. Fisher, NPS. Drawing by Thomas Vitanza.

mechanical engineer or a specialist in interior climates should be consulted, particularly for buildings with intact and significant interiors. In some circumstances, providing heat during the winter, even at a minimal 45° F (7°C), and utilizing forced-fan ventilation in summer will be recommended and will require retaining electrical service. For masonry buildings it is often helpful to keep the interior temperature above the spring dew point to avoid damaging condensation. In most buildings it is the need for summer ventilation that outweighs the winter requirements.

Many old buildings are inherently leaky due to loose-fitting windows and floorboards and the lack of insulation. The level of air exchange needed for each building, however, will vary according to geographic location, the building's construction, and its general size and configuration.

There are four critical climate zones when looking at the type and amount of interior ventilation needed for a closed up building: hot and dry (southwestern states); cold and damp (Pacific northwest and northeastern states); temperate and humid (Mid-Atlantic states, coastal areas); and hot and humid (southern states and the tropics). (See fig. 19 for a chart outlining guidance on ventilation.)

Once closed up, a building interior will still be affected by the temperature and humidity of the exterior. Without proper ventilation, moisture from condensation may occur and cause damage by wetting plaster, peeling paint, staining woodwork, warping floors, and in some cases even causing freeze thaw damage to plaster. If moist conditions persist in a property, structural damage can result from rot or returning insects attracted to moist conditions. Poorly mothballed masonry buildings, particularly in damp and humid zones have been so damaged on the interior with just one year of unventilated closure that none of the interior finishes were salvageable when the buildings were rehabilitated.

The absolute minimum air exchange for most mothballed buildings consists of one to four air exchanges every hour; one or two air exchanges per hour in winter and often twice that amount in summer. Even this minimal exchange may foster mold and mildew in damp climates, and so monitoring the property during the stabilization period and after the building has been secured will provide useful information on the effectiveness of the ventilation solution.

There is no exact science for how much ventilation should be provided for each building. There are, however, some general rules of thumb. Buildings, such as adobe structures, located in hot and arid climates may need no additional ventilation if they have been well weatherized and no moisture is penetrating the interior. Also frame buildings with natural cracks and fissures for air infiltration may have a natural air exchange rate of 3 or 4 per hour, and so in arid as well as temperate climates may need no additional ventilation once secured. The most difficult

VENTILATION GUIDANCE CHART

CLIMATE	AIR EXCHANGES		VENTILATION				
Temperature and Humidity	Winter air exchange per hour	Summer air exchange per hour	Frame Buildings passive louvering % of openings louvered		Masonry Buildings passive louvering % of openings louvered		Masonry Buildings fan combination one fan + % louvered
			winter	summer	winter	summer	summer
hot and dry Southwestern areas	less than 1	less than 1	N/A	N/A	N/A	N/A	N/A
cold and damp Northeastern & Pacific northwestern areas	1	2-3	5%	10%	10%	30%	20%
temperate/humid Mid-Atlantic & coastal areas	2	3-4	10%	20%	20%	40%	30%
hot and humid Southern states & tropical areas	3	4 or more	20%	30%	40% or more	80%	40% or more

Figure 19. This is a general guide for the amount of louvering which might be expected for a medium size residential structure with an average amount of windows, attic, and crawl space ventilation. There is currently research being done on effective air exchanges, but each project should be evaluated individually. It will be noticed from the chart that summer louvering requirements can be reduced with the use of an exhaust fan. Masonry buildings need more ventilation than frame buidings. Chart prepared by Sharon C. Park, AIA and Ernest A. Conrad, PE.

buildings to adequately ventilate without resorting to extensive louvering and/or mechanical exhaust fan systems are masonry buildings in humid climates. Even with basement and attic vent grills, a masonry building many not have more than one air exchange an hour. This is generally unacceptable for summer conditions. For these buildings, almost every window opening will need to be fitted out with some type of passive, louvered ventilation.

Depending on the size, plan configuration, and ceiling heights of a building, it is often necessary to have louvered opening equivalent to 5%-10% of the square footage of each floor. For example, in a humid climate, a typical 20'x30' (6.1m x 9.1m) brick residence with 600 sq. ft.(55.5 sq.m) of floor space and a typical number of windows, may need 30-60 sq. ft.(2.75sq.m-5.5 sq. m) of louvered openings per floor. With each window measuring 3'x5'(.9m x 1.5 m) or 15 sq. ft. (1.3 sq.m), the equivalent of 2 to 4 windows per floor may need full window louvers.

Small pre-formed louvers set into a plywood panel or small slit-type registers at the base of inset panels generally cannot provide enough ventilation in most moist climates to offset condensation, but this approach is certainly better than no louvers at all. Louvers should be located to give cross ventilation, interior doors should be fixed ajar at least 4" (10cm) to allow air to circulate, and hatches to the attic should be left open.

Monitoring devices which can record internal temperature and humidity levels can be invaluable in determining if the internal climate is remaining stable. These units can be powered by portable battery packs or can be wired into electric service with data downloaded into laptop computers periodically (see fig. 20). This can also give long-term information throughout the mothballing years. If it is determined that there are inadequate air exchanges to keep interior moisture levels under control, additional passive ventilation can be increased, or, if there is electric service, mechanical exhaust fans can be installed. One fan in a small to medium sized building can reduce the amount of louvering substantially.

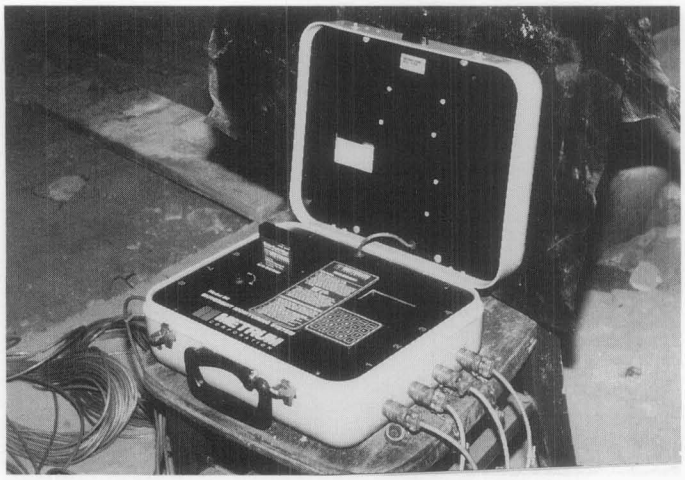


Figure 20. Portable monitors used to record temperature and humidity conditions in historic buildings during mothballing can help identify ventilation needs. This data can be downloaded directly into a lap top computer on site. These monitors are especially helpful over the long term for buildings with significant historic interiors or which are remaining furnished. If interiors are remaining damp or humid, additional ventilation should be added or the source of moisture controlled.

If electric fans are used, study the environmental conditions of each property and determine if the fans should be controlled by thermostats or automatic timers. Humidistats, designed for enclosed climate control systems, generally are difficult to adapt for open mothballing conditions. How the system will draw in or exhaust air is also important. It may be determined that it is best to bring dry air in from the attic or upper levels and force it out through lower basement windows (see fig. 21). If the basement is damp, it may be best to zone it from the rest of the building and exhaust its air separately. Additionally, less humid day air is preferred over damper night air, and this can be controlled with a timer switch mounted to the fan.

The type of ventilation should not undermine the security of the building. The most secure installations use custom-made grills well anchored to the window frame, often set in plywood security panels. Some vents are formed using heavy millwork louvers set into existing window openings (refer back to fig.18). For buildings where security is not a primary issue, where the interior is modest, and where there has been no heat for a long time, it may be possible to use lightweight galvanized metal grills in the window openings (refer back to fig.7). A cost effective grill can be made from the expanded metal mesh lath used by plasterers and installed so that the mesh fins shed rainwater to the exterior.

Securing mechanical systems and utilities. At the outset, it is important to determine which utilities and services, such as electrical or telephone lines, are kept and which are cut off. As long as these services will not constitute a fire

Figure 21. This electric thermostat/humidistat mounted in the attic vent controls a modified ducted air/fan system. The unit uses temporary exposed sheet metal ducts to pull air through the building and exhaust it out of the basement. For over ten years this fan system in combination with 18" x 18" preformed louvers in selective windows has kept the interior dry and with good air exchanges.

hazard, it is advisable to retain those which will help protect the property. Since the electrical needs will be limited in a vacant building, it is best to install a new temporary electric line and panel (100 amp) so that all the wiring is new and exposed. This will be much safer for the building, and allows easy access for reading the meter (see fig. 22).

Most heating systems are shut down in long term mothballing. For furnaces fueled by oil, there are two choices for dealing with the tank. Either it must be filled to the top with oil to eliminate condensation or it should be drained. If it remains empty for more than a year, it will likely rust and not be reusable. Most tanks are drained if a newer type of system is envisioned when the building is put back into service. Gas systems with open flames should be turned off unless there is regular maintenance and frequent surveillance of the property. Gas lines are shut off by the utility company.

If a hot water radiator system is retained for low levels of heat, it generally must be modified to be a self-contained system and the water supply is capped at the meter. This recirculating system protects the property from extensive damage from burst pipes. Water is replaced with a water/glycol mix and the reserve tank must also be filled with this mixture. This keeps the modified system from freezing, if there is a power failure. If water service is cut off, pipes should be drained. Sewerage systems will require special care as sewer gas is explosive. Either the traps must be filled with glycol or the sewer line should be capped off at the building line.

Figure 22. All systems except temporary electric have been shut off at this residence which has been mothballed over 20 years. An electric meter and 100 amp panel box have been set on a plywood panel at the front of the building. It is used for interior lighting and various alarm systems. The building, however, is showing signs of moisture problems with efflorescent stains on the masonry indicating the need for gutter maintenance and additional ventilation for the interior. The vegetation on the walls, although picturesque, traps moisture and is damaging to the masonry. Photo: H. Ward Jandl, NPS.

Developing a maintenance and monitoring plan. While every effort may have been made to stabilize the property and to slow the deterioration of materials, natural disasters, storms, undetected leaks, and unwanted intrusion can still occur. A regular schedule for surveillance, maintenance, and monitoring should be established: (See fig. 23 for maintenance chart).

MAINTENANCE CHART

periodic
- ❑ regular drive by surveillance
- ❑ check attic during storms if possible

monthly walk arounds
- ❑ check entrances
- ❑ check window panes for breakage
- ❑ mowing as required
- ❑ check for graffiti or vandalism

enter every 3 months to air out
- ❑ check for musty air
- ❑ check for moisture damage
- ❑ check battery packs and monitoring equipment
- ❑ check light bulbs
- ❑ check for evidence of pest intrusion

every 6 months; spring and fall
- ❑ site clean-up; pruning and trimming
- ❑ gutter and downspout check
- ❑ check crawlspace for pests
- ❑ clean out storm drains

every 12 months
- ❑ maintenance contract inspections for equipment/utilities
- ❑ check roof for loose or missing shingles
- ❑ termite and pest inspection/treatment
- ❑ exterior materials spot repair and touch up painting
- ❑ remove bird droppings or other stains from exterior
- ❑ check and update building file

Figure 23. Maintenance Chart. Many of the tasks on the maintenance chart can be done by volunteer help or service contracts. Regular visits to the site will help detect intrusion, storm damage, or poor water drainage.

The fire and police departments should be notified that the property will be vacant. A walk-through visit to familiarize these officials with the building's location, construction materials, and overall plan may be invaluable if they are called on in the future.

The optimum schedule for surveillance visits to the property will depend on the location of the property and the number of people who can assist with these activities. The more frequent the visits to check the property, the sooner that water leaks or break-ins will be noticed. Also, the more frequently the building is entered, the better the air exchange. By keeping the site clear and the building in good repair, the community will know that the building has not been abandoned (see fig. 24). The involvement of neighbors and community groups in caring for the property can ensure its protection from a variety of catastrophic circumstances.

The owner may utilize volunteers and service companies to undertake the work outlined in the maintenance chart.

Service companies on a maintenance contract can provide yard, maintenance, and inspection services, and their reports or itemized bills reflecting work undertaken should be added to update the building file.

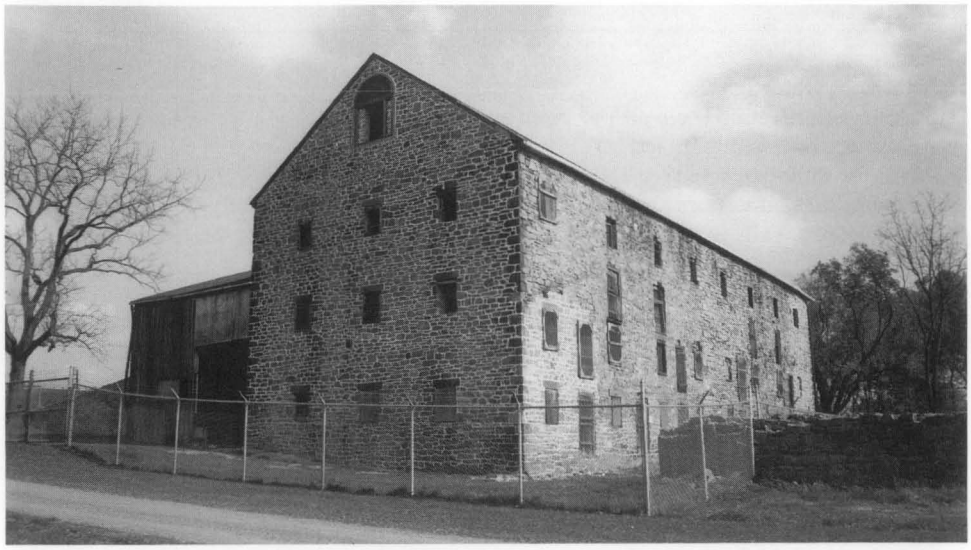


Figure 24. Once mothballed, a property must still be monitored and maintained. The openings in this historic barn has been modified with a combination of wood louvers and metal mesh panels which require little maintenance. The grounds are regularly mowed, even inside the chain link security fence. Photo: Williamsport Preservation Training Center, NPS.

Components of a Mothballing Project

Document: Brearley House, New Jersey; 2½ story center hall plan house contains a high degree of integrity of circa 1761 materials and significant early 19th century additions. Deterioration was attributable to leaking roof, unstable masonry at gables and chimneys, deteriorating attic windows, poor site drainage, and partially detached gutters. Mothballing efforts are required for approximately 7-10 years.

Stabilize: Remove bat droppings from attic using great caution. Secure historic chimneys and gable ends with plywood panels. Do not take historic chimneys down. Reroof with asphalt shingles and reattach or add new gutters and downspouts. Add extenders to downspouts. Add bug screens to any ventilation areas. Add soil around foundation and slope to gain positive drain; do not excavate as this will disturb archeological evidence.

Mothball: Install security fence around the property. Secure doors and windows with plywood panels (½" exterior grade). Install preformed metal grills in basement and attic openings. Add surface mounted wiring for ionization smoke and fire detection with direct wire to police and fire departments. Shut off heat and drain pipes. Add window exhaust fan set on a thermostatic control. Provide for periodic monitoring and maintenance of the property.

Figure 25. Above is a summary of the tasks that were necessary in order to protect this significant property while restoration funds are raised. Photographs: Michael Mills; Ford Farewell Mills Gatsch Architects.

a. A view showing the exterior of the house in its mothballed condition.

b. Plywood panels stabilize the chimneys. Note the gable vents.

c. The exhaust fan has tamper-proof housing.

MOTHBALLING CHECKLIST

Mothballing Checklist In reviewing mothballing plans, the following checklist may help to ensure that work items are not inadvertently omitted.	Yes	No	Date of action or comment.
Moisture • Is the roof watertight? • Do the gutters retain their proper pitch and are they clean? • Are downspout joints intact? • Are drains unobstructed? • Are windows and doors and their frames in good condition? • Are masonry walls in good condition to seal out moisture? • Is wood siding in good condition? • Is site properly graded for water run-off? • Is vegetation cleared from around the building foundation to avoid trapping moisture?			
Pests • Have nests/pests been removed from the building's interior and eaves? • Are adequate screens in place to guard against pests? • Has the building been inspected and treated for termites, carpenter ants, and rodents? • If toxic droppings from bats and pigeons are present, has a special company been brought in for its disposal?			
Housekeeping • Have the following been removed from the interior: trash, hazardous materials such as inflammable liquids, poisons, and paints and canned goods that could freeze and burst? • Is the interior broom-clean? • Have furnishings been removed to a safe location? • If furnishings are remaining in the building, are they properly protected from dust, pests, ultraviolet light, and other potentially harmful problems? • Have significant architectural elements that have become detached from the building been labeled and stored in a safe place? • Is there a building file?			
Security • Have fire and police departments been notified that the building will be mothballed? • Are smoke and fire detectors in working order? • Are the exterior doors and windows securely fastened? • Are plans in place to monitor the building on a regular basis? • Are the keys to the building in a secure but accessible location? • Are the grounds being kept from becoming overgrown?			
Utilities • Have utility companies disconnected/shut off or fully inspected water, gas, and electric lines? • If the building will not remain heated, have water pipes been drained and glycol added? • If the electricity is to be left on, is the wiring in safe condition?			
Ventilation • Have steps been taken to ensure proper ventilation of the building? • Have interior doors been left open for ventilation purposes? • Has the secured building been checked within the last 3 months for interior dampness or excessive humidity?			

Figure 26.. MOTHBALL CHECKLIST. This checklist will give the building owner or manager a handy reference guide to items that should be addressed when mothballing a historic building. Prepared by H. Ward Jandl, NPS.

Conclusion

Providing temporary protection and stabilization for vacant historic buildings can arrest deterioration and buy the owner valuable time to raise money for preservation or to find a compatible use for the property. A well planned mothballing project involves documenting the history and condition of the building, stabilizing the structure to slow down its deterioration, and finally mothballing the structure to secure it (See fig. 25). The three highest priorities for the building while it is mothballed are 1) to protect the building from sudden loss, 2) to weatherize and maintain the property to stop moisture penetration, and 3) to control the humidity levels inside once the building has been secured. See Mothballing Checklist Figure 26.

While issues regarding mothballing may seem simple, the variables and intricacies of possible solutions make the decision-making process very important. Each building must be individually evaluated prior to mothballing. In addition, a variety of professional services as well as volunteer assistance are needed for careful planning and repair, sensitively designed protection measures, follow-up security surveillance, and cyclical maintenance (see fig. 27).

In planning for the future of the building, complete and systematic records must be kept and generous funds allocated for mothballing. This will ensure that the historic property will be in stable condition for its eventual preservation, rehabilitation, or restoration.

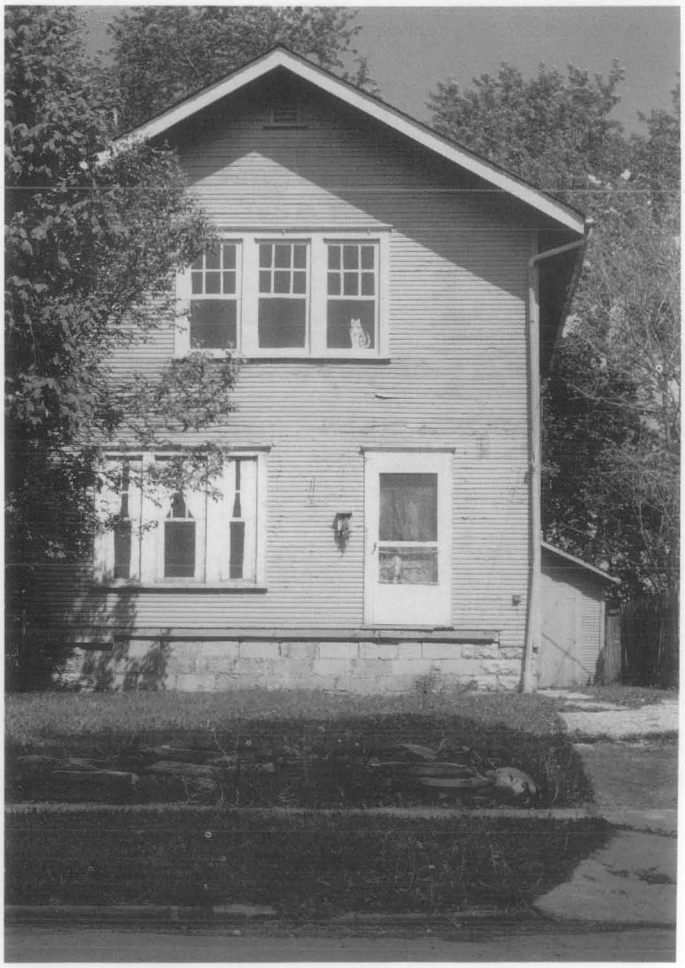


Figure 27. This residential building blends into its neighborhood even though all the windows have been covered over and the front steps are missing. The grounds are maintained and the special attention to decoratively painting the window panels shows that the property is being well cared for until it can be rehabilitated. Photo: Ohio Historical Society.

Acknowledgements

This publication has been prepared pursuant to the National Historic Preservation Act of 1966, as amended, which directs the Secretary of the Interior to develop and make available information concerning historic properties. Comments on the usefulness of this publication may be directed to H. Ward Jandl, Deputy Chief, Preservation Assistance Division, National Park Service, P.O. Box 37127, Washington, D.C. 20013-7127. This publication is not copyrighted and can be reproduced without penalty. Normal procedures for credit to the author and the National Park Service are appreciated.

The author, Sharon C. Park, Senior Historical Architect, Preservation Assistance Division, National Park Service, would like to acknowledge the assistance of the following individuals in the preparation and review of this publication. H. Ward Jandl served as the technical editor and assisted with producing this Preservation Brief. In addition the following persons have provided invaluable information and illustrations: Ernest A. Conrad, PE; Doug Hicks, NPS Williamsport Preservation Training Center; Thomas C. Taylor, Colonial Williamsburg; Karen Gordon, Seattle Urban Conservation Office; Kevin B. Stoops, Seattle Department of Parks and Recreation; Michael Mills, AIA; Christine Henry, architect, Mary Beth Hirsch, Ohio Historical Society. Thanks also to Preservation Assistance Division staff members Michael J. Auer, Anne E. Grimmer, Kay D. Weeks, Timothy A. Buehner, and Jean Travers, and to the numerous staff members of the NPS Regional offices who submitted comments.

All photographs and drawings are by the author unless otherwise noted.

Cover photograph: Mothballing of this historic house involved a new membrane roof covering over the historic roof and slatted window covers for security and ventilation. Photo: Williamsport Preservation Training Center, NPS.

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Further Reading

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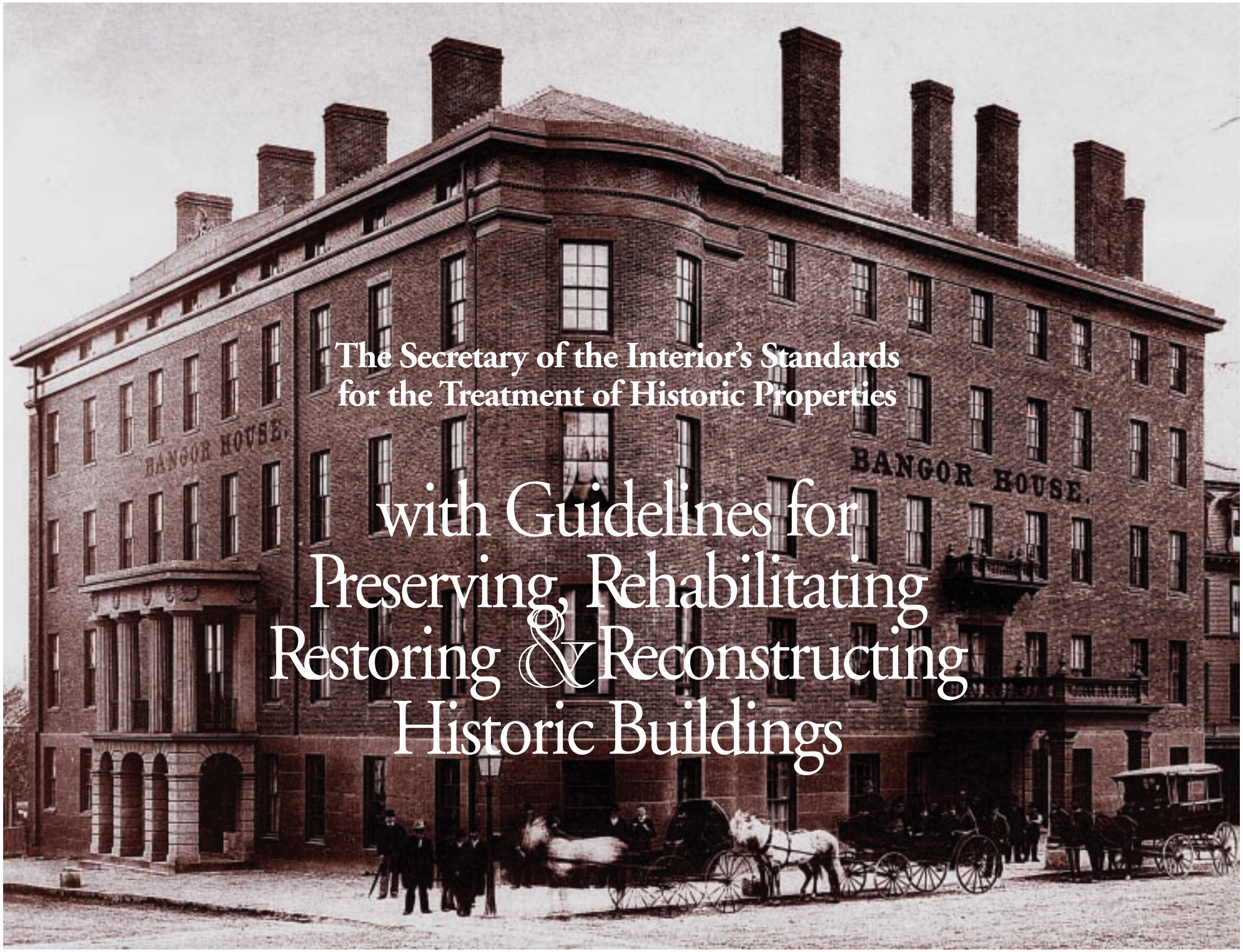
Solon, Thomas E. "Security Panels for the Foster-Armstrong House." *Association for Preservation Technology Bulletin.* Vol XVI no. 3 & 4, 1984. (note the design of the panels, but be aware that additional louvering may be needed on other projects).



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

with Guidelines for Preserving, Rehabilitating Restoring & Reconstructing Historic Buildings

The Secretary of the Interior is responsible for establishing professional standards and providing advice on the preservation and protection of all cultural resources listed in or eligible for listing in the National Register of Historic Places. **The Secretary of the Interior's Standards for the Treatment of Historic Properties,** apply to all proposed development grant-in-aid projects assisted through the National Historic Preservation Fund, and are intended to be applied to a wide variety of resource types, including buildings, sites, structures, objects, and districts. They address four treatments: Preservation, Rehabilitation, Restoration, and Reconstruction. The treatment Standards, developed in 1992, were codified as 36 CFR Part 68 in the July 12, 1995 *Federal Register* (Vol. 60, No. 133). They replace the 1978 and 1983 versions of 36 CFR 68 entitled, "The Secretary of the Interior's Standards for Historic Preservation Projects." The Guidelines in this book also replace the Guidelines that were published in 1979 to accompany the earlier Standards.

Please note that **The Secretary of the Interior's Standards for the Treatment of Historic Properties** are only regulatory for projects receiving federal grant-in-aid funds; otherwise, the Standards and Guidelines are intended only as general guidance for work on any historic building.

Finally, another regulation, 36 CFR Part 67, focuses on "certified historic structures" as defined by the IRS Code of 1986. The "Standards for Rehabilitation" cited in 36 CFR 67 should always be used when property owners are seeking certification for Federal tax benefits.

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

with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings

Kay D. Weeks and Anne E. Grimmer

U.S. Department of the Interior
National Park Service
Cultural Resource Stewardship and Partnerships
Heritage Preservation Services
Washington, D.C.
1995

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Photo Credits

Front and Back Covers

Bangor House, Bangor, Maine, circa 1880. Historic photo (front) and drawing (back): Courtesy, Maine State Historic Preservation Office.

Historical Overview (Materials and Features)

Building Exterior: Masonry. Jack E. Boucher, HABS.

Building Exterior: Wood. Jack E. Boucher, HABS.

Building Exterior: Architectural Metals. Cervin Robinson, HABS.

Building Exterior: Roofs. Jack E. Boucher, HABS.

Building Exterior: Windows. Jack E. Boucher, HABS.

Building Exterior: Entrances and Porches. Jack E. Boucher, HABS.

Building Exterior: Storefronts. Jack E. Boucher, HABS.

Building Interior: Structural Systems. Cervin Robinson, HABS.

Building Interior: Spaces, Features and Finishes. Brooks Photographers, HABS Collection.

Building Interior: Mechanical Systems. National Park Service Files.

Building Site. Jack E. Boucher, HABS.

Setting (District/Neighborhood). Charles Ashton.

Energy Conservation. Laura A. Muckenfuss.

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Accessibility Considerations. Department of Cultural Resources, Raleigh, North Carolina.

Health and Safety Considerations. National Park Service Files.

Chapter Heads

Preservation
Hale House, Los Angeles, California. Photos: Before: National Park Service files; After: Bruce Boehner.

Rehabilitation
Storefront, Painted Post, New York, after rehabilitation. Photo: Kellogg Studio.

Restoration
Camron-Stanford House, Oakland, California. Photos: Before: National Park Service files; After: Courtesy, James B. Spaulding.

Reconstruction
George Washington Memorial House at Washington Birthplace National Monument, Westmoreland County, Virginia. Photo: Richard Frear.

Text

It should be noted that those photographs used to illustrate the guidelines text that are not individually credited in the captions are from National Park Service files.

Acknowledgements

The Standards for the Treatment of Historic Properties, published in 1992, were reviewed by a broad cross-section of government entities and private sector organizations. *The Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings* were developed in cooperation with the National Conference of State Historic Preservation Officers and reviewed by individual State Historic Preservation Offices nationwide. We wish to thank Stan Graves and Claire Adams, in particular, for their thoughtful evaluation of the new material. Dahlia Hernandez provided administrative support throughout the project.

Finally, this book is dedicated to H. Ward Jandl, whose long-term commitment to historic preservation helped define the profession as we know it today.

The Secretary of the Interior's Standards for the Treatment of Historic Properties may be applied to one historic resource type or a variety of historic resource types; for example, a project may include a complex of buildings such as a house, garage, and barn; the site, with a designed landscape, natural features, and archeological components; structures such as a system of roadways and paths or a bridge; and objects such as fountains and statuary.

Historic Resource Types & Examples

Building: houses, barns, stables, sheds, garages, courthouses, city halls, social halls, commercial buildings, libraries, factories, mills, train depots, hotels, theaters, stationary mobile homes, schools, stores, and churches.

Site: habitation sites, funerary sites, rock shelters, village sites, hunting and fishing sites, ceremonial sites, petroglyphs, rock carvings, ruins, gardens, grounds, battlefields, campsites, sites of treaty signings, trails, areas of land, shipwrecks, cemeteries, designed landscapes, and natural features, such as springs and rock formations, and land areas having cultural significance.

Zoar Historic District, Ohio. Aerial view. Photo: National Park Service.

Elmendorf, Lexington, Kentucky. Photo: Charles A. Birnbaum.

Structure: bridges, tunnels, gold dredges, firetowers, canals, turbines, dams, power plants, corn-cribs, silos, roadways, shot towers, windmills, grain elevators, kilns, mounds, cairns, palisade fortifications, earthworks, railroad grades, systems of roadways and paths, boats and ships, railroad locomotives and cars, telescopes, carousels, bandstands, gazebos, and aircraft.

Object: sculpture, monuments, boundary markers, statuary, and fountains.

District: college campuses, central business districts, residential areas, commercial areas, large forts, industrial complexes, civic centers, rural villages, canal systems, collections of habitation and limited activity sites, irrigation systems, large farms, ranches, estates, or plantations, transportation networks, and large landscaped parks.

(Sidebar adapted from National Register Property and Resource Types, p. 15, National Register Bulletin 16A, How to Complete the National Register Form, published by the National Register Branch, Interagency Resources Division, National Park Service, U.S. Department of the Interior, 1991.)

Introduction

Choosing an Appropriate Treatment for the Historic Building

The Standards are neither technical nor prescriptive, but are intended to promote responsible preservation practices that help protect our Nation's irreplaceable cultural resources. For example, they cannot, in and of themselves, be used to make essential decisions about which features of the historic building should be saved and which can be changed. But once a treatment is selected, the Standards provide philosophical consistency to the work.

Choosing the most appropriate treatment for a building requires careful decision-making about a building's historical significance, as well as taking into account a number of other considerations:

Relative importance in history. Is the building a nationally significant resource—a rare survivor or the work of a master architect or craftsman? Did an important event take place in it? National Historic Landmarks, designated for their "exceptional significance in American history," or many buildings individually listed in the National Register often warrant Preservation or Restoration. Buildings that contribute to the significance of a historic district but are not individually listed in the National Register more frequently undergo Rehabilitation for a compatible new use.

Physical condition. What is the existing condition—or degree of material integrity—of the building prior to work? Has the original form survived largely intact or has it been altered over time? Are the alterations an important part of the building's history? Preservation may be appropriate if distinctive materials, features, and spaces are essentially intact and convey the building's historical significance. If the building requires more extensive repair and replacement, or if alterations or additions are necessary for a new use, then Rehabilitation is probably the most appropriate treatment. These key questions play major roles in determining what treatment is selected.

Proposed use. An essential, practical question to ask is: Will the building be used as it was historically or will it be given a new use? Many historic buildings can be adapted for new uses without seriously damaging their historic character; special-use properties such as grain silos, forts, ice houses, or windmills may be extremely difficult to adapt to new uses without major intervention and a resulting loss of historic character and even integrity.

Mandated code requirements. Regardless of the treatment, code requirements will need to be taken into consideration. But if hastily or poorly designed, a series of code-required actions may jeopardize a building's materials as well as its historic character. Thus, if a building needs to be seismically upgraded, modifications to the historic appearance should be minimal. Abatement of lead paint and asbestos within historic buildings requires particular care if important historic finishes are not to be adversely affected. Finally, alterations and new construction needed to meet accessibility requirements under the Americans with Disabilities Act of 1990 should be designed to minimize material loss and visual change to a historic building.

Using the Standards and Guidelines for a Preservation, Rehabilitation, Restoration, or Reconstruction Project

The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings are intended to provide guidance to historic building owners and building managers, preservation consultants, architects, contractors, and project reviewers prior to treatment.

As noted, while the treatment Standards are designed to be applied to all historic resource types included in the National Register of Historic Places—buildings, sites, structures, districts, and objects—the Guidelines apply to *specific* resource types; in this case, buildings.

The Guidelines have been prepared to assist in applying the Standards to all project work; consequently, they are not meant to give case-specific advice or address exceptions or rare instances. Therefore, it is recommended that the advice of qualified historic preservation professionals be obtained early in the planning stage of the project. Such professionals may include architects, architectural historians, historians, historical engineers, archeologists, and others who have experience in working with historic buildings.

The Guidelines pertain to both exterior and interior work on historic buildings of all sizes, materials, and types. Those approaches to work treatments and techniques that are consistent with ***The Secretary of the Interior's Standards for the Treatment of Historic Properties*** are listed in the "**Recommended**" column on the left; those which are inconsistent with the Standards are listed in the "**Not Recommended**" column on the right.

One chapter of this book is devoted to each of the four treatments: Preservation, Rehabilitation, Restoration, and Reconstruction. Each chapter contains one set of Standards and accompanying Guidelines that are to be used throughout the course of a project. The Standards for the first treatment, *Preservation,* require retention of the greatest amount of historic fabric, along with the building's historic form, features, and detailing as they have evolved over time. The *Rehabilitation* Standards acknowledge the need to alter or add to a historic building to meet continuing or new uses while retaining the building's historic character. The *Restoration* Standards allow for the depiction of a building at a particular time in its history by preserving materials from the period of significance and removing materials from other periods. The *Reconstruction* Standards establish a limited framework for re-creating a vanished or non-surviving building with new materials, primarily for interpretive purposes.

The Guidelines are preceded by a brief historical overview of the primary historic building materials (masonry, wood, and architectural metals) and their diverse uses over time. Next, building features comprised of these materials are discussed, beginning with the exterior, then moving to the interior. Special requirements or work that must be done to meet accessibility requirements, health and safety code requirements, or retrofitting to improve energy efficiency are also addressed here. Although usually not part of the overall process of protecting historic buildings, this work must also be assessed for its potential impact on a historic building.

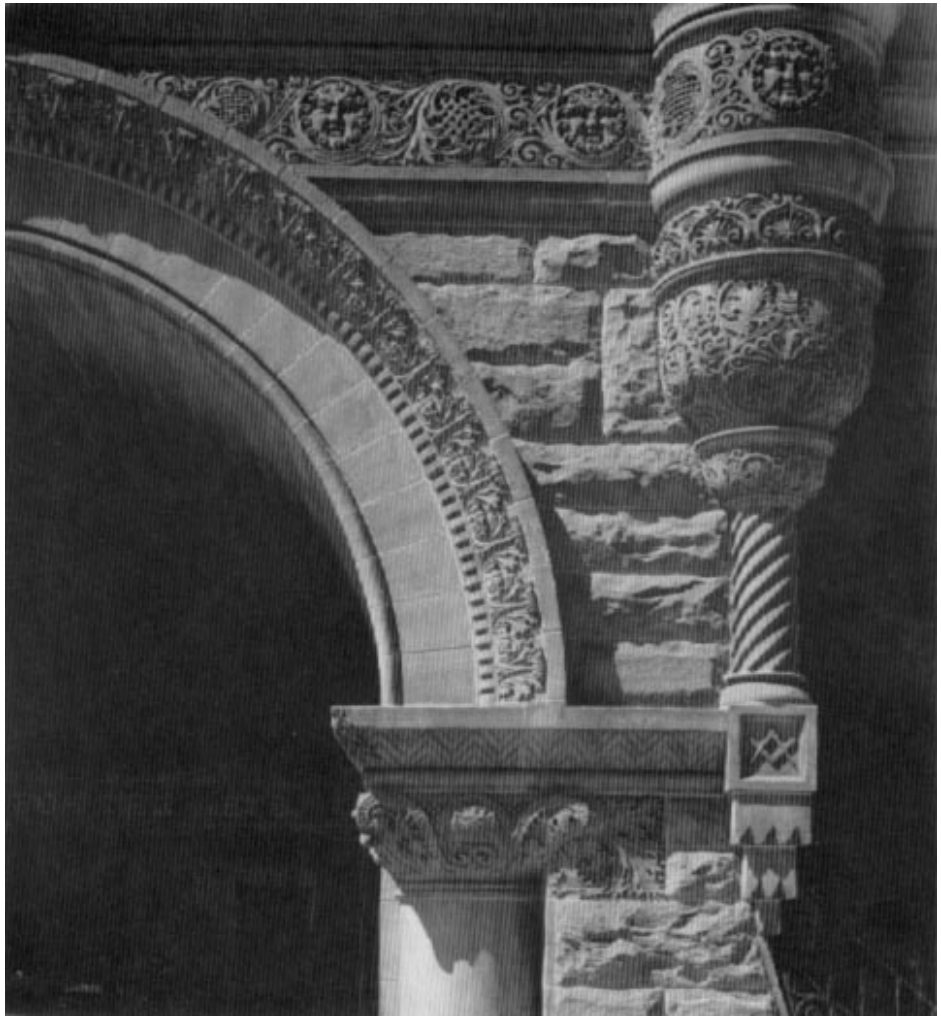
Historical Overview
Building Exterior *Materials*

Masonry

Stone is one of the more lasting of masonry building materials and has been used throughout the history of American building construction. The kinds of stone most commonly encountered on historic buildings in the U.S. include various types of sandstone, limestone, marble, granite, slate and fieldstone. *Brick* varied considerably in size and quality. Before 1870, brick clays were pressed into molds and were often unevenly fired. The quality of brick depended on the type of clay available and the brick-making techniques; by the 1870s—with the perfection of an extrusion process—bricks became more uniform and durable. *Terra cotta* is also a kiln-dried clay product popular from the late 19th century until the 1930s. The development of the steel-frame office buildings in the early 20th century contributed to the widespread use of architectural terra cotta. *Adobe*, which consists of sun-dried earthen bricks, was one of the earliest building materials used in the U.S., primarily in the Southwest where it is still popular.

Mortar is used to bond together masonry units. Historic mortar was generally quite soft, consisting primarily of lime and sand with other additives. By the latter part of the 19th century, portland cement was usually added resulting in a more rigid and non-absorbing mortar. Like historic mortar, early *stucco* coatings were also heavily lime-based, increasing in hardness with the addition of portland cement in the late 19th century. *Concrete* has a long history, being variously made of tabby, volcanic ash and, later, of natural hydraulic cements, before the introduction of portland cement in the 1870s. Since then, concrete has also been used in its precast form.

While masonry is among the most durable of historic building materials, it is also very susceptible to damage by improper maintenance or repair techniques and harsh or abrasive cleaning methods.



Wood

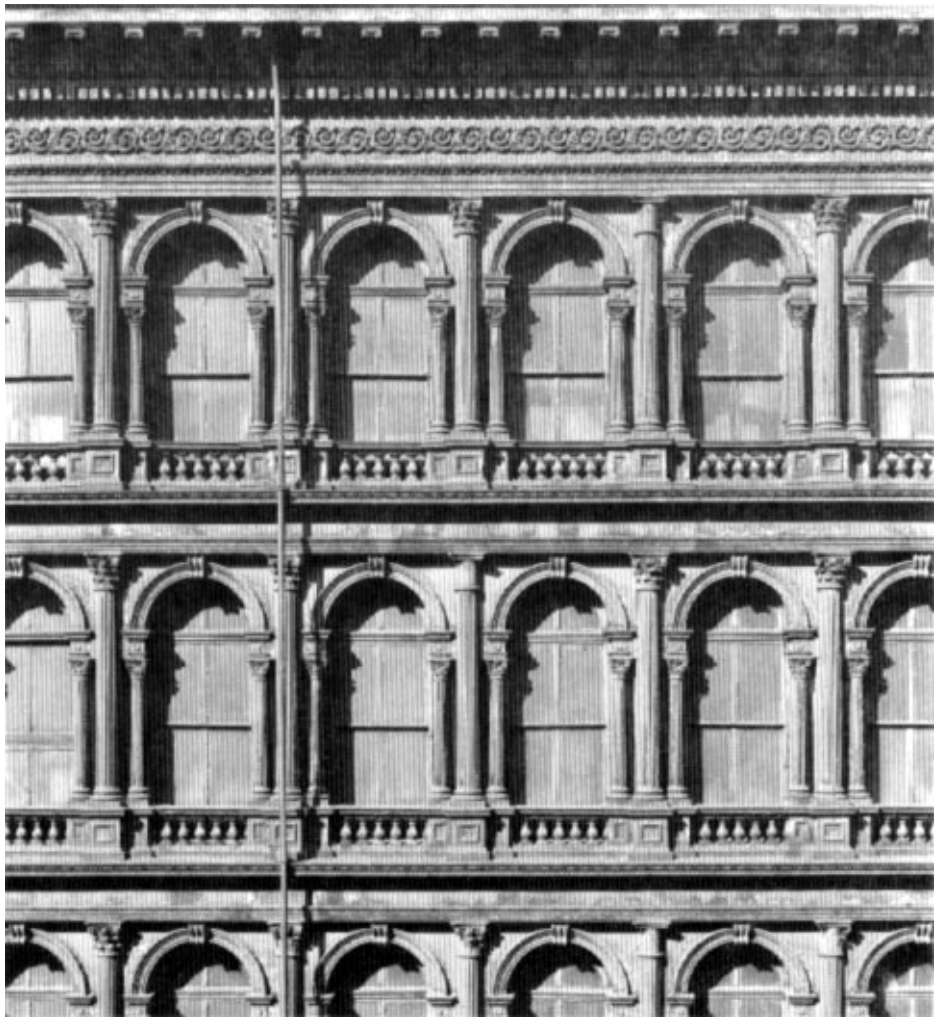
Wood has played a central role in American building during every period and in every style. Whether as structural members, exterior cladding, roofing, interior finishes, or decorative features, wood is frequently an essential component of historic buildings.

Because it can be easily shaped by sawing, sanding, planing, carving, and gouging, wood is used for architectural features such as clapboard, cornices, brackets, entablatures, shutters, columns and balustrades. These wooden features, both functional and decorative, are often important in defining the historic character of the building.

Architectural Metals

Architectural metal features—such as cast iron facades, porches, and steps; sheet metal cornices, siding, roofs, roof cresting and storefronts; and cast or rolled metal doors, window sash, entablatures, and hardware—are often highly decorative and may be important in defining the overall character of historic American buildings.

Metals commonly used in historic buildings include lead, tin, zinc, copper, bronze, brass, iron, steel, and to a lesser extent, nickel alloys, stainless steel and aluminum. Historic metal building components were often created by highly skilled, local artisans, and by the late 19th century, many of these components were prefabricated and readily available from catalogs in standardized sizes and designs.



Building Exterior *Features*

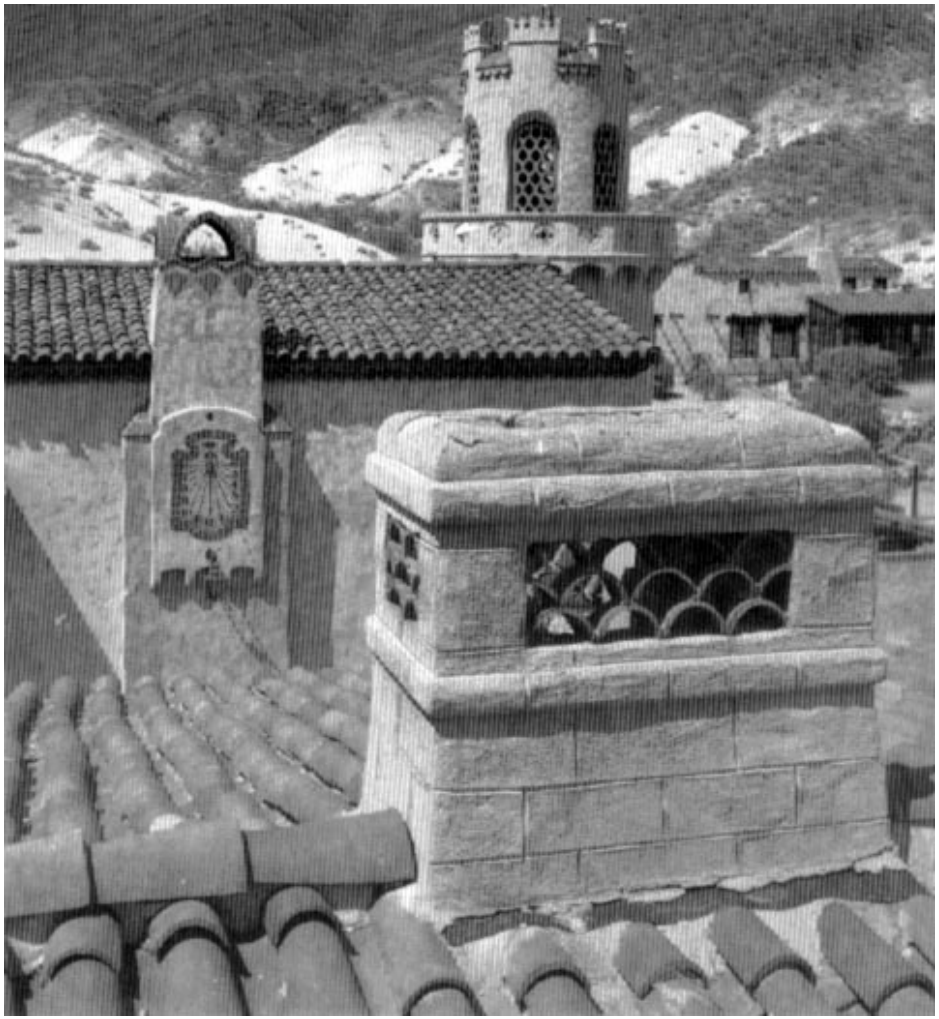
Roofs

The roof—with its shape; features such as cresting, dormers, cupolas, and chimneys; and the size, color, and patterning of the roofing material—is an important design element of many historic buildings. In addition, a weathertight roof is essential to the longterm preservation of the entire structure. Historic roofing reflects availability of materials, levels of construction technology, weather, and cost. Throughout the country in all periods of history, *wood shingles* have been used—their size, shape, and detailing differing according to regional craft practices.

European settlers used *clay tile* for roofing at least as early as the mid-17th century. In some cities, such as New York and Boston, clay tiles were popularly used as a precaution against fire. The Spanish influence in the use of clay tiles is found in the southern, southwestern and western states. In the mid-19th century, tile roofs were often replaced by *sheet-metal*, which is lighter and easier to maintain.

Evidence of the use of *slate* for roofing dates from the mid-17th century. Slate has remained popular for its durability, fireproof qualities, and its decorative applications. The use of metals for roofing and roof features dates from the 18th century, and includes the use of *sheet metal, corrugated metal, galvanized metal, tin-plate, copper, lead* and *zinc.*

New roofing materials developed in the early 20th century include built-up roll roofing, and concrete, asbestos, and asphalt shingles.

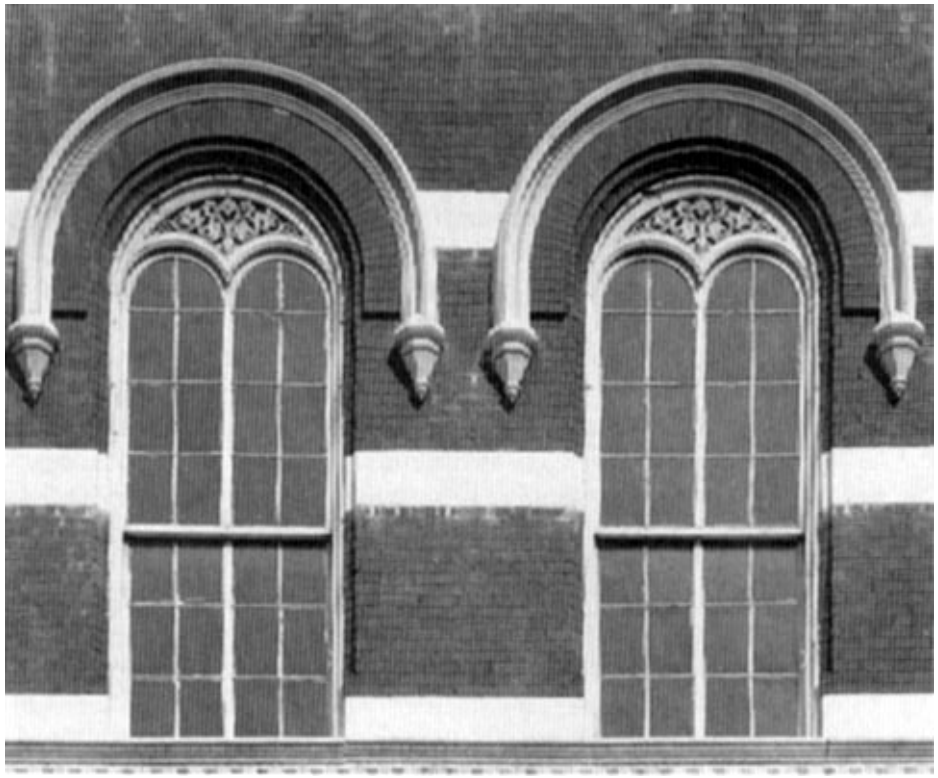


Windows

Technology and prevailing architectural styles have shaped the history of windows in the United States starting in the 17th century with wooden casement windows with tiny glass panes seated in lead cames. From the transitional single-hung sash in the early 1700s to the true double-hung sash later in the century, these early wooden windows were characterized by small panes, wide muntins, and decorative trim. As the sash thickness increased, muntins took on a thinner appearance as they narrowed in width but increased in thickness.

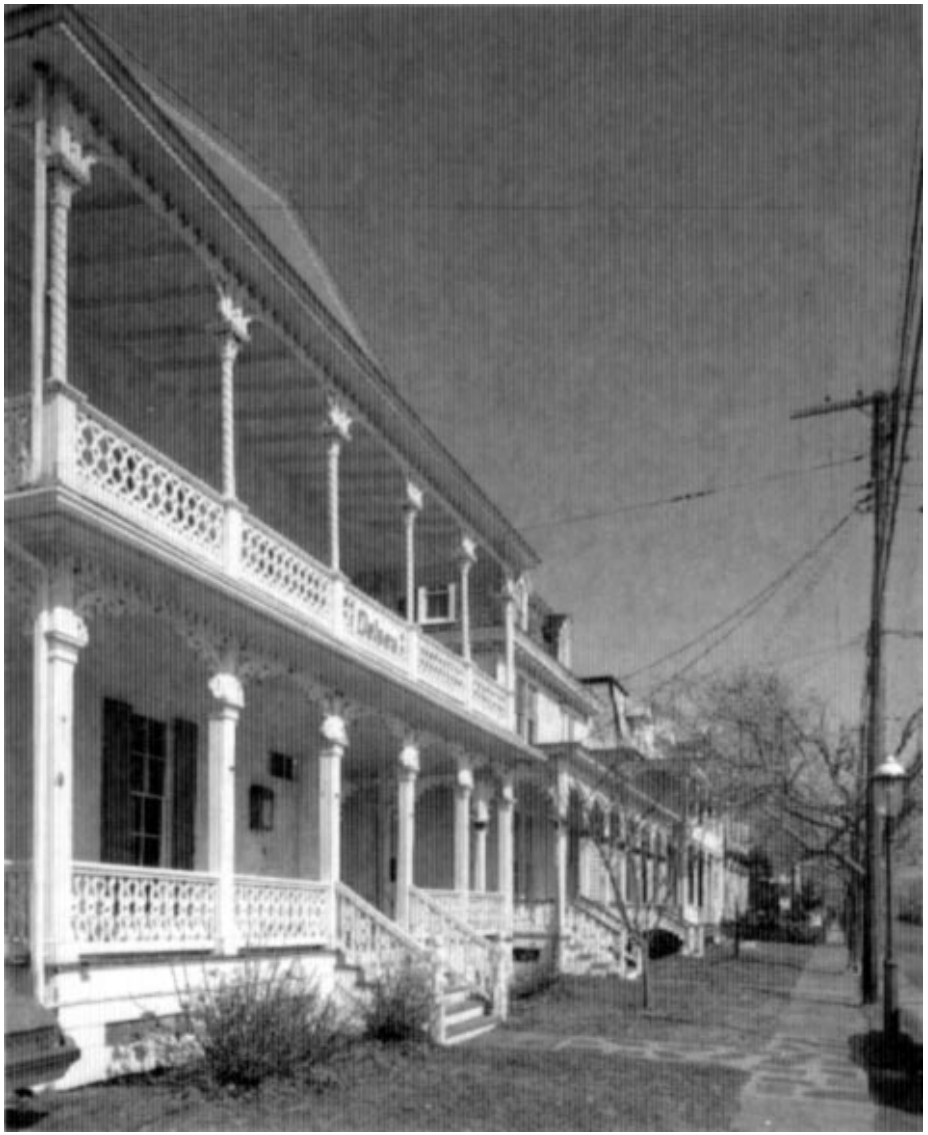
Changes in technology led to larger panes of glass so that by the mid-19th century, two-over-two lights were common; the manufacture of plate glass in the United States allowed for use of large sheets of glass in commercial and office buildings by the late 19th century. With mass-produced windows, mail order distribution, and changing architectural styles, it was possible to obtain a wide range of window designs and light patterns in sash. Early 20th century designs frequently utilized smaller lights in the upper sash and also casement windows. The desire for fireproof building construction in dense urban areas contributed to the growth of a thriving steel window industry along with a market for hollow metal and metal clad wooden windows.

As one of the few parts of a building serving as both an interior and exterior feature, windows are nearly always an important part of a historic building.



Entrances and Porches

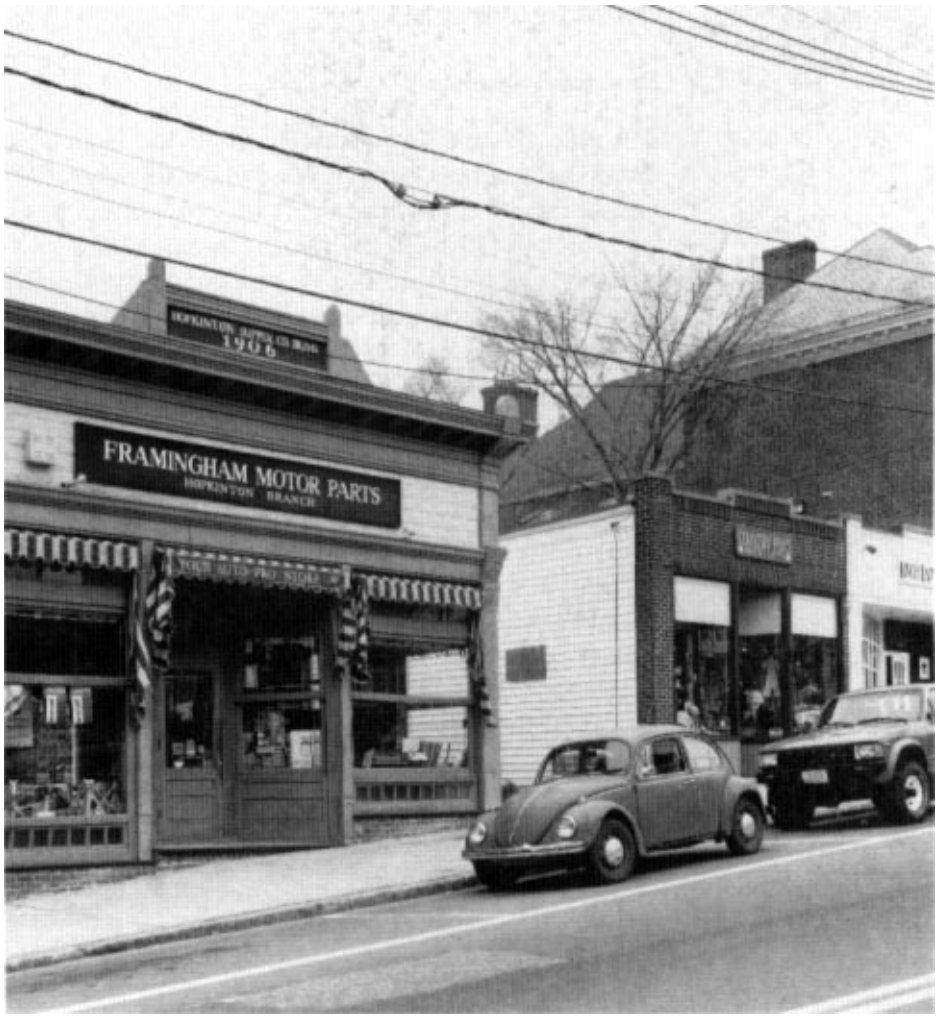
Entrances and porches are quite often the focus of historic buildings, particularly on primary elevations. Together with their functional and decorative features such as doors, steps, balustrades, pilasters, and entablatures, they can be extremely important in defining the overall character of a building. In many cases, porches were energy-saving devices, shading southern and western elevations. Usually entrances and porches were integral components of a historic building's design; for example, porches on Greek Revival houses, with Doric or Ionic columns and pediments, echoed the architectural elements and features of the larger building. Central one-bay porches or arcaded porches are evident in Italianate style buildings of the 1860s. Doors of Renaissance Revival style buildings frequently supported entablatures or pediments. Porches were particularly prominent features of Eastlake and Stick Style houses in which porch posts, railings, and balusters were characterized by a massive and robust quality, with members turned on a lathe. Porches of bungalows of the early 20th century were characterized by tapered porch posts, exposed post and beams, and low pitched roofs with wide overhangs. Art Deco commercial buildings were entered through stylized glass and stainless steel doors.



Storefronts

The earliest extant storefronts in the U.S., dating from the late 18th and early 19th centuries, had bay or oriel windows and provided limited display space. The 19th century witnessed the progressive enlargement of display windows as plate glass became available in increasingly larger units. The use of cast iron columns and lintels at ground floor level permitted structural members to be reduced in size. Recessed entrances provided shelter for sidewalk patrons and further enlarged display areas. In the 1920s and 1930s, aluminum, colored structural glass, stainless steel, glass block, neon, and other new materials were introduced to create Art Deco storefronts.

The storefront is usually the most prominent feature of a historic commercial building, playing a crucial role in a store's advertising and merchandising strategy. Although a storefront normally does not extend beyond the first story, the rest of the building is often related to it visually through a unity of form and detail. Window patterns on the upper floors, cornice elements, and other decorative features should be carefully retained, in addition to the storefront itself.

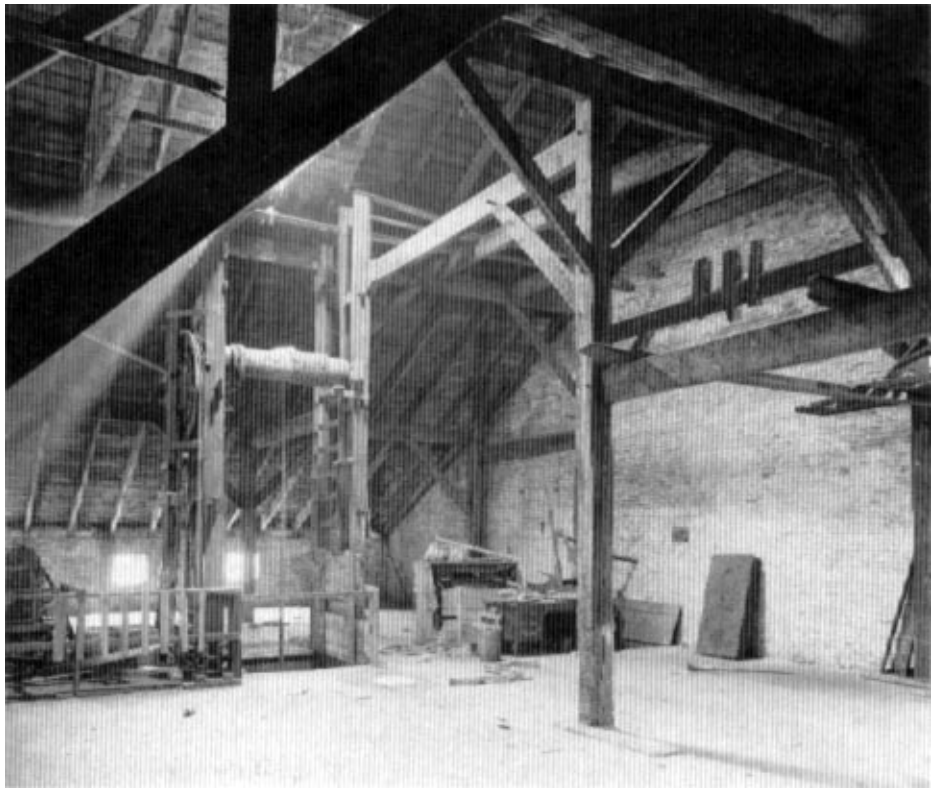


Building Interior

Structural Systems

The types of structural systems found in the United States include, but are not limited to the following: wooden frame construction (17th c.), balloon frame construction (19th c.), load-bearing masonry construction (18th c.), brick cavity wall construction (19th c.), heavy timber post and beam industrial construction (19th c.), fireproof iron construction (19th c.), heavy masonry and steel construction (19th c.), skeletal steel construction (19th c.), and concrete slab and post construction (20th c.).

If features of the structural system are exposed such as loadbearing brick walls, cast iron columns, roof trusses, posts and beams, vigas, or stone foundation walls, they may be important in defining the building's overall historic character. Unexposed structural features that are not character-defining or an entire structural system may nonetheless be significant in the history of building technology. The structural system should always be examined and evaluated early in the project planning stage to determine its physical condition, its ability to support any proposed changes in use, and its importance to the building's historic character or historical significance.



Spaces, Features, and Finishes

An interior floor plan, the arrangement and sequence of spaces, and built-in features and applied finishes are individually and collectively important in defining the historic character of the building. Interiors are comprised of a series of primary and secondary spaces. This is applicable to all buildings, from courthouses to cathedrals, to cottages and office buildings. Primary spaces, including entrance halls, parlors, or living rooms, assembly rooms and lobbies, are defined not only by their function, but also by their features, finishes, size and proportion.

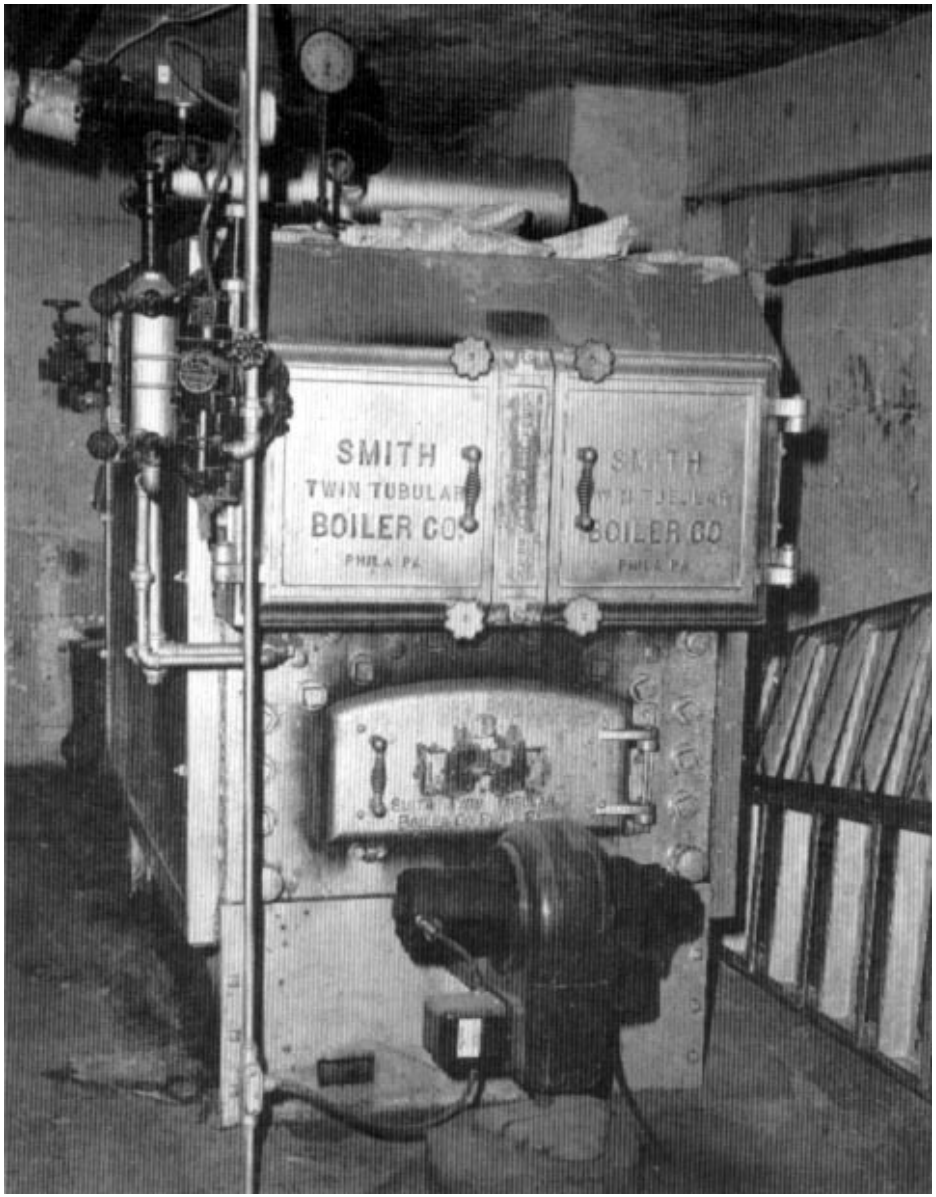
Secondary spaces are often more functional than decorative, and may include kitchens, bathrooms, mail rooms, utility spaces, secondary hallways, firestairs and office cubicles in a commercial or office space. Extensive changes can often be made in these less important areas without having a detrimental effect on the overall historic character.

Mechanical Systems

Mechanical, lighting and plumbing systems improved significantly with the coming of the Industrial Revolution. The 19th century interest in hygiene, personal comfort, and the reduction of the spread of disease were met with the development of central heating, piped water, piped gas, and network of underground cast iron sewers. Vitreous tiles in kitchens, baths and hospitals could be cleaned easily and regularly. The mass production of cast iron radiators made central heating affordable to many; some radiators were elaborate and included special warming chambers for plates or linens. Ornamental grilles and registers provided decorative covers for functional heaters in public spaces. By the turn of the 20th century, it was common to have all these modern amenities as an integral part of the building.

The greatest impacts of the 20th century on mechanical systems were the use of electricity for interior lighting, forced air ventilation, elevators for tall buildings, exterior lighting and electric heat. The new age of technology brought an increasingly high level of design and decorative art to many of the functional elements of mechanical, electrical and plumbing systems.

The visible decorative features of historic mechanical systems such as grilles, lighting fixtures, and ornamental switchplates may contribute to the overall historic character of the building. Their identification needs to take place, together with an evaluation of their physical condition, early in project planning. On the other hand, mechanical systems need to work efficiently so many older systems, such as compressors and their ductwork, and wiring and pipes often need to be upgraded or entirely replaced in order to meet modern requirements.

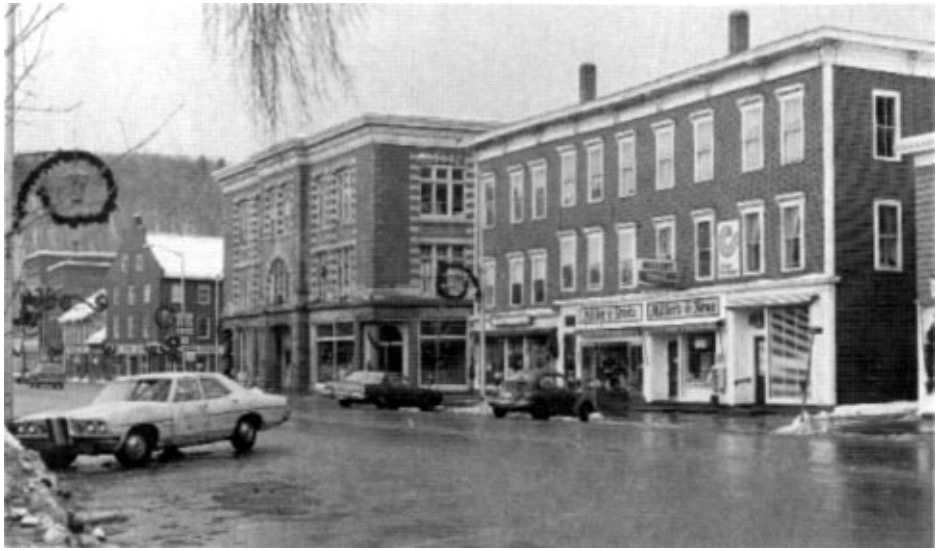


Building Site

The building site consists of a historic building or buildings, structures, and associated landscape features within a designed or legally defined parcel of land. A site may be significant in its own right, or because of its association with the historic building or buildings. The relationship between buildings and landscape features on a site should be an integral part of planning for every work project.

Setting (District/Neighborhood)

The setting is the larger area or environment in which a historic property is located. It may be an urban, suburban, or rural neighborhood or a natural landscape in which buildings have been constructed. The relationship of buildings to each other, setbacks, fence patterns, views, driveways and walkways, and street trees together create the character of a district or neighborhood.



Special Requirements

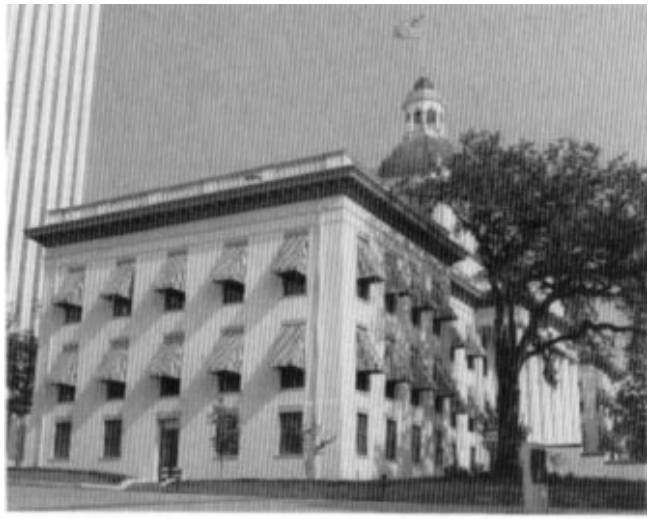
Work that must be done to meet accessibility requirements, health and safety requirements or retrofitting to improve energy efficiency is usually not part of the overall process of protecting historic buildings; rather, this work is assessed for its potential impact on the historic building.

Energy Efficiency

Some features of a historic building or site such as cupolas, shutters, transoms, skylights, sun rooms, porches, and plantings can play an energy-conserving role. Therefore, prior to retrofitting historic buildings to make them more energy efficient, the first step should always be to identify and evaluate existing historic features to assess their inherent energy-conserving potential. If it is determined that retrofitting measures are appropriate, then such work needs to be carried out with particular care to ensure that the building's historic character is retained.

Accessibility Considerations

It is often necessary to make modifications to a historic building so that it will be in compliance with current accessibility code requirements. Accessibility to certain historic structures is required by three specific federal laws: the Architectural Barriers Act of 1968, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990. Federal rules, regulations, and standards have been developed which provide guidance on how to accomplish access to historic areas for people with disabilities. Work must be carefully planned and undertaken so that it does not result in the loss of character-defining spaces, features, and finishes. The goal is to provide the highest level of access with the lowest level of impact.



Health and Safety Considerations

In undertaking work on historic buildings, it is necessary to consider the impact that meeting current health and safety codes (public health, occupational health, life safety, fire safety, electrical, seismic, structural, and building codes) will have on character-defining spaces, features, and finishes. Special coordination with the responsible code officials at the state, county, or municipal level may be required. Securing required building permits and occupancy licenses is best accomplished early in work project planning. It is often necessary to look beyond the "letter" of code requirements to their underlying purpose; most modern codes allow for alterative approaches and reasonable variance to achieve compliance.

Some historic building materials (insulation, lead paint, etc.) contain toxic substances that are potentially hazardous to building occupants. Following careful investigation and analysis, some form of abatement may be required. All workers involved in the encapsulation, repair, or removal of known toxic materials should be adequately trained and should wear proper personal protective gear. Finally, preventive and routine maintenance for historic structures known to contain such materials should also be developed to include proper warnings and precautions.

Standards for Preservation & Guidelines for Preserving Historic Buildings

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.*

Standards for Preservation

1. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.

2. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.

4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.

5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

6. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color, and texture.

7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

Guidelines for Preserving Historic Buildings

Introduction

In **Preservation**, the options for replacement are less extensive than in the treatment, Rehabilitation. This is because it is assumed at the outset that building materials and character-defining features are essentially intact, i.e, that more historic fabric has survived, unchanged over time. The expressed goal of the **Standards for Preservation and Guidelines for Preserving Historic Buildings** is retention of the building's existing form, features and detailing. This may be as simple as basic maintenance of existing materials and features or may involve preparing a historic structure report, undertaking laboratory testing such as paint and mortar analysis, and hiring conservators to perform sensitive work such as reconstituting interior finishes. Protection, maintenance, and repair are emphasized while replacement is minimized.

Identify, Retain, and Preserve Historic Materials and Features

The guidance for the treatment **Preservation** begins with recommendations to identify the form and detailing of those architectural materials and features that are important in defining the building's historic character and which must be retained in order to preserve that character. Therefore, guidance on ***identifying, retaining, and preserving*** character-defining features is always given first. The character of a historic building may be defined by the form and detailing of exterior materials, such as masonry, wood, and metal; exterior features, such as roofs, porches, and windows; interior materials, such as plaster and paint; and interior features, such as moldings and stairways, room configuration and spatial relationships, as well as structural and mechanical systems; and the building's site and setting.

Stabilize Deteriorated Historic Materials and Features as a Preliminary Measure

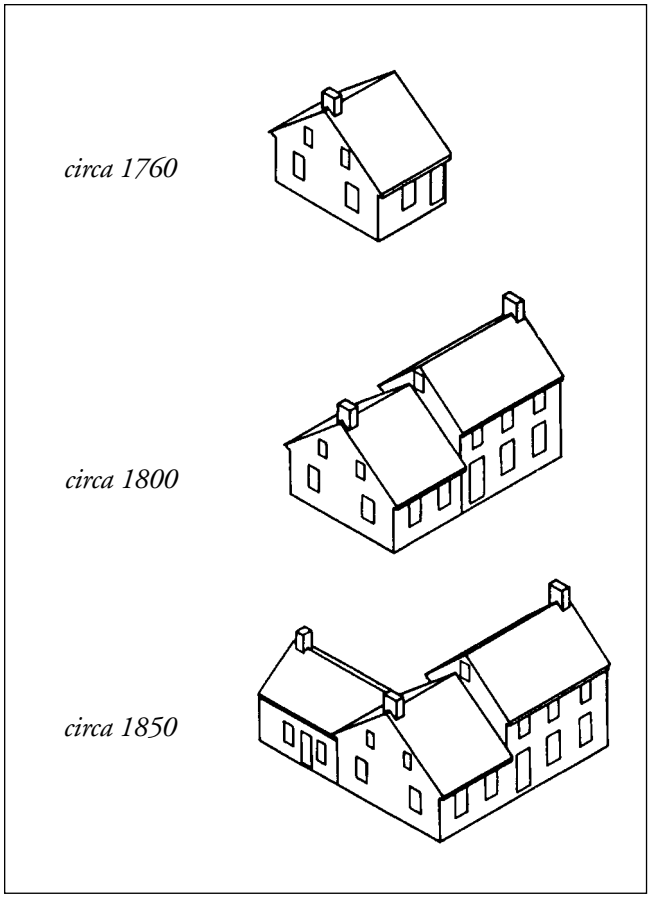
Deteriorated portions of a historic building may need to be protected thorough preliminary stabilization measures until additional work can be undertaken. ***Stabilizing*** may include structural reinforcement, weatherization, or correcting unsafe conditions. Temporary stabilization should always be carried out in such a manner that it detracts as little as possible from the historic building's appearance. Although it may not be necessary in every preservation project, stabilization is nonetheless an integral part of the treatment **Preservation;** it is equally applicable, if circumstances warrant, for the other treatments.

Protect and Maintain Historic Materials and Features

After identifying those materials and features that are important and must be retained in the process of **Preservation** work, then ***protecting and maintaining*** them are addressed. Protection generally involves the least degree of intervention and is preparatory to other work. For example, protection includes the maintenance of historic materials through treatments such as rust removal, caulking, limited paint removal, and re-application of protective coatings; the cyclical cleaning of roof gutter systems; or installation of fencing, alarm systems and other temporary protective measures. Although a historic building will usually require more extensive work, an overall evaluation of its physical condition should always begin at this level.

Repair (Stabilize, Consolidate, and Conserve) Historic Materials and Features

Next, when the physical condition of character-defining materials and features requires additional work, ***repairing*** by ***stabilizing, consolidating, and***



This three-part drawing shows the evolution of a farm house over time. Such change is part of the history of the place and is respected within the treatment, Preservation. Drawing: Center for Historic Architecture and Engineering, University of Delaware (adapted from Preservation Brief 35: Understanding Old Buildings).

conserving is recommended. **Preservation** strives to retain existing materials and features while employing as little new material as possible. Consequently, guidance for repairing a historic material, such as masonry, again begins with the least degree of intervention possible such as strengthening fragile materials through consolidation, when appropriate, and repointing with mortar of an appropriate strength. Repairing masonry as well as wood and architectural metal features may also include patching, splicing, or otherwise reinforcing them using recognized preservation methods. Similarly, within the treatment **Preservation**, portions of a historic structural system could be reinforced using contemporary materials such as steel rods. All work should be physically and visually compatible, identifiable upon close inspection and documented for future research.

Limited Replacement In Kind of Extensively Deteriorated Portions of Historic Features

If repair by stabilization, consolidation, and conservation proves inadequate, the next level of intervention involves the ***limited replacement in kind*** of extensively deteriorated or missing *parts* of features when there are surviving prototypes (for example, brackets, dentils, steps, plaster, or portions of slate or tile roofing). The replacement material needs to match the old both physically and visually, i.e., wood with wood, etc. Thus, with the exception of hidden structural reinforcement and new mechanical system components, substitute materials are not appropriate in the treatment **Preservation**. Again, it is important that all new material be identified and properly documented for future research.

If prominent features are missing, such as an interior staircase, exterior cornice, or a roof dormer, then a Rehabilitation or Restoration treatment may be more appropriate.

Energy Efficiency/Accessibility Considerations/Health and Safety Code Considerations

These sections of the **Preservation** guidance address work done to meet accessibility requirements and health and safety code requirements; or limited retrofitting measures to improve energy efficiency. Although this work is quite often an important aspect of preservation projects, it is usually not part of the overall process of protecting, stabilizing, conserving, or repairing character-defining features; rather, such work is assessed for its potential negative impact on the building's character. For this reason, particular care must be taken not to obscure, damage, or destroy character-defining materials or features in the process of undertaking work to meet code and energy requirements.

Preservation as a Treatment. *When the property's distinctive materials, features, and spaces are essentially intact and thus convey the historic significance without extensive repair or replacement; when depiction at a particular period of time is not appropriate; and when a continuing or new use does not require additions or extensive alterations, Preservation may be considered as a treatment. Prior to undertaking work, a documentation plan for Preservation should be developed.*

Building Exterior

Masonry: Brick, stone, terra cotta, concrete, adobe, stucco, and mortar

Recommended	*Not Recommended*
Identifying, retaining, and preserving masonry features that are important in defining the overall historic character of the building such as walls, brackets, railings, cornices, window architraves, door pediments, steps, and columns; and details such as tooling and bonding patterns, coatings, and color.	Altering masonry features which are important in defining the overall historic character of the building so that, as a result, the character is diminished.
	Replacing historic masonry features instead of repairing or replacing only the deteriorated masonry.
	Applying paint or other coatings such as stucco to masonry that has been historically unpainted or uncoated.
	Removing paint from historically painted masonry.
	Changing the type of paint or coating or its color.
Stabilizing deteriorated or damaged masonry as a preliminary measure, when necessary, prior to undertaking appropriate preservation work.	Failing to stabilize deteriorated or damaged masonry until additional work is undertaken, thus allowing further damage to occur to the historic building.
Protecting and maintaining masonry by providing proper drainage so that water does not stand on flat, horizontal surfaces or accumulate in curved decorative features.	Failing to evaluate and treat the various causes of mortar joint deterioration such as leaking roofs or gutters, differential settlement of the building, capillary action, or extreme weather exposure.
Cleaning masonry only when necessary to halt deterioration or remove heavy soiling.	Cleaning masonry surfaces when they are not heavily soiled, thus needlessly introducing chemicals or moisture into historic materials.
Carrying out masonry surface cleaning tests after it has been determined that such cleaning is appropriate. Tests should be observed over a sufficient period of time so that both the immediate and the long range effects are known to enable selection of the gentlest method possible.	Cleaning masonry surfaces without testing or without sufficient time for the testing results to be of value.

Recommended	*Not Recommended*
Cleaning masonry surfaces with the gentlest method possible, such as low pressure water and detergents, using natural bristle brushes.	Sandblasting brick or stone surfaces using dry or wet grit or other abrasives. These methods of cleaning permanently erode the surface of the material and accelerate deterioration.
	Using a cleaning method that involves water or liquid chemical solutions when there is any possibility of freezing temperatures.
	Cleaning with chemical products that will damage masonry, such as using acid on limestone or marble, or leaving chemicals on masonry surfaces.
	Applying high pressure water cleaning methods that will damage historic masonry and the mortar joints.
Inspecting painted masonry surfaces to determine whether repainting is necessary.	Removing paint that is firmly adhering to, and thus protecting, masonry surfaces.
Removing damaged or deteriorated paint only to the next sound layer using the gentlest method possible (e.g., hand-scraping) prior to repainting.	Using methods of removing paint which are destructive to masonry, such as sandblasting, application of caustic solutions, or high pressure waterblasting.
Applying compatible paint coating systems following proper surface preparation.	Failing to follow manufacturers' product and application instructions when repainting masonry.
Repainting with colors that are historically appropriate to the building and district.	Using new paint colors that are inappropriate to the historic building and district.
Evaluating the existing condition of the masonry to determine whether more than protection and maintenance are required, that is, if repairs to masonry features will be necessary.	Failing to undertake adequate measures to assure the protection of masonry features.
Repairing, stabilizing, and conserving fragile masonry by using well-tested consolidants, when appropriate. Repairs should be physically and visually compatible and identifiable upon close inspection for future research.	Removing masonry that could be stabilized, repaired and conserved; or using untested consolidants and untrained personnel, thus causing further damage to fragile materials.

Adequate protection and maintenance of a historic building is an ongoing commitment. Here, two workers are priming and repainting exterior stone and wood trim. If surface treatments are neglected, more extensive repair and replacement will be required. Each loss further undermines a building's historic integrity.

Recommended	*Not Recommended*
Repairing masonry walls and other masonry features by repointing the mortar joints where there is evidence of deterioration such as disintegrating mortar, cracks in mortar joints, loose bricks, damp walls, or damaged plasterwork.	Removing nondeteriorated mortar from sound joints, then repointing the entire building to achieve a uniform appearance.
Removing deteriorated mortar by carefully hand-raking the joints to avoid damaging the masonry.	Using electric saws and hammers rather than hand tools to remove deteriorated mortar from joints prior to repointing.
Duplicating old mortar in strength, composition, color, and texture.	Repointing with mortar of high portland cement content (unless it is the content of the historic mortar). This can often create a bond that is stronger than the historic material and can cause damage as a result of the differing coefficient of expansion and the differing porosity of the material and the mortar.
	Repointing with a synthetic caulking compound.
	Using a "scrub" coating technique to repoint instead of traditional repointing methods.
Duplicating old mortar joints in width and in joint profile.	Changing the width or joint profile when repointing.

Recommended	*Not Recommended*
Repairing stucco by removing the damaged material and patching with new stucco that duplicates the old in strength, composition, color, and texture.	Removing sound stucco; or repairing with new stucco that is stronger than the historic material or does not convey the same visual appearance.
Using mud plaster as a surface coating over unfired, unstabilized adobe because the mud plaster will bond to the adobe.	Applying cement stucco to unfired, unstabilized adobe. Because the cement stucco will not bond properly, moisture can become entrapped between materials, resulting in accelerated deterioration of the adobe.
Cutting damaged concrete back to remove the source of deterioration (often corrosion on metal reinforcement bars). The new patch must be applied carefully so it will bond satisfactorily with, and match, the historic concrete.	Patching concrete without removing the source of deterioration.
Repairing masonry features by patching, piecing-in, or otherwise reinforcing the masonry using recognized preservation methods. The new work should be unobtrusively dated to guide future research and treatment.	Removing masonry that could be repaired, using improper repair techniques, or failing to document the new work.
Applying new or non-historic surface treatments such as water-repellent coatings to masonry only after repointing and only if masonry repairs have failed to arrest water penetration problems.	Applying waterproof, water repellent, or non-historic coatings such as stucco to masonry as a substitute for repointing and masonry repairs. Coatings are frequently unnecessary, expensive, and may change the appearance of historic masonry as well as accelerate its deterioration.

The following work is highlighted to indicate that it represents the greatest degree of intervention generally recommended within the treatment **Preservation***, and should only be considered after protection, stabilization, and repair concerns have been addressed.*

Recommended	*Not Recommended*
Limited Replacement in Kind	
Replacing in kind extensively deteriorated or missing parts of masonry features when there are surviving prototypes such as terra-cotta brackets or stone balusters. The new work should match the old in material, design, color, and texture; and be unobtrusively dated to guide future research and treatment.	Replacing an entire masonry feature such as a column or stairway when limited replacement of deteriorated and missing parts is appropriate. Using replacement material that does not match the historic masonry feature; or failing to properly document the new work.

Building Exterior

Wood: Clapboard, weatherboard, shingles, and other wooden siding and decorative elements

Recommended	*Not Recommended*
Identifying, retaining, and preserving wood features that are important in defining the overall historic character of the building such as siding, cornices, brackets, window architraves, and doorway pediments; and their paints, finishes, and colors.	Altering wood features which are important in defining the overall historic character of the building so that, as a result, the character is diminished.
	Replacing historic wood features instead of repairing or replacing only the deteriorated wood.
	Changing the type of paint or finish and its color.
Stabilizing deteriorated or damaged wood as a preliminary measure, when necessary, prior to undertaking appropriate preservation work.	Failing to stabilize deteriorated or damaged wood until additional work is undertaken, thus allowing further damage to occur to the historic building.
Protecting and maintaining wood features by providing proper drainage so that water is not allowed to stand on flat, horizontal surfaces or accumulate in decorative features.	Failing to identify, evaluate, and treat the causes of wood deterioration, including faulty flashing, leaking gutters, cracks and holes in siding, deteriorated caulking in joints and seams, plant material growing too close to wood surfaces, or insect or fungus infestation.
Applying chemical preservatives to wood features such as beam ends or outriggers that are exposed to decay hazards and are traditionally unpainted.	Using chemical preservatives such as creosote which, unless they were used historically, can change the appearance of wood features.
Retaining coatings such as paint that help protect the wood from moisture and ultraviolet light. Paint removal should be considered only where there is paint surface deterioration and as part of an overall maintenance program which involves repainting or applying other appropriate protective coatings.	Stripping paint or other coatings to reveal bare wood, thus exposing historically coated surfaces to the effects of accelerated weathering.
Inspecting painted wood surfaces to determine whether repainting is necessary or if cleaning is all that is required.	Removing paint that is firmly adhering to, and thus, protecting wood surfaces.
Removing damaged or deteriorated paint to the next sound layer using the gentlest method possible (handscraping and handsanding), then repainting.	Using destructive paint removal methods such as propane or butane torches, sandblasting or waterblasting. These methods can irreversibly damage historic woodwork.

Recommended

Using with care electric hot-air guns on decorative wood features and electric heat plates on flat wood surfaces when paint is so deteriorated that total removal is necessary prior to repainting.

Using chemical strippers primarily to supplement other methods such as handscraping, handsanding and the above-recommended thermal devices. Detachable wooden elements such as shutters, doors, and columns may—with the proper safeguards—be chemically dip-stripped.

Applying compatible paint coating systems following proper surface preparation.

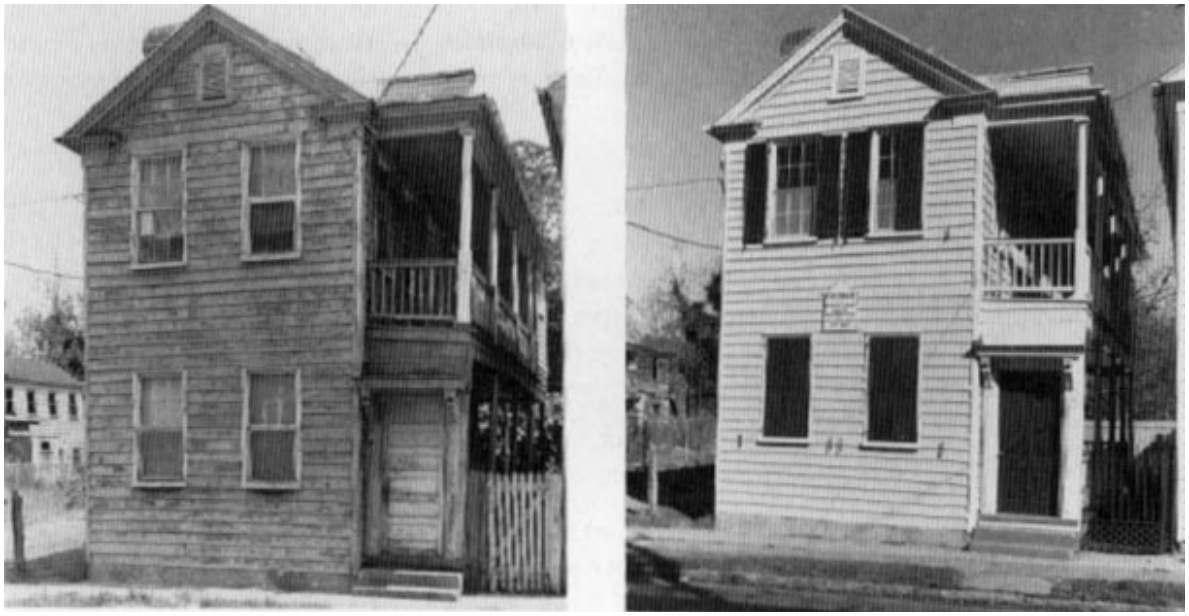
Not Recommended

Using thermal devices improperly so that the historic woodwork is scorched.

Failing to neutralize the wood thoroughly after using chemicals so that new paint does not adhere.

Allowing detachable wood features to soak too long in a caustic solution so that the wood grain is raised and the surface roughened.

Failing to follow manufacturers' product and application instructions when repainting exterior woodwork.



Maximizing retention of historic materials and features is the primary goal of Preservation as demonstrated here in these "before" and "after" photographs. Aside from some minor repairs and limited replacement of deteriorated material, work on this house consisted primarily of repainting the wood exterior. Photos: Historic Charleston Foundation.

Recommended	*Not Recommended*
Repainting with colors that are appropriate to the historic building and district.	Using new colors that are inappropriate to the historic building or district.
Evaluating the existing condition of the wood to determine whether more than protection and maintenance are required, that is, if repairs to wood features will be necessary.	Failing to undertake adequate measures to assure the protection of wood features.
Repairing, stabilizing, and conserving fragile wood using well-tested consolidants, when appropriate. Repairs should be physically and visually compatible and identifiable upon close inspection for future research.	Removing wood that could be stabilized and conserved; or using untested consolidants and untrained personnel, thus causing further damage to fragile historic materials.
Repairing wood features by patching, piecing-in, or otherwise reinforcing the wood using recognized preservation methods. The new work should be unobtrusively dated to guide future research and treatment.	Removing wood that could be repaired, using improper repair techniques, or failing to document the new work.

The following work is highlighted to indicate that it represents the greatest degree of intervention that is generally recommended within the treatment **Preservation***, and should only be considered after protection, stabilization, and repair concerns have been addressed.*

Recommended	*Not Recommended*
Limited Replacement in Kind	
Replacing in kind extensively deteriorated or missing parts of wood features when there are surviving prototypes such as brackets, molding, or sections of siding. New work should match the old in material, design, color, and texture; and be unobtrusively dated to guide future research and treatment.	Replacing an entire wood feature such as a column or stairway when limited replacement of deteriorated and missing parts is appropriate. Using replacement material that does not match the historic wood feature; or failing to properly document the new work.

Building Exterior

Architectural Metals: Cast iron, steel, pressed tin, copper, aluminum, and zinc

Recommended	*Not Recommended*
Identifying, retaining, and preserving architectural metal features such as columns, capitals, window hoods, or stairways that are important in defining the overall historic character of the building; and their finishes and colors. Identification is also critical to differentiate between metals prior to work. Each metal has unique properties and thus requires different treatments.	Altering architectural metal features which are important in defining the overall historic character of the building so that, as a result, the character is diminished.
	Replacing historic metal features instead of repairing or replacing only the deteriorated metal.
	Changing the type of finish or its historic color or accent scheme.
Stabilizing deteriorated or damaged architectural metals as a preliminary measure, when necessary, prior to undertaking appropriate preservation work.	Failing to stabilize deteriorated or damaged architectural metals until additional work is undertaken, thus allowing further damage to occur to the historic building.
Protecting and maintaining architectural metals from corrosion by providing proper drainage so that water does not stand on flat, horizontal surfaces or accumulate in curved, decorative features.	Failing to identify, evaluate, and treat the causes of corrosion, such as moisture from leaking roofs or gutters.
	Placing incompatible metals together without providing a reliable separation material. Such incompatibility can result in galvanic corrosion of the less noble metal, e.g., copper will corrode cast iron, steel, tin, and aluminum.
Cleaning architectural metals, when appropriate, to remove corrosion prior to repainting or applying other appropriate protective coatings.	Exposing metals which were intended to be protected from the environment.
	Applying paint or other coatings to metals such as copper, bronze, or stainless steel that were meant to be exposed.
Identifying the particular type of metal prior to any cleaning procedure and then testing to assure that the gentlest cleaning method possible is selected or determining that cleaning is inappropriate for the particular metal.	Using cleaning methods which alter or damage the historic color, texture, and finish of the metal; or cleaning when it is inappropriate for the metal.
	Removing the patina of historic metal. The patina may be a protective coating on some metals, such as bronze or copper, as well as a significant historic finish.

Recommended	*Not Recommended*
Cleaning soft metals such as lead, tin, copper, terneplate, and zinc with appropriate chemical methods because their finishes can be easily abraded by blasting methods.	Cleaning soft metals such as lead, tin, copper, terneplate, and zinc with grit blasting which will abrade the surface of the metal.
Using the gentlest cleaning methods for cast iron, wrought iron, and steel—hard metals—in order to remove paint buildup and corrosion. If handscraping and wire brushing have proven ineffective, low pressure grit blasting may be used as long as it does not abrade or damage the surface.	Failing to employ gentler methods prior to abrasively cleaning cast iron, wrought iron or steel; or using high pressure grit blasting.
Applying appropriate paint or other coating systems after cleaning in order to decrease the corrosion rate of metals or alloys.	Failing to re-apply protective coating systems to metals or alloys that require them after cleaning so that accelerated corrosion occurs.
Repainting with colors that are appropriate to the historic building or district.	Using new colors that are inappropriate to the historic building or district.
Applying an appropriate protective coating such as lacquer to an architectural metal feature such as a bronze door which is subject to heavy pedestrian use.	Failing to assess pedestrian use or new access patterns so that architectural metal features are subject to damage by use or inappropriate maintenance such as salting adjacent sidewalks.
Evaluating the existing condition of the architectural metals to determine whether more than protection and maintenance are required, that is, if repairs to features will be necessary.	Failing to undertake adequate measures to assure the protection of architectural metal features.

Recommended

Repairing, stabilizing, and conserving fragile architectural metals using well-tested consolidants, when appropriate. Repairs should be physically and visually compatible and identifiable upon close inspection for future research.

Repairing architectural metal features by patching, piecing-in, or otherwise reinforcing the metal using recognized preservation methods. The new work should be unobtrusively dated to guide future research and treatment.

Not Recommended

Removing architectural metals that could be stabilized and conserved; or using untested consolidants and untrained personnel, thus causing further damage to fragile historic materials.

Removing architectural metals that could be repaired, using improper repair techniques, or failing to document the new work.

Two examples of "limited replacement in kind" point out an appropriate scope of work within the treatment, Preservation. (a) One metal modillion that has sustained damage from a faulty gutter will need to be replaced; and (b) targeted repairs to deteriorated wood cornice elements (fascia board and modillions) meant that most of the historic materials were retained in the work.

The following work is highlighted to indicate that it represents the greatest degree of intervention generally recommended within the treatment **Preservation***, and should only be considered after protection, stabilization, and repair concerns have been addressed.*

Recommended	*Not Recommended*
Limited Replacement in Kind	
Replacing in kind extensively deteriorated or missing parts of architectural metal features when there are surviving prototypes such as porch balusters, column capitals or bases, or porch cresting. The new work should match the old in material, design, and texture; and be unobtrusively dated to guide future research and treatment.	Replacing an entire architectural metal feature such as a column or balustrade when limited replacement of deteriorated and missing parts is appropriate. Using replacement material that does not match the historic metal feature; or failing to properly document the new work.

Building Exterior

Roofs

Recommended

Identifying, retaining, and preserving roofs—and their functional and decorative features—that are important in defining the overall historic character of the building. This includes the roof's shape, such as hipped, gambrel, and mansard; decorative features such as cupolas, cresting, chimneys, and weathervanes; and roofing material such as slate, wood, clay tile, and metal, as well as its size, color, and patterning.

Stabilizing deteriorated or damaged roofs as a preliminary measure, when necessary, prior to undertaking appropriate preservation work.

Not Recommended

Altering the roof and roofing materials which are important in defining the overall historic character of the building so that, as a result, the character is diminished.

Replacing historic roofing material instead of repairing or replacing only the deteriorated material.

Changing the type or color of roofing materials.

Failing to stabilize a deteriorated or damaged roof until additional work is undertaken, thus allowing further damage to occur to the historic building.

It is particularly important to preserve materials that contribute to a building's historic character, such as this highly visible slate roof. In the event that repair and limited replacement are necessary, all new slate would need to match the old exactly. Photo: Jeffrey S. Levine.

Recommended	*Not Recommended*
Protecting and maintaining a roof by cleaning the gutters and downspouts and replacing deteriorated flashing. Roof sheathing should also be checked for proper venting to prevent moisture condensation and water penetration; and to insure that materials are free from insect infestation.	Failing to clean and maintain gutters and downspouts properly so that water and debris collect and cause damage to roof fasteners, sheathing, and the underlying structure.
Providing adequate anchorage for roofing material to guard against wind damage and moisture penetration.	Allowing roof fasteners, such as nails and clips to corrode so that roofing material is subject to accelerated deterioration.
Protecting a leaking roof with plywood and building paper until it can be properly repaired.	Permitting a leaking roof to remain unprotected so that accelerated deterioration of historic building materials—masonry, wood, plaster, paint and structural members—occurs.
Repairing a roof by reinforcing the historic materials which comprise roof features using recognized preservation methods. The new work should be unobtrusively dated to guide future research and treatment.	Removing materials that could be repaired, using improper repair techniques, or failing to document the new work. Failing to reuse intact slate or tile when only the roofing substrate needs replacement.

The following work is highlighted to indicate that it represents the greatest degree of intervention generally recommended within the treatment **Preservation***, and should only be considered after protection, stabilization, and repair concerns have been addressed.*

Recommended	*Not Recommended*
Limited Replacement in Kind	
Replacing in kind extensively deteriorated or missing parts of roof features or roof coverings when there are surviving prototypes such as cupola louvers, dentils, dormer roofing; or slates, tiles, or wood shingles on a main roof. the new work should match the old in material, design, color, and texture; and be unobtrusively dated to guide future research and treatment.	Replacing an entire roof feature such as a cupola or dormer when limited replacement of deteriorated and missing parts is appropriate. Using replacement material that does not match the historic roof feature; or failing to properly document the new work.

Building Exterior

Windows

Recommended

Identifying, retaining, and preserving windows—and their functional and decorative features—that are important in defining the overall historic character of the building. Such features can include frames, sash, muntins, glazing, sills, heads, hoodmolds, panelled or decorated jambs and moldings, and interior and exterior shutters and blinds.

Not Recommended

Altering windows or window features which are important in defining the historic character of the building so that, as a result, the character is diminished.

Changing the historic appearance of windows by replacing materials, finishes, or colors which noticeably change the sash, depth of reveal, and muntin configuration; the reflectivity and color of the glazing; or the appearance of the frame.

Obscuring historic window trim with metal or other material.

Preserving a building's historic windows generally involves scraping, sanding, and re-painting. While some repair work will most likely be undertaken within the scope of work on this institutional building, replacement of the window units is usually not an appropriate Preservation treatment. Photo: Chuck Fisher.

Recommended	*Not Recommended*
Conducting an indepth survey of the condition of existing windows early in preservation planning so that repair and upgrading methods and possible replacement options can be fully explored.	Replacing windows solely because of peeling paint, broken glass, stuck sash, and high air infiltration. These conditions, in themselves, are no indication that windows are beyond repair.
Stabilizing deteriorated or damaged windows as a preliminary measure, when necessary, prior to undertaking appropriate preservation work.	Failing to stabilize a deteriorated or damaged window until additional work is undertaken, thus allowing further damage to occur to the historic building.
Protecting and maintaining the wood and architectural metals which comprise the window frame, sash, muntins, and surrounds through appropriate surface treatments such as cleaning, rust removal, limited paint removal, and re-application of protective coating systems.	Failing to provide adequate protection of materials on a cyclical basis so that deterioration of the window results.
Making windows weathertight by re-caulking and replacing or installing weatherstripping. These actions also improve thermal efficiency.	Retrofitting or replacing windows rather than maintaining the sash, frame, and glazing.
Evaluating the existing condition of materials to determine whether more than protection and maintenance are required, i.e. if repairs to windows and window features will be required.	Failing to undertake adequate measures to assure the protection of historic windows.
Repairing window frames and sash by patching, piecing-in, consolidating or otherwise reinforcing them using recognized preservation methods. The new work should be unobtrusively dated to guide future research and treatment.	Failing to protect the historic glazing when repairing windows.
	Removing material that could be repaired, using improper repair techniques, or failing to document the new work.
	Failing to reuse serviceable window hardware such as brass sash lifts and sash locks.

The following work is highlighted to indicate that it represents the greatest degree of intervention generally recommended within the treatment **Preservation,** *and should only be considered after protection, stabilization, and repair concerns have been addressed.*

Recommended	*Not Recommended*
Limited Replacement in Kind	
Replacing in kind extensively deteriorated or missing parts of windows when there are surviving prototypes such as frames, sash, sills, glazing, and hoodmolds. The new work should match the old in material, design, color, and texture; and be unobtrusively dated to guide future research and treatment.	Replacing an entire window when limited replacement of deteriorated and missing parts is appropriate. Using replacement material that does not match the historic window; or failing to properly document the new work.

Building Exterior

Entrances and Porches

Recommended	*Not Recommended*
Identifying, retaining, and preserving entrances and porches—and their functional and decorative features—that are important in defining the overall historic character of the building such as doors, fanlights, sidelights, pilasters, entablatures, columns, balustrades, and stairs.	Altering entrances and porches which are important in defining the overall historic character of the building so that, as a result, the character is diminished. Replacing historic entrance and porch features instead of repairing or replacing only the deteriorated material.
Stabilizing deteriorated or damaged entrances and porches as a preliminary measure, when necessary, prior to undertaking appropriate preservation work.	Failing to stabilize a deteriorated or damaged entrance or porch until additional work is undertaken, thus allowing further damage to occur to the historic building.
Protecting and maintaining the masonry, wood, and architectural metals that comprise entrances and porches through appropriate surface treatments such as cleaning, rust removal, limited paint removal, and re-application of protective coating systems.	Failing to provide adequate protection to materials on a cyclical basis so that deterioration of entrances and porches results.
Evaluating the existing condition of materials to determine whether more than protection and maintenance are required, that is, repairs to entrance and porch features will be necessary.	Failing to undertake adequate measures to assure the protection of historic entrances and porches.
Repairing entrances and porches by reinforcing the historic materials using recognized preservation methods. The new work should be unobtrusively dated to guide future research and treatment.	Removing material that could be repaired, using improper repair techniques, or failing to document the new work.

The following work is highlighted to indicate that it represents the greatest degree of intervention generally recommended within the treatment **Preservation,** *and should only be considered after protection, stabilization, and repair concerns have been addressed.*

Limited Replacement in Kind

Recommended	*Not Recommended*
Replacing in kind extensively deteriorated or missing parts of repeated entrance and porch features when there are surviving prototypes such as balustrades, cornices, entablatures, columns, sidelights, and stairs. The new work should match the old in material, design, color, and texture; and be unobtrusively dated to guide future research and treatment.	Replacing an entire entrance or porch feature when limited replacement of deteriorated and missing parts is appropriate. Using replacement material that does not match the historic entrance or porch feature; or failing to properly document the new work.

Building Exterior

Storefronts

Recommended

Identifying, retaining, and preserving storefronts—and their functional and decorative features—that are important in defining the overall historic character of the building such as display windows, signs, doors, transoms, kick plates, corner posts, and entablatures.

Stabilizing deteriorated or damaged storefronts as a preliminary measure, when necessary, prior to undertaking appropriate preservation work.

Not Recommended

Altering storefronts—and their features—which are important in defining the overall historic character of the building so that, as a result, the character is diminished.

Replacing historic storefront features instead of repairing or replacing only the deteriorated material.

Failing to stabilize a deteriorated or damaged storefront until additional work is undertaken, thus allowing further damage to occur to the historic building.

The original form and features of this 1920s storefront have been retained through Preservation. Photo: David W. Look, AIA.

Recommended	*Not Recommended*
Protecting and maintaining masonry, wood, and architectural metals which comprise storefronts through appropriate treatments such as cleaning, rust removal, limited paint removal, and reapplication of protective coating systems.	Failing to provide adequate protection of materials on a cyclical basis so that deterioration of storefront features results.
Protecting storefronts against arson and vandalism before work begins by boarding up windows and doors and installing alarm systems that are keyed into local protection agencies.	Permitting entry into the building through unsecured or broken windows and doors so that interior features and finishes are damaged by exposure to weather or vandalism.
	Stripping storefronts of historic material such as wood, cast iron, terra cotta, carrara glass, and brick.
Evaluating the existing condition of storefront materials to determine whether more than protection and maintenance are required, that is, if repairs to features will be necessary.	Failing to undertake adequate measures to assure the preservation of the historic storefront.
Repairing storefronts by reinforcing the historic materials using recognized preservation methods. The new work should be unobtrusively dated to guide future research and treatment.	Removing material that could be repaired, using improper repair techniques, or failing to document the new work.

The following work is highlighted to indicate that it represents the greatest degree of intervention generally recommended within the treatment **Preservation,** *and should only be considered after protection, stabilization, and repair concerns have been addressed.*

Recommended	*Not Recommended*
Limited Replacement in Kind	
Replacing in kind extensively deteriorated or missing parts of storefronts where there are surviving prototypes such as transoms, kick plates, pilasters, or signs. The new work should match the old in materials, design, color, and texture; and be unobtrusively dated to guide future research and treatment.	Replacing an entire storefront when limited replacement of deteriorated and missing parts is appropriate.
	Using replacement material that does not match the historic storefront feature; or failing to properly document the new work.

Building Interior

Structural Systems

Recommended	*Not Recommended*
Identifying, retaining, and preserving structural systems—and individual features of systems—that are important in defining the overall historic character of the building, such as post and beam systems, trusses, summer beams, vigas, cast iron columns, above-grade stone foundation walls, or load-bearing brick or stone walls.	Altering visible features of historic structural systems which are important in defining the overall historic character of the building so that, as a result, the character is diminished.
	Overloading the existing structural system; or installing equipment or mechanical systems which could damage the structure.
	Replacing a loadbearing masonry wall that could be augmented and retained.
	Leaving known structural problems untreated such as deflection of beams, cracking and bowing of walls, or racking of structural members.
	Utilizing treatments or products that accelerate the deterioration of structural material such as introducing urea-formaldehyde foam insulation into frame walls.
Stabilizing deteriorated or damaged structural systems as a preliminary measure, when necessary, prior to undertaking appropriate preservation work.	Failing to stabilize a deteriorated or damaged structural system until additional work is undertaken, thus allowing further damage to occur to the historic building.
Protecting and maintaining the structural system by cleaning the roof gutters and downspouts; replacing roof flashing; keeping masonry, wood, and architectural metals in a sound condition; and ensuring that structural members are free from insect infestation.	Failing to provide proper building maintenance so that deterioration of the structural system results. Causes of deterioration include subsurface ground movement, vegetation growing too close to foundation walls, improper grading, fungal rot, and poor interior ventilation that results in condensation.
Examining and evaluating the existing condition of the structural system and its individual features using non-destructive techniques such as X-ray photography.	Utilizing destructive probing techniques that will damage or destroy structural material.

Recommended

Repairing the structural system by augmenting or upgrading individual parts or features using recognized preservation methods. For example, weakened structural members such as floor framing can be paired with a new member, braced, or otherwise supplemented and reinforced.

Not Recommended

Upgrading the building structurally in a manner that diminishes the historic character of the exterior, such as installing strapping channels or removing a decorative cornice; or damages interior features or spaces.

Replacing a structural member or other feature of the structural system when it could be augmented and retained.

The following work is highlighted to indicate that it represents the greatest degree of intervention generally recommended within the treatment **Preservation** *and should be only be considered after protection, stabilization, and repair concerns have been addressed.*

Recommended

Limited Replacement in Kind

Replacing in kind those visible portions or features of the structural system that are either extensively deteriorated or missing when there are surviving prototypes such as cast iron columns and sections of loadbearing walls. The new work should match the old in materials, design, color, and texture; and be unobtrusively dated to guide future research and treatment.

Considering the use of substitute material for unexposed structural replacements, such as roof rafters or trusses. Substitute material should, at a minimum, have equal loadbearing capabilities, and be unobtrusively dated to guide future research and treatment.

Not Recommended

Replacing an entire visible feature of the structural system when limited replacement of deteriorated and missing portions is appropriate.

Using material for a portion of an exposed structural feature that does not match the historic feature; or failing to properly document the new work.

Using substitute material that does not equal the loadbearing capabilities of the historic material or design or is otherwise physically or chemically incompatible.

Building Interior

Spaces, Features, and Finishes

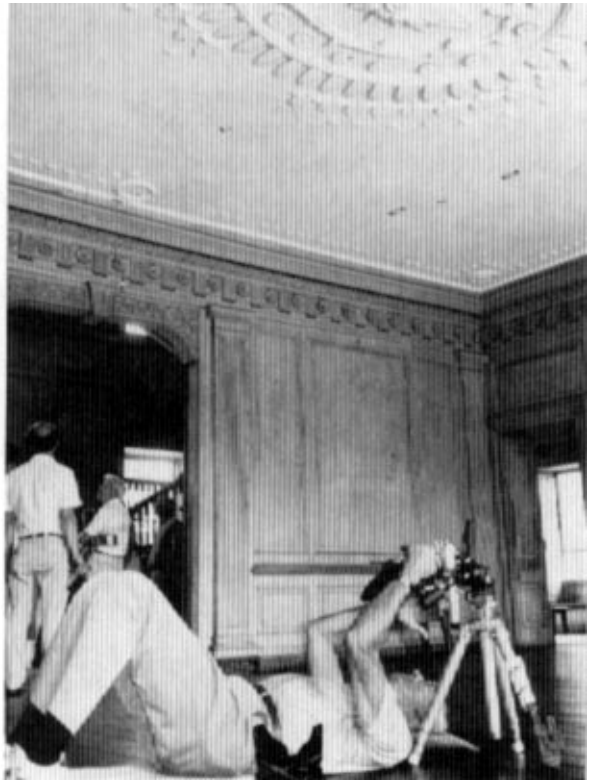
Recommended

Interior Spaces

Identifying, retaining, and preserving a floor plan or interior spaces that are important in defining the overall historic character of the building. This includes the size, configuration, proportion, and relationship of rooms and corridors; the relationship of features to spaces; and the spaces themselves such as lobbies, reception halls, entrance halls, double parlors, theaters, auditoriums, and important industrial or commercial spaces.

Not Recommended

Altering a floor plan or interior spaces—including individual rooms—which are important in defining the overall historic character of the building so that, as a result, the character is diminished.



Careful documentation of a building's physical condition is the critical first step in determining an appropriate level of intervention. (a) This may include relating the historical research to existing materials and features; or (b) documenting a particular problem such as this cracked ceiling. Photo (a): Jean E. Travers; Photo (b): Lee H. Nelson, FAIA.

Recommended	*Not Recommended*
Interior Features and Finishes	
Identifying, retaining, and preserving interior features and finishes that are important in defining the overall historic character of the building, including columns, cornices, baseboards, fireplaces and mantels, panelling, light fixtures, hardware, and flooring; and wallpaper, plaster, paint, and finishes such as stencilling, marbling, and graining; and other decorative materials that accent interior features and provide color, texture, and patterning to walls, floors, and ceilings.	Altering features and finishes which are important in defining the overall historic character of the building so that, as a result, the character is diminished.
	Replacing historic interior features and finishes instead of repairing or replacing only the deteriorated masonry.
	Installing new decorative material that obscures or damages character-defining interior features or finishes.
	Removing historic finishes, such as paint and plaster, or historic wall coverings, such as wallpaper.
	Applying paint, plaster, or other finishes to surfaces that have been historically unfinished.
	Stripping paint to bare wood rather than repairing or reapplying grained or marbled finishes to features such as doors and paneling.
	Changing the type of finish or its color, such as painting a previously varnished wood feature.
Stabilizing deteriorated or damaged interior features and finishes as a preliminary measure, when necessary, prior to undertaking appropriate preservation work.	Failing to stabilize a deteriorated or damaged interior feature or finish until additional work is undertaken, thus allowing further damage to occur to the historic building.
Protecting and maintaining masonry, wood, and architectural metals that comprise interior features through appropriate surface treatments such as cleaning, rust removal, limited paint removal, and reapplication of protective coating systems.	Failing to provide adequate protection to materials on a cyclical basis so that deterioration of interior features results.

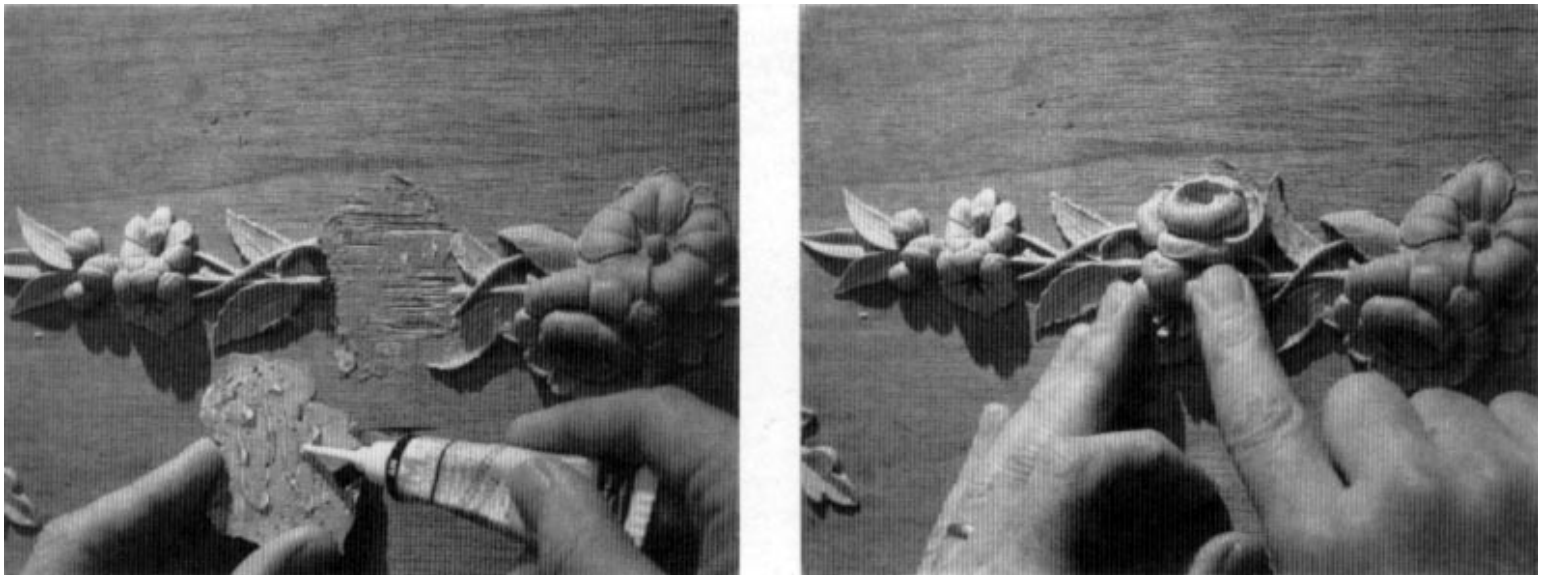
Recommended	*Not Recommended*
Protecting interior features and finishes against arson and vandalism before project work begins, boarding-up windows, and installing fire alarm systems that are keyed to local protection agencies.	Permitting entry into historic buildings through unsecured or broken windows and doors so that the interior features and finishes are damaged by exposure to weather or vandalism. Stripping interiors of features such as woodwork, doors, windows, light fixtures, copper piping, radiators; or of decorative materials.
Protecting interior features such as a staircase, mantel, or decorative finishes and wall coverings against damage during project work by covering them with heavy canvas or plastic sheets.	Failing to provide proper protection of interior features and finishes during work so that they are gouged, scratched, dented, or otherwise damaged.
Installing protective coverings in areas of heavy pedestrian traffic to protect historic features such as wall coverings, parquet flooring and panelling.	Failing to take new use patterns into consideration so that interior features and finishes are damaged.
Removing damaged or deteriorated paints and finishes to the next sound layer using the gentlest method possible, then repainting or refinishing using compatible paint or other coating systems.	Using destructive methods such as propane or butane torches or sandblasting to remove paint or other coatings. These methods can irreversibly damage the historic materials that comprise interior features.
Repainting with colors that are appropriate to the historic building.	Using new paint colors that are inappropriate to the historic building.
Limiting abrasive cleaning methods to certain industrial warehouse buildings where the interior masonry or plaster features do not have distinguishing design, detailing, tooling, or finishes; and where wood features are not finished, molded, beaded, or worked by hand. Abrasive cleaning should only be considered after other, gentler methods have been proven ineffective.	Changing the texture and patina of character-defining features through sandblasting or use of abrasive methods to remove paint, discoloration or plaster. This includes both exposed wood (including structural members) and masonry.
Evaluating the existing condition of materials to determine whether more than protection and maintenance are required, that is, if repairs to interior features and finishes will be necessary.	Failing to undertake adequate measures to assure the protection of interior features and finishes.

Recommended

Repairing historic interior features and finishes by reinforcing the materials using recognized preservation methods. The new work should match the old in material, design, color, and texture; and be unobtrusively dated to guide future research and treatment.

Not Recommended

Removing materials that could be repaired, using improper techniques, or failing to document the new work.



In Preservation, an appropriate level of intervention is established prior to work in order to maximize retention of historic materials.
(a) A conservator is applying adhesive to 19th century composition ornament that has delaminated from its wood substrate.
(b) The compo fragment is carefully held in place until the quick-setting adhesive takes hold. Photos: Jonathan Thornton.

The following work is highlighted to indicate that it represents the greatest degree of intervention generally recommended within the treatment **Preservation,** *and should only be considered after protection, stabilization, and repair concerns have been addressed.*

Recommended	*Not Recommended*
Limited Replacement in Kind	
Replacing in kind extensively deteriorated or missing parts of repeated interior features when there are surviving prototypes such as stairs, balustrades, wood panelling, columns; or decorative wall coverings or ornamental tin or plaster ceilings. New work should match the old in material, design, color, and texture; and be unobtrusively dated to guide future research and treatment.	Replacing an entire interior feature when limited replacement of deteriorated and missing parts is appropriate. Using replacement material that does not match the interior feature; or failing to properly document the new work.

Building Interior

Mechanical Systems: Heating, Air Conditioning, Electrical, and Plumbing

Recommended	*Not Recommended*
Identifying, retaining, and preserving visible features of early mechanical systems that are important in defining the overall historic character of the building, such as radiators, vents, fans, grilles, plumbing fixtures, switchplates, and lights.	Removing or altering visible features of mechanical systems that are important in defining the overall historic character of the building so that, as a result, the character is diminished.
Stabilizing deteriorated or damaged mechanical systems as a preliminary measure, when necessary, prior to undertaking appropriate preservation work.	Failing to stabilize a deteriorated or damaged mechanical system until additional work is undertaken, thus allowing further damage to occur to the historic building.
Protecting and maintaining mechanical, plumbing, and electrical systems and their features through cyclical cleaning and other appropriate measures.	Failing to provide adequate protection of materials on a cyclical basis so that deterioration of mechanical systems and their visible features results.
Preventing accelerated deterioration of mechanical systems by providing adequate ventilation of attics, crawlspaces, and cellars so that moisture problems are avoided.	Enclosing mechanical systems in areas that are not adequately ventilated so that deterioration of the systems results.
Improving the energy efficiency of existing mechanical systems to help reduce the need for elaborate new equipment.	Installing unnecessary climate control systems which can add excessive moisture to the building. This additional moisture can either condense inside, damaging interior surfaces, or pass through interior walls to the exterior, potentially damaging adjacent materials as it migrates.
Repairing mechanical systems by augmenting or upgrading system parts, such as installing new pipes and ducts; rewiring; or adding new compressors or boilers.	Replacing a mechanical system or its functional parts when it could be upgraded and retained.
Replacing in kind those visible features of mechanical systems that are either extensively deteriorated or are prototypes such as ceiling fans, switchplates, radiators, grilles, or plumbing fixtures.	Installing a visible replacement feature that does not convey the same visual appearance.

The following should be considered in a **Preservation** *project when the installation of new mechanical equipment or system is required to make the building functional.*

Recommended	*Not Recommended*
Installing a new mechanical system if required, so that it causes the least alteration possible to the building.	Installing a new mechanical system so that character-defining structural or interior features are radically changed, damaged, or destroyed.
Providing adequate structural support for new mechanical equipment.	Failing to consider the weight and design of new mechanical equipment so that, as a result, historic structural members or finished surfaces are weakened or cracked.
Installing the vertical runs of ducts, pipes, and cables in closets, service rooms, and wall cavities.	Installing vertical runs of ducts, pipes, and cables in places where they will obscure character-defining features.
	Concealing mechanical equipment in walls or ceilings in a manner that requires excessive removal of historic building material.
Installing air conditioning in such a manner that historic features are not damaged or obscured and excessive moisture is not generated that will accelerate deterioration of historic materials.	Cutting through features such as masonry walls in order to install air conditioning units.

Building Site

Recommended

Identifying, retaining, and preserving buildings and their features as well as features of the site that are important in defining its overall historic character. Site features may include circulation systems such as walks, paths, roads, or parking; vegetation such as trees, shrubs, fields, or herbaceous plant material; landforms such as terracing, berms or grading; furnishings such as lights, fences, or benches; decorative elements such as sculpture, statuary or monuments; water features including fountains, streams, pools, or lakes; and subsurface archeological features which are important in defining the history of the site.

Retaining the historic relationship between buildings and the landscape.

Stabilizing deteriorated or damaged building and site features as a preliminary measure, when necessary, prior to undertaking appropriate preservation work.

Not Recommended

Altering buildings and their features or site features which are important in defining the overall historic character of the property so that, as a result, the character is diminished.

Removing or relocating buildings or landscape features, thus destroying the historic relationship between buildings and the landscape.

Failing to stabilize a deteriorated or damaged building or site feature until additional work is undertaken, thus allowing further damage to occur to the building site.

Drayton Hall, near Charleston, South Carolina, is an excellent example of an evolved 18th century plantation. Of particular note in this photograph are the landscape features added in the late 19th century—a reflecting pond and rose mound. With an overall Preservation treatment plan, these later features have been retained and protected. If a Restoration treatment had been selected, later features of the landscape as well as changes to the house would have been removed. Photo: Courtesy, National Trust for Historic Preservation.

Recommended	*Not Recommended*
Protecting and maintaining buildings and sites by providing proper drainage to assure that water does not erode foundation walls; drain toward the building; or damage or erode the landscape.	Failing to maintain adequate site drainage so that buildings and site features are damaged or destroyed; or alternatively, changing the site grading so that water no longer drains properly.
Minimizing disturbance of terrain around buildings or elsewhere on the site, thus reducing the possibility of destroying or damaging important landscape features or archeological resources.	Introducing heavy machinery into areas where it may disturb or damage important landscape features or archeological resources.
Surveying and documenting areas where the terrain will be altered to determine the potential impact to important landscape features or archeological resources.	Failing to survey the building site prior to beginning work which results in damage to, or destruction of, important landscape features or archeological resources.
Protecting, e.g., preserving in place, important archeological resources.	Leaving known archeological material unprotected so that it is damaged during preservation work.
Planning and carrying out any necessary investigation using professional archeologists and modern archeological methods when preservation in place is not feasible.	Permitting unqualified personnel to perform data recovery on archeological resources so that improper methodology results in the loss of important archeological material.
Preserving important landscape features, including ongoing maintenance of historic plant material.	Allowing important landscape features to be lost or damaged due to a lack of maintenance.
Protecting building and landscape features against arson and vandalism before preservation work begins, i.e., erecting protective fencing and installing alarm systems that are keyed into local protection agencies.	Permitting the property to remain unprotected so that the building and landscape features or archeological resources are damaged or destroyed.
	Removing or destroying features from the buildings or site such as wood siding, iron fencing, masonry balustrades, or plant material.
Providing continued protection of historic building materials and plant features through appropriate cleaning, rust removal, limited paint removal, and re-application of protective coating systems; and pruning and vegetation management.	Failing to provide adequate protection of materials on a cyclical basis so that deterioration of building and site feature results.

Recommended	*Not Recommended*
Evaluating the existing condition of materials and features to determine whether more than protection and maintenance are required, that is, if repairs to building and site features will be necessary.	Failing to undertake adequate measures to assure the protection of building and site features.
Repairing features of the building and site by reinforcing historic materials using recognized preservation methods. The new work should be unobtrusively dated to guide future research and treatment.	Removing materials that could be repaired, using improper repair techniques, or failing to document the new work.

The following work is highlighted to indicate that it represents the greatest degree of intervention generally recommended within the treatment **Preservation,** *and should only be considered after protection, stabilization, and repair concerns have been addressed.*

Recommended	*Not Recommended*
Limited Replacement in Kind	
Replacing in kind extensively deteriorated or missing parts of the building or site where there are surviving prototypes such as part of a fountain, or portions of a walkway. New work should match the old in materials, design, color, and texture; and be unobtrusively dated to guide future research and treatment.	Replacing an entire feature of the building or site when limited replacement of deteriorated and missing parts is appropriate. Using replacement material that does not match the building site feature; or failing to properly document the new work.

Setting (District/Neighborhood)

Recommended	*Not Recommended*
Identifying retaining, and preserving building and landscape features which are important in defining the historic character of the setting. Such features can include roads and streets, furnishings such as lights or benches, vegetation, gardens and yards, adjacent open space such as fields, parks, commons or woodlands, and important views or visual relationships.	Altering those features of the setting which are important in defining the historic character.
Retaining the historic relationship between buildings and landscape features of the setting. For example, preserving the relationship between a town common and its adjacent historic houses, municipal buildings, historic roads, and landscape features.	Altering the relationship between the buildings and landscape features within the setting by widening existing streets, changing landscape materials, or constructing inappropriately located new streets or parking. Removing or relocating historic buildings or landscape features, thus destroying their historic relationship within the setting.
Stabilizing deteriorated or damaged building and landscape features of the setting as a preliminary measure, when necessary, prior to undertaking appropriate preservation work.	Failing to stabilize a deteriorated or damaged building or landscape feature of the setting until additional work is undertaken, thus allowing further damage to the setting to occur.
Protecting and maintaining historic building materials and plant features through appropriate cleaning, rust removal, limited paint removal, and reapplication of protective coating systems; and pruning and vegetation management.	Failing to provide adequate protection of materials on a cyclical basis which results in the deterioration of building and landscape features.
Protecting building and landscape features against arson and vandalism before preservation work begins by erecting protective fencing and installing alarm systems that are keyed into local preservation agencies.	Permitting the building and setting to remain unprotected so that interior or exterior features are damaged. Stripping or removing features from buildings or the setting such as wood siding, iron fencing, terra cotta balusters, or plant material.
Evaluating the existing condition of the building and landscape features to determine whether more than protection and maintenance are required, that is, if repairs to features will be necessary.	Failing to undertake adequate measures to assure the protection of building and landscape features.

Recommended	*Not Recommended*
Repairing features of the building and landscape using recognized preservation methods. The new work should be unobtrusively dated to guide future research and treatment.	Removing material that could be repaired, using improper repair techniques, or failing to document the new work.

The following work is highlighted because it represents the greatest degree of intervention generally recommended within the treatment **Preservation***, and should only be considered after protection, stabilization, and repair concerns have been addressed.*

Recommended	*Not Recommended*
Limited Replacement in Kind	
Replacing in kind extensively deteriorated or missing parts of building and landscape features where there are surviving prototypes such as porch balustrades or paving materials.	Replacing an entire feature of the building or landscape when limited replacement of deteriorated and missing parts is appropriate. Using replacement material that does not match the building or landscape feature; or failing to properly document the new work.

The goal of Preservation is to retain the historic form, materials, and features of the building and its site as they have changed—or evolved—over time. This bank barn was built in the 1820s, then enlarged in 1898 and again in 1914. Today, it continues its role as a working farm structure as a result of sensitive preservation work. This included foundation re-grading; a new gutter system; structural strengthening; and replacement of a severely deteriorated metal roof. Photo: Jack E. Boucher, HABS.

Although the work in the following sections is quite often an important aspect of preservation projects, it is usually not part of the overall process of preserving character-defining features (maintenance, repair, and limited replacement); rather, such work is assessed for its potential negative impact on the building's historic character. For this reason, particular care must be taken not to obscure, alter, or damage character-defining features in the process of preservation work.

Energy Efficiency

Recommended	*Not Recommended*
Masonry/Wood/Architectural Metals	
Installing thermal insulation in attics and in unheated cellars and crawlspaces to increase the efficiency of the existing mechanical systems.	Applying thermal insulation with a high moisture content in wall cavities which may damage historic fabric.
Installing insulating material on the inside of masonry walls to increase energy efficiency where there is no character-defining interior molding around the windows or other interior architectural detailing.	Installing wall insulation without considering its effect on interior molding or other architectural detailing.
Windows	
Utilizing the inherent energy conserving features of a building by maintaining windows and louvered blinds in good operable condition for natural ventilation.	Removing historic shading devices rather than keeping them in an operable condition.
Improving thermal efficiency with weatherstripping, storm windows, caulking, interior shades, and if historically appropriate, blinds and awnings.	Replacing historic multi-paned sash with new thermal sash utilizing false muntins.
Installing interior storm windows with air-tight gaskets, ventilating holes, and/or removable clips to insure proper maintenance and to avoid condensation damage to historic windows.	Installing interior storm windows that allow moisture to accumulate and damage the window.
Installing exterior storm windows which do not damage or obscure the windows and frames.	Installing new exterior storm windows which are inappropriate in size or color.
	Replacing windows or transoms with fixed thermal glazing or permitting windows and transoms to remain inoperable rather than utilizing them for their energy conserving potential.

Recommended	*Not Recommended*
Entrances and Porches	
Maintaining porches and double vestibule entrances so that they can retain heat or block the sun and provide natural ventilation.	Changing the historic appearance of the building by enclosing porches.
Interior Features	
Retaining historic interior shutters and transoms for their inherent energy conserving features.	Removing historic interior features which play an energy conserving role.
Mechanical Systems	
Improving energy efficiency of existing mechanical systems by installing insulation in attics and basements.	Replacing existing mechanical systems that could be repaired for continued use.
Building Site	
Retaining plant materials, trees, and landscape features which perform passive solar energy functions such as sun shading and wind breaks.	Removing plant materials, trees, and landscape features that perform passive solar energy functions.
Setting (District/Neighborhood)	
Maintaining those existing landscape features which moderate the effects of the climate on the setting such as deciduous trees, evergreen wind-blocks, and lakes or ponds.	Stripping the setting of landscape features and landforms so that the effects of wind, rain, and sun result in accelerated deterioration of the historic building.

Accessibility Considerations

Recommended

Identifying the historic building's character-defining spaces, features, and finishes so that accessibility code-required work will not result in their damage or loss.

Complying with barrier-free access requirements, in such a manner that character-defining spaces, features, and finishes are preserved.

Working with local disability groups, access specialists, and historic preservation specialists to determine the most appropriate solution to access problems.

Providing barrier-free access that promotes independence for the disabled person to the highest degree practicable, while preserving significant historic features.

Finding solutions to meet accessibility requirements that minimize the impact on the historic building and its site, such as compatible ramps, paths, and lifts.

Not Recommended

Undertaking code-required alterations before identifying those spaces, features, or finishes which are character-defining and must therefore be preserved.

Altering, damaging, or destroying character-defining features in attempting to comply with accessibility requirements.

Making changes to buildings without first seeking expert advice from access specialists and historic preservationists to determine solutions.

Making access modifications that do not provide a reasonable balance between independent, safe access and preservation of historic features.

Making modifications for accessibility without considering the impact on the historic building and its site.

Health and Safety Considerations

Recommended

Identifying the historic building's character-defining spaces, features, and finishes so that code-required work will not result in their damage or loss.

Complying with health and safety codes, including seismic code requirements, in such a manner that character-defining spaces, features, and finishes are preserved.

Removing toxic building materials only after thorough testing has been conducted and only after less invasive abatement methods have been shown to be inadequate.

Providing workers with appropriate personal protective equipment for hazards found in the worksite.

Working with local code officials to investigate systems, methods, or devices of equivalent or superior effectiveness and safety to those prescribed by code so that unnecessary alterations can be avoided.

Upgrading historic stairways and elevators to meet health and safety codes in a manner that assures their preservation, i.e., so that they are not damaged or obscured.

Installing sensitively designed fire suppression systems, such as sprinkler systems that result in retention of historic features and finishes.

Applying fire-retardant coatings, such as intumescent paints, which expand during fire to add thermal protection to steel.

Adding a new stairway or elevator to meet health and safety codes in a manner that preserves adjacent character-defining features and spaces.

Not Recommended

Undertaking code-required alterations to a building or site before identifying those spaces, features, or finishes which are character-defining and must therefore be preserved.

Altering, damaging, or destroying character-defining spaces, features, and finishes while making modifications to a building or site to comply with safety codes.

Destroying historic interior features and finishes without careful testing and without considering less invasive abatement methods.

Removing unhealthful building materials without regard to personal and environmental safety.

Making changes to historic buildings without first exploring equivalent health and safety systems, methods, or devices that may be less damaging to historic spaces, features, and finishes.

Damaging or obscuring historic stairways and elevators or altering adjacent spaces in the process of doing work to meet code requirements.

Covering character-defining wood features with fire-resistant sheathing which results in altering their visual appearance.

Using fire-retardant coatings if they damage or obscure character-defining features.

Radically changing, damaging, or destroying character-defining spaces, features, or finishes when adding a new code-required stairway or elevator.

Standards for Rehabilitation & Guidelines for Rehabilitating Historic Buildings

Rehabilitation *is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.*

Standards for Rehabilitation

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.

5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

10. New additions and adjacent or related new construction will be undertaken in a such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Guidelines for Rehabilitating Historic Buildings

Introduction

In **Rehabilitation**, historic building materials and character-defining features are protected and maintained as they are in the treatment Preservation; however, an assumption is made prior to work that existing historic fabric has become damaged or deteriorated over time and, as a result, more repair and replacement will be required. Thus, latitude is given in the **Standards for Rehabilitation and Guidelines for Rehabilitation** to replace extensively deteriorated, damaged, or missing features using either traditional or substitute materials. Of the four treatments, only Rehabilitation includes an opportunity to make possible an efficient contemporary use through alterations and additions.

Identify, Retain, and Preserve Historic Materials and Features

Like Preservation, guidance for the treatment **Rehabilitation** begins with recommendations to identify the form and detailing of those architectural materials and features that are important in defining the building's historic character and which must be retained in order to preserve that character. Therefore, guidance on ***identifying, retaining, and preserving*** character-defining features is always given first. The character of a historic building may be defined by the form and detailing of exterior materials, such as masonry, wood, and metal; exterior features, such as roofs, porches, and windows; interior materials, such as plaster and paint; and interior features, such as moldings and stairways, room configuration and spatial relationships, as well as structural and mechanical systems.

Protect and Maintain Historic Materials and Features

After identifying those materials and features that are important and must be retained in the process of **Rehabilitation** work, then ***protecting and maintaining*** them are addressed. Protection generally involves the least degree of intervention and is preparatory to other work. For example, protection includes the maintenance of historic material through treatments such as rust removal, caulking, limited paint removal, and re-application of protective coatings; the cyclical cleaning of roof gutter systems; or installation of fencing, alarm systems and other temporary protective measures. Although a historic building will usually require more extensive work, an overall evaluation of its physical condition should always begin at this level.

Repair Historic Materials and Features

Next, when the physical condition of character-defining materials and features warrants additional work ***repairing*** is recommended. **Rehabilitation** guidance for the repair of historic materials such as masonry, wood, and architectural metals again begins with the least degree of intervention possible such as patching, piecing-in, splicing, consolidating, or otherwise reinforcing or upgrading them according to recognized preservation methods. Repairing also includes the limited replacement in kind—or with

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Note: The Guidelines for Rehabilitating Historic Buildings in this chapter have already appeared in *The Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings*, published in 1992.

Originally built as single-family, semi-detached duplexes, these houses were rehabilitated for a new use as rental apartments. While some alteration to non-significant interior features and spaces was necessary in each one, the exteriors were essentially preserved. Photos: Mistick, Inc.

compatible substitute material—of extensively deteriorated or missing parts of features when there are surviving prototypes (for example, brackets, dentils, steps, plaster, or portions of slate or tile roofing). Although using the same kind of material is always the preferred option, substitute material is acceptable if the form and design as well as the substitute material itself convey the visual appearance of the remaining parts of the feature and finish.

Replace Deteriorated Historic Materials and Features

Following repair in the hierarchy, **Rehabilitation** guidance is provided for ***replacing*** an entire character-defining feature with new material because the level of deterioration or damage of materials precludes repair (for example, an exterior cornice; an interior staircase; or a complete porch or storefront). If the essential form and detailing are still evident so that the physical evidence can be used to re-establish the feature as an integral part of the rehabilitation, then its replacement is appropriate. Like the guidance for repair, the preferred option is always replacement of the entire feature in kind, that is, with the same material. Because this approach may not always be technically or economically feasible, provisions are made to consider the use of a compatible substitute material.

It should be noted that, while the National Park Service guidelines recommend the replacement of an entire character-defining feature that is extensively deteriorated, they never recommend removal and replacement with new material of a feature that—although damaged or deteriorated—could reasonably be repaired and thus preserved.

Design for the Replacement of Missing Historic Features

When an entire interior or exterior feature is missing (for example, an entrance, or cast iron facade; or a principal staircase), it no longer plays a role in physically defining the historic character of the building unless it can be accurately recovered in form and detailing through the process of carefully documenting the historical appearance. Although accepting the loss is one possibility, where an important architectural feature is missing, its replacement is always recommended in the **Rehabilitation** guidelines as the *first* or preferred, course of action. Thus, if adequate historical, pictorial, and physical documentation exists so that the feature may be accurately reproduced, and if it is desirable to re-establish the feature as part of the building's historical appearance, then designing and constructing a new feature based on such information is appropriate. However, a *second* acceptable option for the replacement feature is a new design that is compatible with the remaining character-defining features of the historic building. The new design should always take into account the size, scale, and material of the historic building itself and, most importantly, should be clearly differentiated so that a false historical appearance is not created.

Alterations/Additions for the New Use

Some exterior and interior alterations to a historic building are generally needed to assure its continued use, but it is most important that such alterations do not radically change, obscure, or destroy character-defining spaces, materials, features, or finishes. Alterations may include providing additional parking space on an existing historic building site; cutting new entrances or windows on secondary elevations; inserting an additional floor; installing an entirely new mechanical system; or creating an atrium or light well. Alteration may also include the selective removal of buildings or other features of the environment or building site that are intrusive and therefore detract from the overall historic character.

The construction of an exterior addition on a historic building may seem to be essential for the new use, but it is emphasized in the **Rehabilitation** guidelines that such new additions should be avoided, if possible, and considered *only* after it is determined that those needs cannot be met by altering secondary, i.e., non character-defining interior spaces. If, after a thorough evaluation of interior solutions, an exterior addition is still judged to be the only viable alterative, it should be designed and constructed to be clearly differentiated from the historic building and so that the character-defining features are not radically changed, obscured, damaged, or destroyed.

Additions and alterations to historic buildings are referenced within specific sections of the **Rehabilitation** guidelines such as Site, Roofs, Structural Systems, etc., but are addressed in detail in *New Additions to Historic Buildings*, found at the end of this chapter.

Energy Efficiency/Accessibility Considerations/Health and Safety Code Considerations

These sections of the guidance address work done to meet accessibility requirements and health and safety code requirements; or retrofitting measures to improve energy efficiency. Although this work is quite often an important aspect of **Rehabilitation** projects, it is usually not a part of the overall process of protecting or repairing character-defining features; rather, such work is assessed for its potential negative impact on the building's historic character. For this reason, particular care must be taken not to radically change, obscure, damage, or destroy character-defining materials or features in the process of meeting code and energy requirements.

Rehabilitation as a Treatment *When repair and replacement of deteriorated features are necessary; when alterations or additions to the property are planned for a new or continued use; and when its depiction at a particular time is not appropriate, Rehabilitation may be considered as a treatment. Prior to undertaking work, a documentation plan for Rehabilitation should be developed.*

Building Exterior

Masonry: Brick, stone, terra cotta, concrete, adobe, stucco and mortar

Recommended	*Not Recommended*
Identifying, retaining, and preserving masonry features that are important in defining the overall historic character of the building such as walls, brackets, railings, cornices, window architraves, door pediments, steps, and columns; and details such as tooling and bonding patterns, coatings, and color.	Removing or radically changing masonry features which are important in defining the overall historic character of the building so that, as a result, the character is diminished.
	Replacing or rebuilding a major portion of exterior masonry walls that could be repaired so that, as a result, the building is no longer historic and is essentially new construction.
	Applying paint or other coatings such as stucco to masonry that has been historically unpainted or uncoated to create a new appearance.
	Removing paint from historically painted masonry.
	Radically changing the type of paint or coating or its color.
Protecting and maintaining masonry by providing proper drainage so that water does not stand on flat, horizontal surfaces or accumulate in curved decorative features.	Failing to evaluate and treat the various causes of mortar joint deterioration such as leaking roofs or gutters, differential settlement of the building, capillary action, or extreme weather exposure.
Cleaning masonry only when necessary to halt deterioration or remove heavy soiling.	Cleaning masonry surfaces when they are not heavily soiled to create a new appearance, thus needlessly introducing chemicals or moisture into historic materials.
Carrying out masonry surface cleaning tests after it has been determined that such cleaning is appropriate. Tests should be observed over a sufficient period of time so that both the immediate and the long range effects are known to enable selection of the gentlest method possible.	Cleaning masonry surfaces without testing or without sufficient time for the testing results to be of value.

Recommended	*Not Recommended*
Cleaning masonry surfaces with the gentlest method possible, such as low pressure water and detergents, using natural bristle brushes.	Sandblasting brick or stone surfaces using dry or wet grit or other abrasives. These methods of cleaning permanently erode the surface of the material and accelerate deterioration.
	Using a cleaning method that involves water or liquid chemical solutions when there is any possibility of freezing temperatures.
	Cleaning with chemical products that will damage masonry, such as using acid on limestone or marble, or leaving chemicals on masonry surfaces.
	Applying high pressure water cleaning methods that will damage historic masonry and the mortar joints.
Inspecting painted masonry surfaces to determine whether repainting is necessary.	Removing paint that is firmly adhering to, and thus protecting, masonry surfaces.
Removing damaged or deteriorated paint only to the next sound layer using the gentlest method possible (e.g., hand-scraping) prior to repainting.	Using methods of removing paint which are destructive to masonry, such as sandblasting, application of caustic solutions, or high pressure waterblasting.
Applying compatible paint coating systems following proper surface preparation.	Failing to follow manufacturers' product and application instructions when repainting masonry.
Repainting with colors that are historically appropriate to the building and district.	Using new paint colors that are inappropriate to the historic building and district.
Evaluating the overall condition of the masonry to determine whether more than protection and maintenance are required, that is, if repairs to masonry features will be necessary.	Failing to undertake adequate measures to assure the protection of masonry features.
Repairing masonry walls and other masonry features by repointing the mortar joints where there is evidence of deterioration such as disintegrating mortar, cracks in mortar joints, loose bricks, damp walls, or damaged plasterwork.	Removing nondeteriorated mortar from sound joints, then repointing the entire building to achieve a uniform appearance.
Removing deteriorated mortar by carefully hand-raking the joints to avoid damaging the masonry.	Using electric saws and hammers rather than hand tools to remove deteriorated mortar from joints prior to repointing.

Recommended	*Not Recommended*
Duplicating old mortar in strength, composition, color, and texture.	Repointing with mortar of high portland cement content (unless it is the content of the historic mortar). This can often create a bond that is stronger than the historic material and can cause damage as a result of the differing coefficient of expansion and the differing porosity of the material and the mortar.
	Repointing with a synthetic caulking compound.
	Using a "scrub" coating technique to repoint instead of traditional repointing methods.
Duplicating old mortar joints in width and in joint profile.	Changing the width or joint profile when repointing.
Repairing stucco by removing the damaged material and patching with new stucco that duplicates the old in strength, composition, color, and texture.	Removing sound stucco; or repairing with new stucco that is stronger than the historic material or does not convey the same visual appearance.
Using mud plaster as a surface coating over unfired, unstabilized adobe because the mud plaster will bond to the adobe.	Applying cement stucco to unfired, unstabilized adobe. Because the cement stucco will not bond properly, moisture can become entrapped between materials, resulting in accelerated deterioration of the adobe.
Cutting damaged concrete back to remove the source of deterioration (often corrosion on metal reinforcement bars). The new patch must be applied carefully so it will bond satisfactorily with, and match, the historic concrete.	Patching concrete without removing the source of deterioration.
Repairing masonry features by patching, piecing-in, or consolidating the masonry using recognized preservation methods. Repair may also include the limited replacement in kind—or with compatible substitute material—of those extensively deteriorated or missing parts of masonry features when there are surviving prototypes such as terra-cotta brackets or stone balusters.	Replacing an entire masonry feature such as a cornice or balustrade when repair of the masonry and limited replacement of deteriorated or missing parts are appropriate.
	Using a substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the masonry feature or that is physically or chemically incompatible.

Recommended

Applying new or non-historic surface treatments such as water-repellent coatings to masonry only after repointing and only if masonry repairs have failed to arrest water penetration problems.

Replacing in kind an entire masonry feature that is too deteriorated to repair—if the overall form and detailing are still evident—using the physical evidence as a model to reproduce the feature. Examples can include large sections of a wall, a cornice, balustrade, column, or stairway. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.

Not Recommended

Applying waterproof, water repellent, or non-historic coatings such as stucco to masonry as a substitute for repointing and masonry repairs. Coatings are frequently unnecessary, expensive, and may change the appearance of historic masonry as well as accelerate its deterioration.

Removing a masonry feature that is unrepairable and not replacing it; or replacing it with a new feature that does not convey the same visual appearance.

The following work is highlighted to indicate that it represents the particularly complex technical or design aspects of **Rehabilitation** *projects and should only be considered after the preservation concerns listed above have been addressed.*

Recommended

Design for the Replacement of Missing Historic Features

Designing and installing a new masonry feature such as steps or a door pediment when the historic feature is completely missing. It may be an accurate restoration using historical, pictorial, and physical documentation; or be a new design that is compatible with the size, scale, material, and color of the historic building.

Not Recommended

Creating a false historical appearance because the replaced masonry feature is based on insufficient historical, pictorial, and physical documentation.

Introducing a new masonry feature that is incompatible in size, scale, material and color.

Building Exterior

Wood: Clapboard, weatherboard, shingles, and other wooden siding and decorative elements

Recommended	*Not Recommended*
Identifying, retaining, and preserving wood features that are important in defining the overall historic character of the building such as siding, cornices, brackets, window architraves, and doorway pediments; and their paints, finishes, and colors.	Removing or radically changing wood features which are important in defining the overall historic character of the building so that, as a result, the character is diminished.
	Removing a major portion of the historic wood from a facade instead of repairing or replacing only the deteriorated wood, then reconstructing the facade with new material in order to achieve a uniform or "improved" appearance.
	Radically changing the type of finish or its color or accent scheme so that the historic character of the exterior is diminished.
	Stripping historically painted surfaces to bare wood, then applying clear finishes or stains in order to create a "natural look."
	Stripping paint or varnish to bare wood rather than repairing or reapplying a special finish, i.e., a grained finish to an exterior wood feature such as a front door.
Protecting and maintaining wood features by providing proper drainage so that water is not allowed to stand on flat, horizontal surfaces or accumulate in decorative features.	Failing to identify, evaluate, and treat the causes of wood deterioration, including faulty flashing, leaking gutters, cracks and holes in siding, deteriorated caulking in joints and seams, plant material growing too close to wood surfaces, or insect or fungus infestation.
Applying chemical preservatives to wood features such as beam ends or outriggers that are exposed to decay hazards and are traditionally unpainted.	Using chemical preservatives such as creosote which, unless they were used historically, can change the appearance of wood features.
Retaining coatings such as paint that help protect the wood from moisture and ultraviolet light. Paint removal should be considered only where there is paint surface deterioration and as part of an overall maintenance program which involves repainting or applying other appropriate protective coatings.	Stripping paint or other coatings to reveal bare wood, thus exposing historically coated surfaces to the effects of accelerated weathering.

Recommended

Inspecting painted wood surfaces to determine whether repainting is necessary or if cleaning is all that is required.

Removing damaged or deteriorated paint to the next sound layer using the gentlest method possible (handscraping and handsanding), then repainting.

Using with care electric hot-air guns on decorative wood features and electric heat plates on flat wood surfaces when paint is so deteriorated that total removal is necessary prior to repainting.

Not Recommended

Removing paint that is firmly adhering to, and thus, protecting wood surfaces.

Using destructive paint removal methods such as propane or butane torches, sandblasting or waterblasting. These methods can irreversibly damage historic woodwork.

Using thermal devices improperly so that the historic woodwork is scorched.

According to the Standards for Rehabilitation, existing historic materials should be protected, maintained and repaired. In an exemplary project, the windows and shutters of this historic residence were carefully preserved.

Recommended	*Not Recommended*
Using chemical strippers primarily to supplement other methods such as handscraping, handsanding and the above-recommended thermal devices. Detachable wooden elements such as shutters, doors, and columns may—with the proper safeguards—be chemically dip-stripped.	Failing to neutralize the wood thoroughly after using chemicals so that new paint does not adhere.
	Allowing detachable wood features to soak too long in a caustic solution so that the wood grain is raised and the surface roughened.
Applying compatible paint coating systems following proper surface preparation.	Failing to follow manufacturers' product and application instructions when repainting exterior woodwork.
Repainting with colors that are appropriate to the historic building and district.	Using new colors that are inappropriate to the historic building or district.
Evaluating the overall condition of the wood to determine whether more than protection and maintenance are required, that is, if repairs to wood features will be necessary.	Failing to undertake adequate measures to assure the protection of wood features.
Repairing wood features by patching, piecing-in, consolidating, or otherwise reinforcing the wood using recognized preservation methods. Repair may also include the limited replacement in kind—or with compatible substitute material—of those extensively deteriorated or missing parts of features where there are surviving prototypes such as brackets, molding, or sections of siding.	Replacing an entire wood feature such as a cornice or wall when repair of the wood and limited replacement of deteriorated or missing parts are appropriate.
	Using substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the wood feature or that is physically or chemically incompatible.
Replacing in kind an entire wood feature that is too deteriorated to repair—if the overall form and detailing are still evident—using the physical evidence as a model to reproduce the feature. Examples of wood features include a cornice, entablature or balustrade. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.	Removing an entire wood feature that is unrepairable and not replacing it; or replacing it with a new feature that does not convey the same visual appearance.

The following work is highlighted to indicate that it represents the particularly complex technical or design aspects of **Rehabilitation** *projects and should only be considered after the preservation concerns listed above have been addressed.*

Recommended	*Not Recommended*
Design for the Replacement of Missing Historic Features	
Designing and installing a new wood feature such as a cornice or doorway when the historic feature is completely missing. It may be an accurate restoration using historical, pictorial, and physical documentation; or be a new design that is compatible with the size, scale, material, and color of the historic building.	Creating a false historical appearance because the replaced wood feature is based on insufficient historical, pictorial, and physical documentation. Introducing a new wood feature that is incompatible in size, scale, material and color.

Building Exterior

Architectural Metals: Cast iron, steel, pressed tin, copper, aluminum, and zinc

Recommended	*Not Recommended*
Identifying, retaining, and preserving architectural metal features such as columns, capitals, window hoods, or stairways that are important in defining the overall historic character of the building; and their finishes and colors. Identification is also critical to differentiate between metals prior to work. Each metal has unique properties and thus requires different treatments.	Removing or radically changing architectural metal features which are important in defining the overall historic character of the building so that, as a result, the character is diminished.
	Removing a major portion of the historic architectural metal from a facade instead of repairing or replacing only the deteriorated metal, then reconstructing the facade with new material in order to create a uniform, or "improved" appearance.
	Radically changing the type of finish or its historic color or accent scheme.
Protecting and maintaining architectural metals from corrosion by providing proper drainage so that water does not stand on flat, horizontal surfaces or accumulate in curved, decorative features.	Failing to identify, evaluate, and treat the causes of corrosion, such as moisture from leaking roofs or gutters.
	Placing incompatible metals together without providing a reliable separation material. Such incompatibility can result in galvanic corrosion of the less noble metal, e.g., copper will corrode cast iron, steel, tin, and aluminum.
Cleaning architectural metals, when appropriate, to remove corrosion prior to repainting or applying other appropriate protective coatings.	Exposing metals which were intended to be protected from the environment.
	Applying paint or other coatings to metals such as copper, bronze, or stainless steel that were meant to be exposed.
Identifying the particular type of metal prior to any cleaning procedure and then testing to assure that the gentlest cleaning method possible is selected or determining that cleaning is inappropriate for the particular metal.	Using cleaning methods which alter or damage the historic color, texture, and finish of the metal; or cleaning when it is inappropriate for the metal.
	Removing the patina of historic metal. The patina may be a protective coating on some metals, such as bronze or copper, as well as a significant historic finish.

Recommended	*Not Recommended*
Cleaning soft metals such as lead, tin, copper, terneplate, and zinc with appropriate chemical methods because their finishes can be easily abraded by blasting methods.	Cleaning soft metals such as lead, tin, copper, terneplate, and zinc with grit blasting which will abrade the surface of the metal.
Using the gentlest cleaning methods for cast iron, wrought iron, and steel—hard metals—in order to remove paint buildup and corrosion. If handscraping and wire brushing have proven ineffective, low pressure grit blasting may be used as long as it does not abrade or damage the surface.	Failing to employ gentler methods prior to abrasively cleaning cast iron, wrought iron or steel; or using high pressure grit blasting.
Applying appropriate paint or other coating systems after cleaning in order to decrease the corrosion rate of metals or alloys.	Failing to re-apply protective coating systems to metals or alloys that require them after cleaning so that accelerated corrosion occurs.
Repainting with colors that are appropriate to the historic building or district.	Using new colors that are inappropriate to the historic building or district.
Applying an appropriate protective coating such as lacquer to an architectural metal feature such as a bronze door which is subject to heavy pedestrian use.	Failing to assess pedestrian use or new access patterns so that architectural metal features are subject to damage by use or inappropriate maintenance such as salting adjacent sidewalks.
Evaluating the overall condition of the architectural metals to determine whether more than protection and maintenance are required, that is, if repairs to features will be necessary.	Failing to undertake adequate measures to assure the protection of architectural metal features.
Repairing architectural metal features by patching, splicing, or otherwise reinforcing the metal following recognized preservation methods. Repairs may also include the limited replacement in kind—or with a compatible substitute material—of those extensively deteriorated or missing parts of features when there are surviving prototypes such as porch balusters, column capitals or bases; or porch cresting.	Replacing an entire architectural metal feature such as a column or a balustrade when repair of the metal and limited replacement of deteriorated or missing parts are appropriate.
	Using a substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the architectural metal feature or that is physically or chemically incompatible.

Recommended	*Not Recommended*
Replacing in kind an entire architectural metal feature that is too deteriorated to repair—if the overall form and detailing are still evident—using the physical evidence as a model to reproduce the feature. Examples could include cast iron porch steps or steel sash windows. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.	Removing an architectural metal feature that is unrepairable and not replacing it; or replacing it with a new architectural metal feature that does not convey the same visual appearance.

The following work is highlighted to indicate that it represents the particularly complex technical or design aspects of **Rehabilitation** *projects and should only be considered after the preservation concerns listed above have been addressed.*

Recommended	*Not Recommended*
Design for the Replacement of Missing Historic Features	
Designing and installing a new architectural metal feature such as a metal cornice or cast iron capital when the historic feature is completely missing. It may be an accurate restoration using historical, pictorial, and physical documentation; or be a new design that is compatible with the size, scale, material, and color of the historic building.	Creating a false historical appearance because the replaced architectural metal feature is based on insufficient historical, pictorial, and physical documentation. Introducing a new architectural metal feature that is incompatible in size, scale, material, and color.

Building Exterior

Roofs

Recommended	*Not Recommended*
Identifying, retaining, and preserving roofs—and their functional and decorative features—that are important in defining the overall historic character of the building. This includes the roof's shape, such as hipped, gambrel, and mansard; decorative features such as cupolas, cresting chimneys, and weathervanes; and roofing material such as slate, wood, clay tile, and metal, as well as its size, color, and patterning.	Radically changing, damaging, or destroying roofs which are important in defining the overall historic character of the building so that, as a result, the character is diminished.
	Removing a major portion of the roof or roofing material that is repairable, then reconstructing it with new material in order to create a uniform, or "improved" appearance.
	Changing the configuration of a roof by adding new features such as dormer windows, vents, or skylights so that the historic character is diminished.
	Stripping the roof of sound historic material such as slate, clay tile, wood, and architectural metal.
	Applying paint or other coatings to roofing material which has been historically uncoated.
Protecting and maintaining a roof by cleaning the gutters and downspouts and replacing deteriorated flashing. Roof sheathing should also be checked for proper venting to prevent moisture condensation and water penetration; and to ensure that materials are free from insect infestation.	Failing to clean and maintain gutters and downspouts properly so that water and debris collect and cause damage to roof fasteners, sheathing, and the underlying structure.
Providing adequate anchorage for roofing material to guard against wind damage and moisture penetration.	Allowing roof fasteners, such as nails and clips to corrode so that roofing material is subject to accelerated deterioration.
Protecting a leaking roof with plywood and building paper until it can be properly repaired.	Permitting a leaking roof to remain unprotected so that accelerated deterioration of historic building materials—masonry, wood, plaster, paint and structural members—occurs.

Recommended

Repairing a roof by reinforcing the historic materials which comprise roof features. Repairs will also generally include the limited replacement in kind—or with compatible substitute material—of those extensively deteriorated or missing parts of features when there are surviving prototypes such as cupola louvers, dentils, dormer roofing; or slates, tiles, or wood shingles on a main roof.

Replacing in kind an entire feature of the roof that is too deteriorated to repair—if the overall form and detailing are still evident—using the physical evidence as a model to reproduce the feature. Examples can include a large section of roofing, or a dormer or chimney. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.

Not Recommended

Replacing an entire roof feature such as a cupola or dormer when repair of the historic materials and limited replacement of deteriorated or missing parts are appropriate.

Failing to reuse intact slate or tile when only the roofing substrate needs replacement.

Using a substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the roof or that is physically or chemically incompatible.

Removing a feature of the roof that is unrepairable, such as a chimney or dormer, and not replacing it; or replacing it with a new feature that does not convey the same visual appearance.

The following work is highlighted to indicate that it represents the particularly complex technical or design aspects of **Rehabilitation** *projects and should only be considered after the preservation concerns listed above have been addressed.*

Recommended	*Not Recommended*
Design for the Replacement of Missing Historic Features	
Designing and constructing a new feature when the historic feature is completely missing, such as chimney or cupola. It may be an accurate restoration using historical, pictorial, and physical documentation; or be a new design that is compatible with the size, scale, material, and color of the historic building.	Creating a false historical appearance because the replaced feature is based on insufficient historical, pictorial, and physical documentation. Introducing a new roof feature that is incompatible in size, scale, material and color.
Alterations/Additions for the New Use	
Installing mechanical and service equipment on the roof such as air conditioning, transformers, or solar collectors when required for the new use so that they are inconspicuous from the public right-of-way and do not damage or obscure character-defining features.	Installing mechanical or service equipment so that it damages or obscures character-defining features; or is conspicuous from the public right-of-way.
Designing additions to roofs such as residential, office, or storage spaces; elevator housing; decks and terraces; or dormers or skylights when required by the new use so that they are inconspicuous from the public right-of-way and do not damage or obscure character-defining features.	Radically changing a character-defining roof shape or damaging or destroying character-defining roofing material as a result of incompatible design or improper installation techniques.

Building Exterior

Windows

Recommended

Identifying, retaining, and preserving windows—and their functional and decorative features—that are important in defining the overall historic character of the building. Such features can include frames, sash, muntins, glazing, sills, heads, hoodmolds, panelled or decorated jambs and moldings, and interior and exterior shutters and blinds.

Conducting an indepth survey of the condition of existing windows early in rehabilitation planning so that repair and upgrading methods and possible replacement options can be fully explored.

Protecting and maintaining the wood and architectural metals which comprise the window frame, sash, muntins, and surrounds through appropriate surface treatments such as cleaning, rust removal, limited paint removal, and re-application of protective coating systems.

Making windows weathertight by re-caulking and replacing or installing weatherstripping. These actions also improve thermal efficiency.

Not Recommended

Removing or radically changing windows which are important in defining the historic character of the building so that, as a result, the character is diminished.

Changing the number, location, size or glazing pattern of windows, through cutting new openings, blocking-in windows, and installing replacement sash that do not fit the historic window opening.

Changing the historic appearance of windows through the use of inappropriate designs, materials, finishes, or colors which noticeably change the sash, depth of reveal, and muntin configuration; the reflectivity and color of the glazing; or the appearance of the frame.

Obscuring historic window trim with metal or other material.

Stripping windows of historic material such as wood, cast iron, and bronze.

Replacing windows solely because of peeling paint, broken glass, stuck sash, and high air infiltration. These conditions, in themselves, are no indication that windows are beyond repair.

Failing to provide adequate protection of materials on a cyclical basis so that deterioration of the window results.

Retrofitting or replacing windows rather than maintaining the sash, frame, and glazing.

Recommended	*Not Recommended*
Evaluating the overall condition of materials to determine whether more than protection and maintenance are required, i.e. if repairs to windows and window features will be required.	Failing to undertake adequate measures to assure the protection of historic windows.
Repairing window frames and sash by patching, splicing, consolidating or otherwise reinforcing. Such repair may also include replacement in kind—or with compatible substitute material—of those parts that are either extensively deteriorated or are missing when there are surviving prototypes such as architraves, hoodmolds, sash, sills, and interior or exterior shutters and blinds.	Replacing an entire window when repair of materials and limited replacement of deteriorated or missing parts are appropriate. Failing to reuse serviceable window hardware such as brass sash lifts and sash locks. Using substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the window or that is physically or chemically incompatible.
Replacing in kind an entire window that is too deteriorated to repair using the same sash and pane configuration and other design details. If using the same kind of material is not technically or economically feasible when replacing windows deteriorated beyond repair, then a compatible substitute material may be considered.	Removing a character-defining window that is unrepairable and blocking it in; or replacing it with a new window that does not convey the same visual appearance.

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Recommended	*Not Recommended*
Design for the Replacement of Missing Historic Features	
Designing and installing new windows when the historic windows (frames, sash and glazing) are completely missing. The replacement windows may be an accurate restoration using historical, pictorial, and physical documentation; or be a new design that is compatible with the window openings and the historic character of the building.	Creating a false historical appearance because the replaced window is based on insufficient historical, pictorial, and physical documentation. Introducing a new design that is incompatible with the historic character of the building.
Alterations/Additions for the New Use	
Designing and installing additional windows on rear or other non-character-defining elevations if required by the new use. New window openings may also be cut into exposed party walls. Such design should be compatible with the overall design of the building, but not duplicate the fenestration pattern and detailing of a character-defining elevation.	Installing new windows, including frames, sash, and muntin configuration that are incompatible with the building's historic appearance or obscure, damage, or destroy character-defining features.
Providing a setback in the design of dropped ceilings when they are required for the new use to allow for the full height of the window openings.	Inserting new floors or furred-down ceilings which cut across the glazed areas of windows so that the exterior form and appearance of the windows are changed.

a

b

c

(a) An armory complex was rehabilitated for rental housing. (b) This view of the rear elevation shows the paired, nine-over-nine wood sash windows and high sills that characterized the building. (c) After inappropriate rehabilitation work, the same rear elevation is shown with new skylights added to the roof, prefabricated panels filling the former brick areas, and new wood decks and privacy fences. Because the work changed the historic character, the project did not meet the Standards.

Building Exterior

Entrances and Porches

Recommended	*Not Recommended*
Identifying, retaining, and preserving entrances and porches—and their functional and decorative features—that are important in defining the overall historic character of the building such as doors, fanlights, sidelights, pilaster, entablatures, columns, balustrades, and stairs.	Removing or radically changing entrances and porches which are important in defining the overall historic character of the building so that, as a result, the character is diminished.
	Stripping entrances and porches of historic material such as wood, cast iron, terra cotta tile, and brick.
	Removing an entrance or porch because the building has been re-oriented to accommodate a new use.
	Cutting new entrances on a primary elevation.
	Altering utilitarian or service entrances so they appear to be formal entrances by adding panelled doors, fanlights, and sidelights.
Protecting and maintaining the masonry, wood, and architectural metals that comprise entrances and porches through appropriate surface treatments such as cleaning, rust removal, limited paint removal, and re-application of protective coating systems.	Failing to provide adequate protection to materials on a cyclical basis so that deterioration of entrances and porches results.
Evaluating the overall condition of materials to determine whether more than protection and maintenance are required, that is, repairs to entrance and porch features will be necessary.	Failing to undertake adequate measures to assure the protection of historic entrances and porches.
Repairing entrances and porches by reinforcing the historic materials. Repair will also generally include the limited replacement in kind—or with compatible substitute material—of those extensively deteriorated or missing parts of repeated features where there are surviving prototypes such as balustrades, cornices, entablatures, columns, sidelights, and stairs.	Replacing an entire entrance or porch when the repair of materials and limited replacement of parts are appropriate.
	Using a substitute material for the replacement parts that does not convey the visual appearance of the surviving parts of the entrance and porch or that is physically or chemically incompatible.

In Rehabilitation, deteriorated features should be repaired, whenever possible, and replaced when the severity of the damage makes it necessary. Here, a two-story porch is seen prior to treatment (left). The floor boards are rotted out and the columns are in a state of collapse, supported only by crude, temporary shafts. Other components are in varying stages of decay. Appropriate work on the historic porch (right) included repairs to the porch rails; and total replacement of the extensively deteriorated columns and floor boards. Some dismantling of the porch was necessary.

Recommended	*Not Recommended*
Replacing in kind an entire entrance or porch that is too deteriorated to repair—if the form and detailing are still evident—using the physical evidence as a model to reproduce the feature. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.	Removing an entrance or porch that is unrepairable and not replacing it; or replacing it with a new entrance or porch that does not convey the same visual appearance.

The following work is highlighted to indicate that it represents the particularly complex technical or design aspects of **Rehabilitation** *projects and should only be considered after the preservation concerns listed above have been addressed.*

Recommended	*Not Recommended*
Design for the Replacement of Missing Historic Features	
Designing and constructing a new entrance or porch when the historic entrance or porch is completely missing. It may be a restoration based on historical, pictorial, and physical documentation; or be a new design that is compatible with the historic character building.	Creating a false historical appearance because the replaced entrance or porch is based on insufficient historical, pictorial, and physical documentation. Introducing a new entrance or porch that is incompatible in size, scale, material, and color.
Alterations/Additions for the New Use	
Designing enclosures for historic porches on secondary elevations when required by the new use in a manner that preserves the historic character of the building. This can include using large sheets of glass and recessing the enclosure wall behind existing scrollwork, posts, and balustrades.	Enclosing porches in a manner that results in a diminution or loss of historic character by using materials such as wood, stucco, or masonry.
Designing and installing additional entrances or porches on secondary elevations when required for the new use in a manner that preserves the historic character of the buildings, i.e., limiting such alteration to non-character-defining elevations.	Installing secondary service entrances and porches that are incompatible in size and scale with the historic building or obscure, damage, or destroy character-defining features.

Building Exterior

Storefronts

Recommended	*Not Recommended*
Identifying, retaining, and preserving storefronts—and their functional and decorative features—that are important in defining the overall historic character of the building such as display windows, signs, doors, transoms, kick plates, corner posts, and entablatures. The removal of inappropriate, non-historic cladding, false mansard roofs, and other later alterations can help reveal the historic character of a storefront.	Removing or radically changing storefronts—and their features—which are important in defining the overall historic character of the building so that, as a result, the character is diminished.
	Changing the storefront so that it appears residential rather than commercial in character.
	Removing historic material from the storefront to create a recessed arcade.
	Introducing coach lanterns, mansard designs, wood shakes, nonoperable shutters, and small-paned windows if they cannot be documented historically.
	Changing the location of a storefront's main entrance.
Protecting and maintaining masonry, wood, and architectural metals which comprise storefronts through appropriate treatments such as cleaning, rust removal, limited paint removal, and reapplication of protective coating systems.	Failing to provide adequate protection of materials on a cyclical basis so that deterioration of storefront features results.
Protecting storefronts against arson and vandalism before work begins by boarding up windows and installing alarm systems that are keyed into local protection agencies.	Permitting entry into the building through unsecured or broken windows and doors so that interior features and finishes are damaged by exposure to weather or vandalism.
	Stripping storefronts of historic material such as wood, cast iron, terra cotta, carrara glass, and brick.
Evaluating the existing condition of storefront materials to determine whether more than protection and maintenance are required, that is, if repairs to features will be necessary.	Failing to undertake adequate measures to assure the preservation of the historic storefront.

Recommended

Repairing storefronts by reinforcing the historic materials. Repairs will also generally include the limited replacement in kind—or with compatible substitute materials—of those extensively deteriorated or missing parts of storefronts where there are surviving prototypes such as transoms, kick plates, pilasters, or signs.

Replacing in kind an entire storefront that is too deteriorated to repair—if the overall form and detailing are still evident—using the physical evidence as a model. If using the same material is not technically or economically feasible, then compatible substitute materials may be considered.

Not Recommended

Replacing an entire storefront when repair of materials and limited replacement of its parts are appropriate.

Using substitute material for the replacement parts that does not convey the same visual appearance as the surviving parts of the storefront or that is physically or chemically incompatible.

Removing a storefront that is unrepairable and not replacing it; or replacing it with a new storefront that does not convey the same visual appearance.

The following work is highlighted to indicate that it represents the particularly complex technical or design aspects of **Rehabilitation** *projects and should only be considered after the preservation concerns listed above have been addressed.*

Recommended

Design for the Replacement of Missing Historic Features

Designing and constructing a new storefront when the historic storefront is completely missing. It may be an accurate restoration using historical, pictorial, and physical documentation; or be a new design that is compatible with the size, scale, material, and color of the historic building.

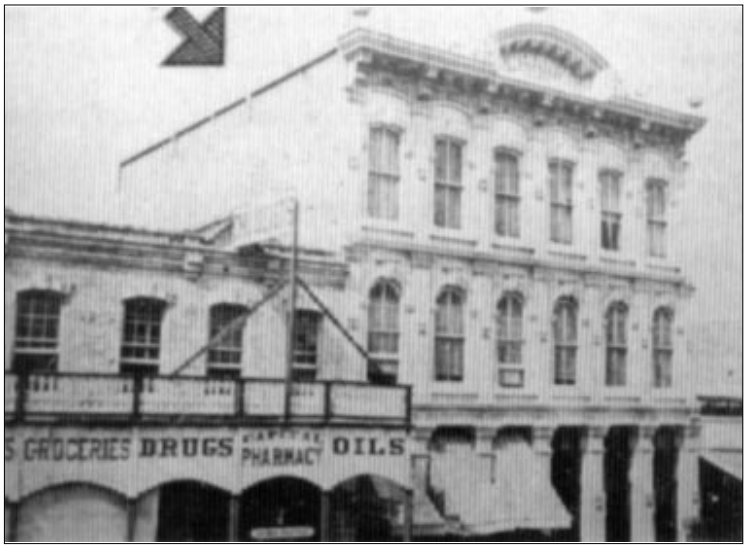
Not Recommended

Creating a false historical appearance because the replaced storefront is based on insufficient historical, pictorial, and physical documentation.

Introducing a new design that is incompatible in size, scale, material, and color.

Using inappropriately scaled signs and logos or other types of signs that obscure, damage, or destroy remaining character-defining features of the historic building.

a



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In the treatment, Rehabilitation, one option for replacing missing historic features is to use pictorial documentation and/or physical evidence to re-create the historic feature. (a) In this example, the ornamental cornice of an 1866 limestone building was missing; and the ground level storefront had been extensively altered. (b) and (c) Based on the availability of photographic and other documentation, the owners were able to accurately restore the cornice and storefront to their historic configuration. A substitute material, fiberglass, was used to fabricate the missing pressed metal cornice, an acceptable alternative in this project. All work met the Standards.

Building Interior

Structural Systems

Recommended

Identifying, retaining, and preserving structural systems—and individual features of systems—that are important in defining the overall historic character of the building, such as post and beam systems, trusses, summer beams, vigas, cast iron columns, above-grade stone foundation walls, or load-bearing brick or stone walls.

Protecting and maintaining the structural system by cleaning the roof gutters and downspouts; replacing roof flashing; keeping masonry, wood, and architectural metals in a sound condition; and ensuring that structural members are free from insect infestation.

Examining and evaluating the physical condition of the structural system and its individual features using non-destructive techniques such as X-ray photography.

Not Recommended

Removing, covering, or radically changing visible features of structural systems which are important in defining the overall historic character of the building so that, as a result, the character is diminished.

Putting a new use into the building which could overload the existing structural system; or installing equipment or mechanical systems which could damage the structure.

Demolishing a loadbearing masonry wall that could be augmented and retained, and replacing it with a new wall (i.e., brick or stone), using the historic masonry only as an exterior veneer.

Leaving known structural problems untreated such as deflection of beams, cracking and bowing of walls, or racking of structural members.

Utilizing treatments or products that accelerate the deterioration of structural material such as introducing urea-formaldehyde foam insulation into frame walls.

Failing to provide proper building maintenance so that deterioration of the structural system results. Causes of deterioration include subsurface ground movement, vegetation growing too close to foundation walls, improper grading, fungal rot, and poor interior ventilation that results in condensation.

Utilizing destructive probing techniques that will damage or destroy structural material.

Recommended

Repairing the structural system by augmenting or upgrading individual parts or features. For example, weakened structural members such as floor framing can be paired with a new member, braced, or otherwise supplemented and reinforced.

Replacing in kind—or with substitute material—those portions or features of the structural system that are either extensively deteriorated or are missing when there are surviving prototypes such as cast iron columns, roof rafters or trusses, or sections of loadbearing walls. Substitute material should convey the same form, design, and overall visual appearance as the historic feature; and, at a minimum, be equal to its loadbearing capabilities.

Not Recommended

Upgrading the building structurally in a manner that diminishes the historic character of the exterior, such as installing strapping channels or removing a decorative cornice; or damages interior features or spaces.

Replacing a structural member or other feature of the structural system when it could be augmented and retained.

Installing a visible replacement feature that does not convey the same visual appearance, e.g., replacing an exposed wood summer beam with a steel beam.

Using substitute material that does not equal the loadbearing capabilities of the historic material and design or is otherwise physically or chemically incompatible.

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Recommended	*Not Recommended*
Alterations/Additions for the New Use	
Limiting any new excavations adjacent to historic foundations to avoid undermining the structural stability of the building or adjacent historic buildings. Studies should be done to ascertain potential damage to archeological resources.	Carrying out excavations or regrading adjacent to or within a historic building which could cause the historic foundation to settle, shift, or fail; could have a similar effect on adjacent historic buildings; or could destroy significant archeological resources.
Correcting structural deficiencies in preparation for the new use in a manner that preserves the structural system and individual character-defining features.	Radically changing interior spaces or damaging or destroying features or finishes that are character-defining while trying to correct structural deficiencies in preparation for the new use.
Designing and installing new mechanical or electrical systems when required for the new use which minimize the number of cutouts or holes in structural members.	Installing new mechanical and electrical systems or equipment in a manner which results in numerous cuts, splices, or alterations to the structural members.
Adding a new floor when required for the new use if such an alteration does not damage or destroy the structural system or obscure, damage, or destroy character-defining spaces, features, or finishes.	Inserting a new floor when such a radical change damages a structural system or obscures or destroys interior spaces, features, or finishes.
	Inserting new floors or furred-down ceilings which cut across the glazed areas of windows so that the exterior form and appearance of the windows are radically changed.
Creating an atrium or a light well to provide natural light when required for the new use in a manner that assures the preservation of the structural system as well as character-defining interior spaces, features, and finishes.	Damaging the structural system or individual features; or radically changing, damaging, or destroying character-defining interior spaces, features, or finishes in order to create an atrium or a light well.

Building Interior

Spaces, Features, and Finishes

Recommended

Not Recommended

Interior Spaces

Identifying, retaining, and preserving a floor plan or interior spaces that are important in defining the overall historic character of the building. This includes the size, configuration, proportion, and relationship of rooms and corridors; the relationship of features to spaces; and the spaces themselves such as lobbies, reception halls, entrance halls, double parlors, theaters, auditoriums, and important industrial or commercial spaces.

Radically changing a floor plan or interior spaces—including individual rooms—which are important in defining the overall historic character of the building so that, as a result, the character is diminished.

Altering the floor plan by demolishing principal walls and partitions to create a new appearance.

Altering or destroying interior spaces by inserting floors, cutting through floors, lowering ceilings, or adding or removing walls.

Relocating an interior feature such as a staircase so that the historic relationship between features and spaces is altered.

Interior Features and Finishes

Identifying, retaining, and preserving interior features and finishes that are important in defining the overall historic character of the building, including columns, cornices, baseboards, fireplaces and mantels, panelling, light fixtures, hardware, and flooring; and wallpaper, plaster, paint, and finishes such as stencilling, marbling, and graining; and other decorative materials that accent interior features and provide color, texture, and patterning to walls, floors, and ceilings.

Removing or radically changing features and finishes which are important in defining the overall historic character of the building so that, as a result, the character is diminished.

Installing new decorative material that obscures or damages character-defining interior features or finishes.

Removing paint, plaster, or other finishes from historically finished surfaces to create a new appearance (e.g., removing plaster to expose masonry surfaces such as brick walls or a chimney piece).

Applying paint, plaster, or other finishes to surfaces that have been historically unfinished to create a new appearance.

Stripping paint to bare wood rather than repairing or reapplying grained or marbled finishes to features such as doors and panelling.

Radically changing the type of finish or its color, such as painting a previously varnished wood feature.

Recommended

Protecting and maintaining masonry, wood, and architectural metals which comprise interior features through appropriate surface treatments such as cleaning, rust removal, limited paint removal, and reapplication of protective coating systems.

Protecting interior features and finishes against arson and vandalism before project work begins, erecting protective fencing, boarding-up windows, and installing fire alarm systems that are keyed to local protection agencies.

Protecting interior features such as a staircase, mantel, or decorative finishes and wall coverings against damage during project work by covering them with heavy canvas or plastic sheets.

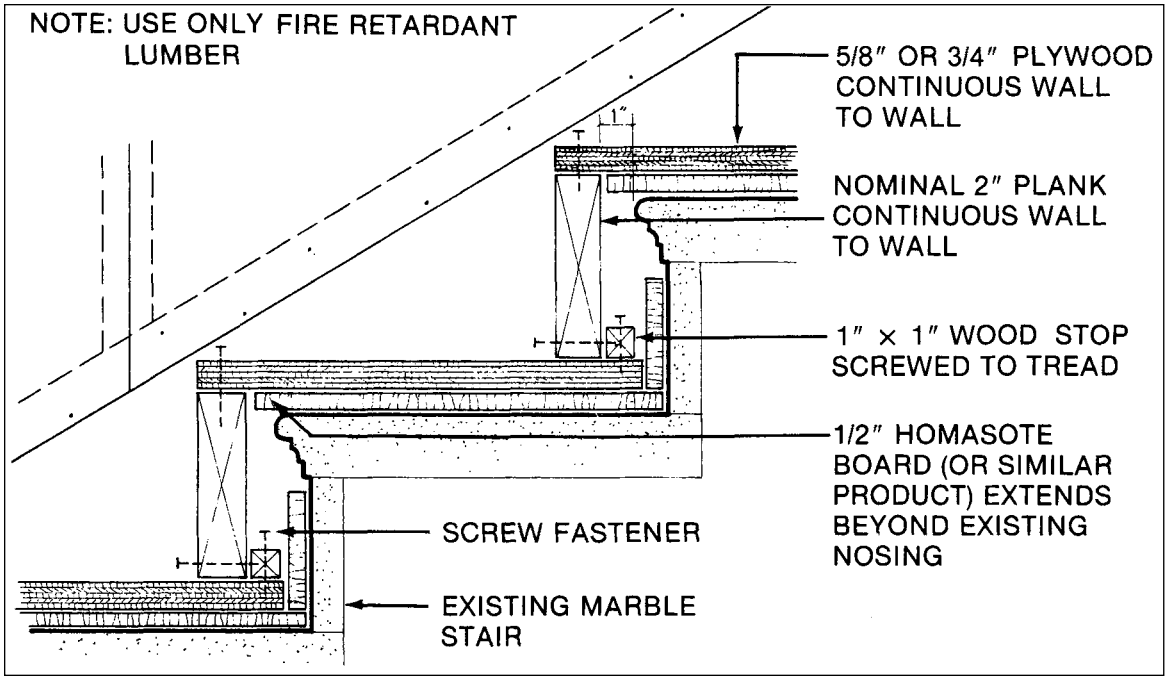
Not Recommended

Failing to provide adequate protection to materials on a cyclical basis so that deterioration of interior features results.

Permitting entry into historic buildings through unsecured or broken windows and doors so that the interior features and finishes are damaged by exposure to weather or vandalism.

Stripping interiors of features such as woodwork, doors, windows, light fixtures, copper piping, radiators; or of decorative materials.

Failing to provide proper protection of interior features and finishes during work so that they are gouged, scratched, dented, or otherwise damaged.



Historic features that characterize a building should always be protected from damage during rehabilitation work. The drawing shows how a resilient, temporary stair covering was applied over the existing marble staircase. Drawing: National Park Service staff, based on material originally prepared by Emery Roth and Sons, P.C.

Recommended	*Not Recommended*
Installing protective coverings in areas of heavy pedestrian traffic to protect historic features such as wall coverings, parquet flooring and panelling.	Failing to take new use patterns into consideration so that interior features and finishes are damaged.
Removing damaged or deteriorated paints and finishes to the next sound layer using the gentlest method possible, then repainting or refinishing using compatible paint or other coating systems.	Using destructive methods such as propane or butane torches or sandblasting to remove paint or other coatings. These methods can irreversibly damage the historic materials that comprise interior features.
Repainting with colors that are appropriate to the historic building.	Using new paint colors that are inappropriate to the historic building.
Limiting abrasive cleaning methods to certain industrial warehouse buildings where the interior masonry or plaster features do not have distinguishing design, detailing, tooling, or finishes; and where wood features are not finished, molded, beaded, or worked by hand. Abrasive cleaning should only be considered after other, gentler methods have been proven ineffective.	Changing the texture and patina of character-defining features through sandblasting or use of abrasive methods to remove paint, discoloration or plaster. This includes both exposed wood (including structural members) and masonry.
Evaluating the existing condition of materials to determine whether more than protection and maintenance are required, that is, if repairs to interior features and finishes will be necessary.	Failing to undertake adequate measures to assure the protection of interior features and finishes.
Repairing interior features and finishes by reinforcing the historic materials. Repair will also generally include the limited replacement in kind—or with compatible substitute material—of those extensively deteriorated or missing parts of repeated features when there are surviving prototypes such as stairs, balustrades, wood panelling, columns; or decorative wall coverings or ornamental tin or plaster ceilings.	Replacing an entire interior feature such as a staircase, panelled wall, parquet floor, or cornice; or finish such as a decorative wall covering or ceiling when repair of materials and limited replacement of such parts are appropriate. Using a substitute material for the replacement part that does not convey the visual appearance of the surviving parts or portions of the interior feature or finish or that is physically or chemically incompatible.

Recommended

Replacing in kind an entire interior feature or finish that is too deteriorated to repair—if the overall form and detailing are still evident—using the physical evidence as a model for reproduction. Examples could include wainscoting, a tin ceiling, or interior stairs. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.

Not Recommended

Removing a character-defining feature or finish that is unrepairable and not replacing it; or replacing it with a new feature or finish that does not convey the same visual appearance.

a *b*

Rehabilitating historic dwelling units often includes some level of lead-paint hazard abatement. Whenever lead-base paint begins to peel, chip, craze, or otherwise comes loose (a), it should be removed in a manner that protects the worker as well as the immediate environment. In this example (b), the deteriorating lead-paint was removed throughout the apartment building and a compatible primer and finish paint applied.
Photos: Sharon C. Park, AIA.

The following work is highlighted to indicate that it represents the particularly complex technical or design aspects of **Rehabilitation** *projects and should only be considered after the preservation concerns listed above have been addressed.*

Recommended	*Not Recommended*
Design for the Replacement of Missing Historic Features	
Designing and installing a new interior feature or finish if the historic feature or finish is completely missing. This could include missing partitions, stairs, elevators, lighting fixtures, and wall coverings; or even entire rooms if all historic spaces, features, and finishes are missing or have been destroyed by inappropriate "renovations." The design may be a restoration based on historical, pictorial, and physical documentation; or be a new design that is compatible with the historic character of the building, district, or neighborhood.	Creating a false historical appearance because the replaced feature is based on insufficient physical, historical, and pictorial documentation or on information derived from another building. Introducing a new interior feature or finish that is incompatible with the scale, design, materials, color, and texture of the surviving interior features and finishes.
Alterations/Additions for the New Use	
Accommodating service functions such as bathrooms, mechanical equipment, and office machines required by the building's new use in secondary spaces such as first floor service areas or on upper floors.	Dividing rooms, lowering ceilings, and damaging or obscuring character-defining features such as fireplaces, niches, stairways or alcoves, so that a new use can be accommodated in the building.
Reusing decorative material or features that have had to be removed during the rehabilitation work including wall and baseboard trim, door molding, panelled doors, and simple wainscoting; and relocating such material or features in areas appropriate to their historic placement.	Discarding historic material when it can be reused within the rehabilitation project or relocating it in historically inappropriate areas.
Installing permanent partitions in secondary spaces; removable partitions that do not destroy the sense of space should be installed when the new use requires the subdivision of character-defining interior space.	Installing permanent partitions that damage or obscure character-defining spaces, features, or finishes.
Enclosing an interior stairway where required by code so that its character is retained. In many cases, glazed fire-rated walls may be used.	Enclosing an interior stairway with fire-rated construction so that the stairwell space or any character-defining features are destroyed.

Recommended	*Not Recommended*
Placing new code-required stairways or elevators in secondary and service areas of the historic building.	Radically changing, damaging, or destroying character-defining spaces, features, or finishes when adding new code-required stairways and elevators.
Creating an atrium or a light well to provide natural light when required for the new use in a manner that preserves character-defining interior spaces, features, and finishes as well as the structural system.	Destroying character-defining interior spaces, features, or finishes; or damaging the structural system in order to create an atrium or light well.
Adding a new floor if required for the new use in a manner that preserves character-defining structural features, and interior spaces, features, and finishes.	Inserting a new floor within a building that alters or destroys the fenestration; radically changes a character-defining interior space; or obscures, damages, or destroys decorative detailing.

Building Interior

Mechanical Systems: Heating, Air Conditioning, Electrical, and Plumbing

Recommended	*Not Recommended*
Identifying, retaining, and preserving visible features of early mechanical systems that are important in defining the overall historic character of the building, such as radiators, vents, fans, grilles, plumbing fixtures, switchplates, and lights.	Removing or radically changing features of mechanical systems that are important in defining the overall historic character of the building so that, as a result, the character is diminished.
Protecting and maintaining mechanical, plumbing, and electrical systems and their features through cyclical cleaning and other appropriate measures.	Failing to provide adequate protection of materials on a cyclical basis so that deterioration of mechanical systems and their visible features results.
Preventing accelerated deterioration of mechanical systems by providing adequate ventilation of attics, crawlspaces, and cellars so that moisture problems are avoided.	Enclosing mechanical systems in areas that are not adequately ventilated so that deterioration of the systems results.
Improving the energy efficiency of existing mechanical systems to help reduce the need for elaborate new equipment. Consideration should be given to installing storm windows, insulating attic crawl space, or adding awnings, if appropriate.	Installing unnecessary air conditioning or climate control systems which can add excessive moisture to the building. This additional moisture can either condense inside, damaging interior surfaces, or pass through interior walls to the exterior, potentially damaging adjacent materials as it migrates.
Repairing mechanical systems by augmenting or upgrading system parts, such as installing new pipes and ducts; rewiring; or adding new compressors or boilers.	Replacing a mechanical system or its functional parts when it could be upgraded and retained.
Replacing in kind—or with compatible substitute material—those visible features of mechanical systems that are either extensively deteriorated or are prototypes such as ceiling fans, switchplates, radiators, grilles, or plumbing fixtures.	Installing a visible replacement feature that does not convey the same visual appearance.

The following work is highlighted to indicate that it represents the particularly complex technical or design aspects of **Rehabilitation** *projects and should only be considered after the preservation concerns listed above have been addressed.*

Recommended	*Not Recommended*
Alterations/Additions for the New Use	
Installing a completely new mechanical system if required for the new use so that it causes the least alteration possible to the building's floor plan, the exterior elevations, and the least damage to the historic building material.	Installing a new mechanical system so that character-defining structural or interior features are radically changed, damaged, or destroyed.
Providing adequate structural support for new mechanical equipment.	Failing to consider the weight and design of new mechanical equipment so that, as a result, historic structural members or finished surfaces are weakened or cracked.
Installing the vertical runs of ducts, pipes, and cables in closets, service rooms, and wall cavities.	Installing vertical runs of ducts, pipes, and cables in places where they will obscure character-defining features.
	Concealing mechanical equipment in walls or ceilings in a manner that requires the removal of historic building material.
	Installing a "dropped" acoustical ceiling to hide mechanical equipment when this destroys the proportions of character-defining interior spaces.
Installing air conditioning units if required by the new use in such a manner that historic features are not damaged or obscured and excessive moisture is not generated that will accelerate deterioration of historic materials.	Cutting through features such as masonry walls in order to install air conditioning units.
Installing heating/air conditioning units in the window frames in such a manner that the sash and frames are protected. Window installations should be considered only when all other viable heating/cooling systems would result in significant damage to historic materials.	Radically changing the appearance of the historic building or damaging or destroying windows by installing heating/air conditioning units in historic window frames.

Building Site

Recommended	*Not Recommended*
Identifying, retaining, and preserving buildings and their features as well as features of the site that are important in defining its overall historic character. Site features may include circulation systems such as walks, paths, roads, or parking; vegetation such as trees, shrubs, fields, or herbaceous plant material; landforms such as terracing, berms or grading; furnishings such as lights, fences, or benches; decorative elements such as sculpture, statuary or monuments; water features including fountains, streams, pools, or lakes; and subsurface archeological features which are important in defining the history of the site.	Removing or radically changing buildings and their features or site features which are important in defining the overall historic character of the property so that, as a result, the character is diminished.
Retaining the historic relationship between buildings and the landscape.	Removing or relocating buildings or landscape features, thus destroying the historic relationship between buildings and the landscape. Removing or relocating historic buildings on a site or in a complex of related historic structures—such as a mill complex or farm—thus diminishing the historic character of the site or complex. Moving buildings onto the site, thus creating a false historical appearance. Radically changing the grade level of the site. For example, changing the grade adjacent to a building to permit development of a formerly below-grade area that would drastically change the historic relationship of the building to its site.
Protecting and maintaining buildings and the site by providing proper drainage to assure that water does not erode foundation walls; drain toward the building; or damage or erode the landscape.	Failing to maintain adequate site drainage so that buildings and site features are damaged or destroyed; or alternatively, changing the site grading so that water no longer drains properly.
Minimizing disturbance of terrain around buildings or elsewhere on the site, thus reducing the possibility of destroying or damaging important landscape features or archeological resources.	Introducing heavy machinery into areas where it may disturb or damage important landscape features or archeological resources.

Recommended	*Not Recommended*
Surveying and documenting areas where the terrain will be altered to determine the potential impact to important landscape features or archeological resources.	Failing to survey the building site prior to the beginning of rehabilitation work which results in damage to, or destruction of, important landscape features or archeological resources.
Protecting, e.g., preserving in place important archeological resources.	Leaving known archeological material unprotected so that it is damaged during rehabilitation work.
Planning and carrying out any necessary investigation using professional archeologists and modern archeological methods when preservation in place is not feasible.	Permitting unqualified personnel to perform data recovery on archeological resources so that improper methodology results in the loss of important archeological material.
Preserving important landscape features, including ongoing maintenance of historic plant material.	Allowing important landscape features to be lost or damaged due to a lack of maintenance.
Protecting the building and landscape features against arson and vandalism before rehabilitation work begins, i.e., erecting protective fencing and installing alarm systems that are keyed into local protection agencies.	Permitting the property to remain unprotected so that the building and landscape features or archeological resources are damaged or destroyed.
	Removing or destroying features from the building or site such as wood siding, iron fencing, masonry balustrades, or plant material.
Providing continued protection of historic building materials and plant features through appropriate cleaning, rust removal, limited paint removal, and re-application of protective coating systems; and pruning and vegetation management.	Failing to provide adequate protection of materials on a cyclical basis so that deterioration of building and site features results.
Evaluating the overall condition of the materials and features of the property to determine whether more than protection and maintenance are required, that is, if repairs to building and site features will be necessary.	Failing to undertake adequate measures to assure the protection of building and site features.

Recommended	*Not Recommended*
Repairing features of the building and site by reinforcing historic materials.	Replacing an entire feature of the building or site such as a fence, walkway, or driveway when repair of materials and limited compatible replacement of deteriorated or missing parts are appropriate. Using a substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the building or site feature or that is physically or chemically incompatible.
Replacing in kind an entire feature of the building or site that is too deteriorated to repair if the overall form and detailing are still evident. Physical evidence from the deteriorated feature should be used as a model to guide the new work. This could include an entrance or porch, walkway, or fountain. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.	Removing a feature of the building or site that is unrepairable and not replacing it; or replacing it with a new feature that does not convey the same visual appearance.
Replacing deteriorated or damaged landscape features in kind.	Adding conjectural landscape features to the site such as period reproduction lamps, fences, fountains, or vegetation that are historically inappropriate, thus creating a false sense of historic development.

The following work is highlighted to indicate that it represents the particularly complex technical or design aspects of **Rehabilitation** *project work and should only be considered after the preservation concerns listed above have been addressed.*

Recommended	*Not Recommended*
Design for the Replacement of Missing Historic Features	
Designing and constructing a new feature of a building or site when the historic feature is completely missing, such as an outbuilding, terrace, or driveway. It may be based on historical, pictorial, and physical documentation; or be a new design that is compatible with the historic character of the building and site.	Creating a false historical appearance because the replaced feature is based on insufficient historical, pictorial, and physical documentation.
	Introducing a new building or site feature that is out of scale or of an otherwise inappropriate design.
	Introducing a new landscape feature, including plant material, that is visually incompatible with the site, or that alters or destroys the historic site patterns or vistas.
Alterations/Additions for the New Use	
Designing new onsite parking, loading docks, or ramps when required by the new use so that they are as unobtrusive as possible and assure the preservation of the historic relationship between the building or buildings and the landscape.	Locating any new construction on the building site in a location which contains important landscape features or open space, for example removing a lawn and walkway and installing a parking lot.
Designing new exterior additions to historic buildings or adjacent new construction which is compatible with the historic character of the site and which preserves the historic relationship between the building or buildings and the landscape.	Placing parking facilities directly adjacent to historic buildings where automobiles may cause damage to the buildings or landscape features, or be intrusive to the building site.
	Introducing new construction onto the building site which is visually incompatible in terms of size, scale, design, materials, color, and texture; which destroys historic relationships on the site; or which damages or destroys important landscape features.
Removing non-significant buildings, additions, or site features which detract from the historic character of the site.	Removing a historic building in a complex of buildings; or removing a building feature, or a landscape feature which is important in defining the historic character of the site.

Setting (District/Neighborhood)

Recommended	*Not Recommended*
Identifying retaining, and preserving building and landscape features which are important in defining the historic character of the setting. Such features can include roads and streets, furnishings such as lights or benches, vegetation, gardens and yards, adjacent open space such as fields, parks, commons or woodlands, and important views or visual relationships.	Removing or radically changing those features of the setting which are important in defining the historic character.
Retaining the historic relationship between buildings and landscape features of the setting. For example, preserving the relationship between a town common and its adjacent historic houses, municipal buildings, historic roads, and landscape features.	Destroying the relationship between the buildings and landscape features within the setting by widening existing streets, changing landscape materials or constructing inappropriately located new streets or parking. Removing or relocating historic buildings or landscape features, thus destroying their historic relationship within the setting.
Protecting and maintaining historic building materials and plant features through appropriate cleaning, rust removal, limited paint removal, and reapplication of protective coating systems; and pruning and vegetation management.	Failing to provide adequate protection of materials on a cyclical basis which results in the deterioration of building and landscape features.
Protecting building and landscape features such as lighting or trees, against arson and vandalism before rehabilitation work begins by erecting protective fencing and installing alarm systems that are keyed into local protection agencies.	Permitting the building and setting to remain unprotected so that interior or exterior features are damaged. Stripping or removing features from buildings or the setting such as wood siding, iron fencing, terra cotta balusters, or plant material.
Evaluating the overall condition of the building and landscape features to determine whether more than protection and maintenance are required, that is, if repairs to features will be necessary.	Failing to undertake adequate measures to assure the protection of building and landscape features.

Recommended

Repairing features of the building and landscape by reinforcing the historic materials. Repair will also generally include the replacement in kind—or with a compatible substitute material—of those extensively deteriorated or missing parts of features when there are surviving prototypes such as porch balustrades or paving materials.

Replacing in kind an entire feature of the building or landscape that is too deteriorated to repair— when the overall form and detailing are still evident —using the physical evidence as a model to guide the new work. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered.

Not Recommended

Replacing an entire feature of the building or landscape when repair of materials and limited replacement of deteriorated or missing parts are appropriate.

Using a substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the building or landscape, or that is physically, chemically, or ecologically incompatible.

Removing a feature of the building or landscape that is unrepairable and not replacing it; or replacing it with a new feature that does not convey the same visual appearance.

The following work is highlighted to indicate that it represents the particularly complex technical or design aspects of **Rehabilitation** *projects and should only be considered after the preservation concerns listed above have been addressed.*

Recommended	*Not Recommended*
Design for the Replacement of Missing Historic Features	
Designing and constructing a new feature of the building or landscape when the historic feature is completely missing, such as row house steps, a porch, a streetlight, or terrace. It may be a restoration based on documentary or physical evidence; or be a new design that is compatible with the historic character of the setting.	Creating a false historical appearance because the replaced feature is based on insufficient documentary or physical evidence. Introducing a new building or landscape feature that is out of scale or otherwise inappropriate to the setting's historic character, e.g., replacing picket fencing with chain link fencing.
Alterations/Additions for the New Use	
Designing required new parking so that it is as unobtrusive as possible, thus minimizing the effect on the historic character of the setting. "Shared" parking should also be planned so that several businesses can utilize one parking area as opposed to introducing random, multiple lots.	Placing parking facilities directly adjacent to historic buildings which result in damage to historic landscape features, such as the removal of plant material, relocation of paths and walkways, or blocking of alleys.
Designing and constructing new additions to historic buildings when required by the new use. New work should be compatible with the historic character of the setting in terms of size, scale design, material, color, and texture.	Introducing new construction into historic districts that is visually incompatible or that destroys historic relationships within the setting.
Removing nonsignificant buildings, additions or landscape features which detract from the historic character of the setting.	Removing a historic building, building feature, or landscape feature that is important in defining the historic character of the setting.

a

b

c

If a rear elevation of a historic building is distinctive and highly visible in the neighborhood, altering it may not meet the Standards. (a and b) This 3-story brick rowhouse featured a second story gallery and brick kitchen wing characteristic of other residences in the district which backed onto a connecting roadway. (c) In the rehabilitation, the wing and gallery were demolished and a large addition constructed that severely impacted the building's historic form and character.

Although the work in these sections is quite often an important aspect of rehabilitation projects, it is usually not part of the overall process of preserving character-defining features (maintenance, repair, replacement); rather, such work is assessed for its potential negative impact on the building's historic character. For this reason, particular care must be taken not to obscure, radically change, damage, or destroy character-defining features in the process of rehabilitation work.

Energy Efficiency

Recommended	*Not Recommended*
Masonry/Wood/Architectural Metals	
Installing thermal insulation in attics and in unheated cellars and crawlspaces to increase the efficiency of the existing mechanical systems.	Applying thermal insulation with a high moisture content in wall cavities which may damage historic fabric.
Installing insulating material on the inside of masonry walls to increase energy efficiency where there is no character-defining interior molding around the windows or other interior architectural detailing.	Installing wall insulation without considering its effect on interior molding or other architectural detailing.
Windows	
Utilizing the inherent energy conserving features of a building by maintaining windows and louvered blinds in good operable condition for natural ventilation.	Removing historic shading devices rather than keeping them in an operable condition.
Improving thermal efficiency with weatherstripping, storm windows, caulking, interior shades, and if historically appropriate, blinds and awnings.	Replacing historic multi-paned sash with new thermal sash utilizing false muntins.
Installing interior storm windows with air-tight gaskets, ventilating holes, and/or removable clips to ensure proper maintenance and to avoid condensation damage to historic windows.	Installing interior storm windows that allow moisture to accumulate and damage the window.
Installing exterior storm windows which do not damage or obscure the windows and frames.	Installing new exterior storm windows which are inappropriate in size or color.
	Replacing windows or transoms with fixed thermal glazing or permitting windows and transoms to remain inoperable rather than utilizing them for their energy conserving potential.

Recommended	*Not Recommended*
Entrances and Porches	
Maintaining porches and double vestibule entrances so that they can retain heat or block the sun and provide natural ventilation.	Changing the historic appearance of the building by enclosing porches.
Interior Features	
Retaining historic interior shutters and transoms for their inherent energy conserving features.	Removing historic interior features which play an energy conserving role.
Mechanical Systems	
Improving energy efficiency of existing mechanical systems by installing insulation in attics and basements.	Replacing existing mechanical systems that could be repaired for continued use.
Building Site	
Retaining plant materials, trees, and landscape features which perform passive solar energy functions such as sun shading and wind breaks.	Removing plant materials, trees, and landscape features that perform passive solar energy functions.
Setting (District/Neighborhood)	
Maintaining those existing landscape features which moderate the effects of the climate on the setting such as deciduous trees, evergreen wind-blocks, and lakes or ponds.	Stripping the setting of landscape features and landforms so that effects of the wind, rain, and sun result in accelerated deterioration of the historic building.
New Additions to Historic Buildings	
Placing a new addition that may be necessary to increase energy efficiency on non-character-defining elevations.	Designing a new addition which obscures, damages, or destroys character-defining features.

New Additions to Historic Buildings

Recommended

Placing functions and services required for the new use in non-character-defining interior spaces rather than constructing a new addition.

Constructing a new addition so that there is the least possible loss of historic materials and so that character-defining features are not obscured, damaged, or destroyed.

Designing a new addition in a manner that makes clear what is historic and what is new.

Not Recommended

Expanding the size of the historic building by constructing a new addition when the new use could be met by altering non-character-defining interior spaces.

Attaching a new addition so that the character-defining features of the historic building are obscured, damaged, or destroyed.

Duplicating the exact form, material, style, and detailing of the historic building in a new addition so that the new work appears to be part of the historic building.

Imitating a historic style or period of architecture in a new addition.

Rehabilitation, like Preservation, acknowledges a building's change over time; the retention and repair of existing historic materials and features is thus always recommended. However, unlike Preservation, the dual goal of Rehabilitation is to—respectfully—add to or alter a building in order to meet new use requirements. This downtown Chicago library was expanded in 1981 when additional space was required with light and humidity control for the rare book collection. The compatible 10-story wing was linked to the historic block on side and rear elevations. Its simple design is compatible with the historic form, features, and detailing; old and new are clearly differentiated. Photo: Dave Clifton.

Recommended	*Not Recommended*
Considering the design for an attached exterior addition in terms of its relationship to the historic building as well as the historic district or neighborhood. Design for the new work may be contemporary or may reference design motifs from the historic building. In either case, it should always be clearly differentiated from the historic building and be compatible in terms of mass, materials, relationship of solids to voids, and color.	Designing and constructing new additions that result in the diminution or loss of the historic character of the resource, including its design, materials, workmanship, location, or setting.
Placing a new addition on a non-character-defining elevation and limiting the size and scale in relationship to the historic building.	Designing a new addition that obscures, damages, or destroys character-defining features of the historic building.
Designing a rooftop addition when required for the new use, that is set back from the wall plane and as inconspicuous as possible when viewed from the street.	Constructing a rooftop addition so that the historic appearance of the building is radically changed.

Accessibility Considerations

Recommended

Identifying the historic building's character-defining spaces, features, and finishes so that accessibility code-required work will not result in their damage or loss.

Complying with barrier-free access requirements, in such a manner that character-defining spaces, features, and finishes are preserved.

Working with local disability groups, access specialists, and historic preservation specialists to determine the most appropriate solution to access problems.

Providing barrier-free access that promotes independence for the disabled person to the highest degree practicable, while preserving significant historic features.

Designing new or additional means of access that are compatible with the historic building and its setting.

Not Recommended

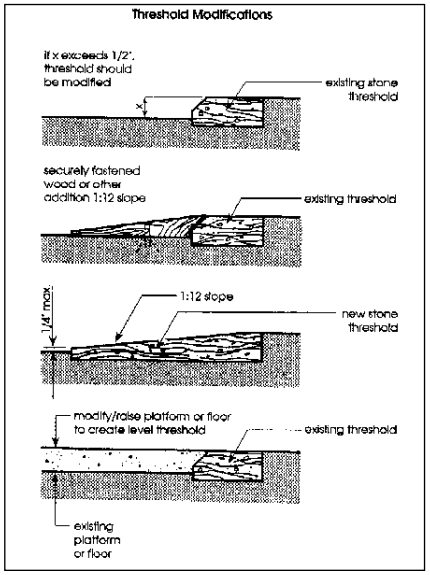
Undertaking code-required alterations before identifying those spaces, features, or finishes which are character-defining and must therefore be preserved.

Altering, damaging, or destroying character-defining features in attempting to comply with accessibility requirements.

Making changes to buildings without first seeking expert advice from access specialists and historic preservationists, to determine solutions.

Making access modifications that do not provide a reasonable balance between independent, safe access and preservation of historic features.

Designing new or additional means of access without considering the impact on the historic building and its setting.



Making a building accessible to the public is a requirement under the Americans with Disabilities Act of 1990, whatever the treatment. Full, partial, or alternative approaches to accessibility depends upon the historical significance of a building and the ability to make changes. In these examples, thresholds that exceed allowable heights were modified several ways to increase accessibility. without jeopardizing the historic character. Drawing: Uniform Federal Accessibility Standard (UFAS) Retrofit Manual.

Health and Safety Considerations

Recommended

Identifying the historic building's character-defining spaces, features, and finishes so that code-required work will not result in their damage or loss.

Complying with health and safety codes, including seismic code requirements, in such a manner that character-defining spaces, features, and finishes are preserved.

Removing toxic building materials only after thorough testing has been conducted and only after less invasive abatement methods have been shown to be inadequate.

Providing workers with appropriate personal protective equipment for hazards found in the worksite.

Working with local code officials to investigate systems, methods, or devices of equivalent or superior effectiveness and safety to those prescribed by code so that unnecessary alterations can be avoided.

Upgrading historic stairways and elevators to meet health and safety codes in a manner that assures their preservation, i.e., so that they are not damaged or obscured.

Installing sensitively designed fire suppression systems, such as sprinkler systems that result in retention of historic features and finishes.

Applying fire-retardant coatings, such as intumescent paints, which expand during fire to add thermal protection to steel.

Adding a new stairway or elevator to meet health and safety codes in a manner that preserves adjacent character-defining features and spaces.

Placing a code-required stairway or elevator that cannot be accommodated within the historic building in a new exterior addition. Such an addition should be on an inconspicuous elevation.

Not Recommended

Undertaking code-required alterations to a building or site before identifying those spaces, features, or finishes which are character-defining and must therefore be preserved.

Altering, damaging, or destroying character-defining spaces, features, and finishes while making modifications to a building or site to comply with safety codes.

Destroying historic interior features and finishes without careful testing and without considering less invasive abatement methods.

Removing unhealthful building materials without regard to personal and environmental safety.

Making changes to historic buildings without first exploring equivalent health and safety systems, methods, or devices that may be less damaging to historic spaces, features, and finishes.

Damaging or obscuring historic stairways and elevators or altering adjacent spaces in the process of doing work to meet code requirements.

Covering character-defining wood features with fire-resistant sheathing which results in altering their visual appearance.

Using fire-retardant coatings if they damage or obscure character-defining features.

Radically changing, damaging, or destroying character-defining spaces, features, or finishes when adding a new code-required stairway or elevator.

Constructing a new addition to accommodate code-required stairs and elevators on character-defining elevations highly visible from the street; or where it obscures, damages, or destroys character-defining features.

Standards for Restoration & Guidelines for Restoring Historic Buildings

Restoration *is defined as the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.*

Standards for Restoration

1. A property will be used as it was historically or be given a new use which reflects the property's restoration period.

2. Materials and features from the restoration period will be retained and preserved. The removal of materials or alteration of features, spaces, and spatial relationships that characterize the period will not be undertaken.

3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.

4. Materials, features, spaces, and finishes that characterize other historical periods will be documented prior to their alteration or removal.

5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the restoration period will be preserved.

6. Deteriorated features from the restoration period will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials.

7. Replacement of missing features from the restoration period will be substantiated by documentary and physical evidence. A false sense of history will not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.

8. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

9. Archeological resources affected by a project will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

10. Designs that were never executed historically will not be constructed.

Guidelines for Restoring Historic Buildings

Introduction

Rather than maintaining and preserving a building as it has evolved over time, the expressed goal of the **Standards for Restoration and Guidelines for Restoring Historic Buildings** is to make the building appear as it did at a particular—and most significant—time in its history. First, those materials and features from the "restoration period" are identified, based on thorough historical research. Next, features from the restoration period are maintained, protected, repaired (i.e., stabilized, consolidated, and conserved), and replaced, if necessary. As opposed to other treatments, the scope of work in **Restoration** can include removal of features from other periods; missing features from the restoration period may be replaced, based on documentary and physical evidence, using traditional materials or compatible substitute materials. The final guidance emphasizes that only those designs that can be documented as having been built should be re-created in a restoration project.

Identify, Retain, and Preserve Materials and Features from the Restoration Period

The guidance for the treatment **Restoration** begins with recommendations to identify the form and detailing of those existing architectural materials and features that are significant to the restoration period as established by historical research and documentation. Thus, guidance on ***identifying, retaining, and preserving*** features from the restoration period is always given first. The historic building's appearance may be defined by the form and detailing of its exterior materials, such as masonry, wood, and metal; exterior features, such as roofs, porches, and windows; interior materials, such as plaster and paint; and interior features, such as moldings and stairways, room configuration and spatial relationships, as well as structural and mechanical systems; and the building's site and setting.

Protect and Maintain Materials and Features from the Restoration Period

After identifying those existing materials and features from the restoration period that must be retained in the process of **Restoration** work, then ***protecting and maintaining*** them is addressed. Protection generally involves the least degree of intervention and is preparatory to other work. For example, protection includes the maintenance of historic material through treatments such as rust removal, caulking, limited paint removal, and re-application of protective coatings; the cyclical cleaning of roof gutter systems; or installation of fencing, alarm systems and other temporary protective measures. Although a historic building will usually require more extensive work, an overall evaluation of its physical condition should always begin at this level.

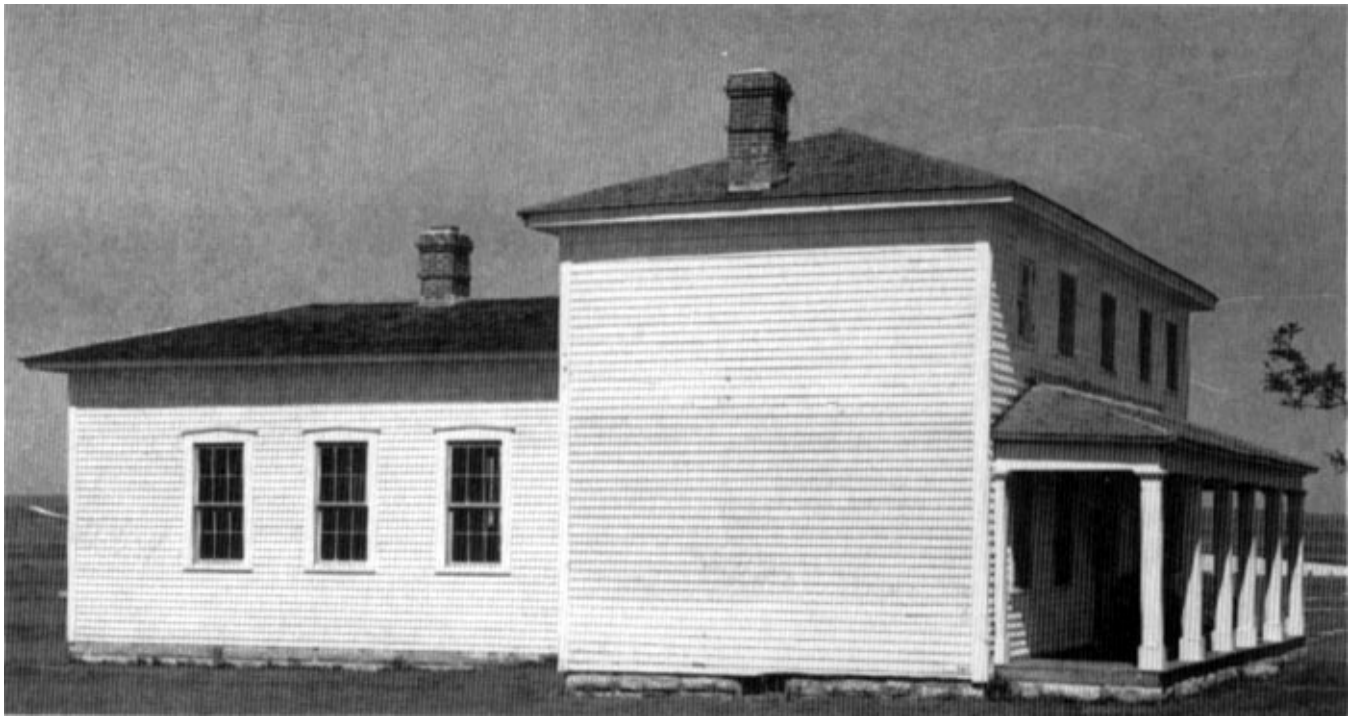
Repair (Stabilize, Consolidate, and Conserve) Materials and Features from the Restoration Period

Next, when the physical condition of restoration period features requires additional work, ***repairing*** by ***stabilizing, consolidating, and conserving*** is recommended. **Restoration** guidance focuses upon the preservation of those materials and features that are significant to the period. Consequently, guidance for repairing a historic material, such as masonry, again begins with the least degree of intervention possible, such as strengthening fragile materials through consolidation, when appropriate, and repointing with mortar of an appropriate strength. Repairing masonry as well as wood and architectural metals includes

patching, splicing, or otherwise reinforcing them using recognized preservation methods. Similarly, portions of a historic structural system could be reinforced using contemporary material such as steel rods. In **Restoration**, repair may also include the limited replacement in kind—or with compatible substitute material—of extensively deteriorated or missing parts of existing features when there are surviving prototypes to use as a model. Examples could include terra-cotta brackets, wood balusters, or cast iron fencing.

Replace Extensively Deteriorated Features from the Restoration Period

In **Restoration**, ***replacing*** an entire feature from the restoration period (i.e., a cornice, balustrade, column, or stairway) that is too deteriorated to repair may be appropriate. Together with documentary evidence, the form and detailing of the historic feature should be used as a model for the replacement. Using the same kind of material is preferred; however, compatible substitute material may be considered. All new work should be unobtrusively dated to guide future research and treatment.



In a project at Fort Hays, Kansas, the wood frame officers' quarters were restored to the late 1860s—their period of significance. This included replacing a missing kitchen ell, chimneys, porch columns, and cornice, and closing a later window opening in the main block. The building and others in the museum complex is used to interpret frontier history.

If documentary and physical evidence are not available to provide an accurate re-creation of missing features, the treatment Rehabilitation might be a better overall approach to project work.

Remove Existing Features from Other Historic Periods

Most buildings represent continuing occupancies and change over time, but in **Restoration**, the goal is to depict the building as it appeared at the most significant time in its history. Thus, work is included to remove or alter existing historic features that do not represent the restoration period. This could include features such as windows, entrances and doors, roof dormers, or landscape features. Prior to altering or removing materials, features, spaces, and finishes that characterize other historical periods, they should be documented to guide future research and treatment.

Re-Create Missing Features from the Restoration Period

Most **Restoration** projects involve re-creating features that were significant to the building at a particular time, but are now missing. Examples could include a stone balustrade, a porch, or cast iron storefront. Each missing feature should be substantiated by documentary and physical evidence. Without sufficient documentation for these "re-creations," an accurate depiction cannot be achieved. Combining features that never existed together historically can also create a false sense of history. Using traditional materials to depict lost features is always the preferred approach; however, using compatible substitute material is an acceptable alternative in **Restoration** because, as emphasized, the goal of this treatment is to replicate the "appearance" of the historic building at a particular time, not to retain and preserve all historic materials as they have evolved over time.

If documentary and physical evidence are not available to provide an accurate re-creation of missing features, the treatment Rehabilitation might be a better overall approach to project work.

Energy Efficiency/Accessibility Considerations/ Health and Safety Code Considerations

These sections of the **Restoration** guidance address work done to meet accessibility requirements and health and safety code requirements; or limited retrofitting measures to improve energy efficiency. Although this work is quite often an important aspect of restoration projects, it is usually not part of the overall process of protecting, stabilizing, conserving, or repairing features from the restoration period; rather, such work is assessed for its potential negative impact on the building's historic appearance. For this reason, particular care must be taken not to obscure, damage, or destroy historic materials or features from the restoration period in the process of undertaking work to meet code and energy requirements.

Restoration as a Treatment. *When the property's design, architectural, or historical significance during a particular period of time outweighs the potential loss of extant materials, features, spaces, and finishes that characterize other historical periods; when there is substantial physical and documentary evidence for the work; and when contemporary alterations and additions are not planned, Restoration may be considered as a treatment. Prior to undertaking work, a particular period of time, i.e., the restoration period, should be selected and justified, and a documentation plan for Restoration developed.*

Building Exterior

Masonry: Brick, stone, terra cotta, concrete, adobe, stucco and mortar

Recommended	*Not Recommended*
Identifying, retaining, and preserving masonry features from the restoration period such as walls, brackets, railings, cornices, window architraves, door pediments, steps, and columns; and details such as tooling and bonding patterns, coatings, and color.	Altering masonry features from the restoration period.
	Failing to properly document masonry features from the restoration period which may result in their loss.
	Applying paint or other coatings such as stucco to masonry or removing paint or stucco from masonry if such treatments cannot be documented to the restoration period.
	Changing the type or color of the paint or coating unless the work can be substantiated by historical documentation.
Protecting and maintaining masonry from the restoration period by providing proper drainage so that water does not stand on flat, horizontal surfaces or accumulate in curved decorative features.	Failing to evaluate and treat the various causes of mortar joint deterioration such as leaking roofs or gutters, differential settlement of the building, capillary action, or extreme weather exposure.
Cleaning masonry only when necessary to halt deterioration or remove heavy soiling.	Cleaning masonry surfaces when they are not heavily soiled, thus needlessly introducing chemicals or moisture into historic materials.
Carrying out masonry surface cleaning tests after it has been determined that such cleaning is appropriate. Tests should be observed over a sufficient period of time so that both the immediate and the long range effects are known to enable selection of the gentlest method possible.	Cleaning masonry surfaces without testing or without sufficient time for the testing results to be of value.

Recommended	*Not Recommended*
Cleaning masonry surfaces with the gentlest method possible, such as low pressure water and detergents, using natural bristle brushes.	Sandblasting brick or stone surfaces using dry or wet grit or other abrasives. These methods of cleaning permanently erode the surface of the material and accelerate deterioration.
	Using a cleaning method that involves water or liquid chemical solutions when there is any possibility of freezing temperatures.
	Cleaning with chemical products that will damage masonry, such as using acid on limestone or marble, or leaving chemicals on masonry surfaces.
	Applying high pressure water cleaning methods that will damage historic masonry and the mortar joints.
Inspecting painted masonry surfaces to determine whether repainting is necessary.	Removing paint that is firmly adhering to, and thus protecting, masonry surfaces.
Removing damaged or deteriorated paint only to the next sound layer using the gentlest method possible (e.g., hand-scraping) prior to repainting.	Using methods of removing paint which are destructive to masonry, such as sandblasting, application of caustic solutions, or high pressure waterblasting.
Applying compatible paint coating systems following proper surface preparation.	Failing to follow manufacturers' product and application instructions when repainting masonry.
Repainting with colors that are documented to the restoration period of the building.	Using new paint colors that are not documented to the restoration period of the building.
Evaluating the existing condition of the masonry to determine whether more than protection and maintenance are required, that is, if repairs to masonry features from the restoration period will be necessary.	Failing to undertake adequate measures to assure the protection of masonry features from the restoration period.
Repairing, stabilizing and conserving fragile masonry from the restoration period by well-tested consolidants, when appropriate. Repairs should be physically and visually compatible and identifiable upon close inspection for future research.	Removing masonry from the restoration period that could be stabilized, repaired and conserved; or using untested consolidants and untrained personnel, thus causing further damage to fragile historic materials.

Recommended	*Not Recommended*
Repairing masonry walls and other masonry features by repointing the mortar joints where there is evidence of deterioration such as disintegrating mortar, cracks in mortar joints, loose bricks, damp walls, or damaged plasterwork.	Removing nondeteriorated mortar from sound joints, then repointing the entire building to achieve a uniform appearance.
Removing deteriorated mortar by carefully hand-raking the joints to avoid damaging the masonry.	Using electric saws and hammers rather than hand tools to remove deteriorated mortar from joints prior to repointing.
Duplicating and, if necessary, reproducing period mortar in strength, composition, color, and texture.	Repointing with mortar of high portland cement content (unless it is the content of the historic mortar). This can often create a bond that is stronger than the historic material and can cause damage as a result of the differing coefficient of expansion and the differing porosity of the material and the mortar.
	Repointing with a synthetic caulking compound.
	Using a "scrub" coating technique to repoint instead of traditional repointing methods.
Duplicating and, if necessary, reproducing period mortar joints in width and in joint profile.	Changing the width or joint profile when repointing.
Repairing stucco by removing the damaged material and patching with new stucco that duplicates stucco of the restoration period in strength, composition, color, and texture.	Removing sound stucco; or repairing with new stucco that is stronger than the historic material or does not convey the same visual appearance.
Using mud plaster as a surface coating over unfired, unstabilized adobe because the mud plaster will bond to the adobe.	Applying cement stucco to unfired, unstabilized adobe. Because the cement stucco will not bond properly, moisture can become entrapped between materials, resulting in accelerated deterioration of the adobe.
Cutting damaged concrete back to remove the source of deterioration (often corrosion on metal reinforcement bars). The new patch must be applied carefully so it will bond satisfactorily with, and match, the historic concrete.	Patching concrete without removing the source of deterioration.

Recommended

Repairing masonry features from the restoration period by patching, piecing-in, or otherwise reinforcing the masonry using recognized preservation methods. Repair may also include the limited replacement in kind—or with compatible substitute material—of those extensively deteriorated or missing parts of masonry features from the restoration period when there are surviving prototypes such as terra-cotta brackets or stone balusters. The new work should be unobtrusively dated to guide future research and treatment.

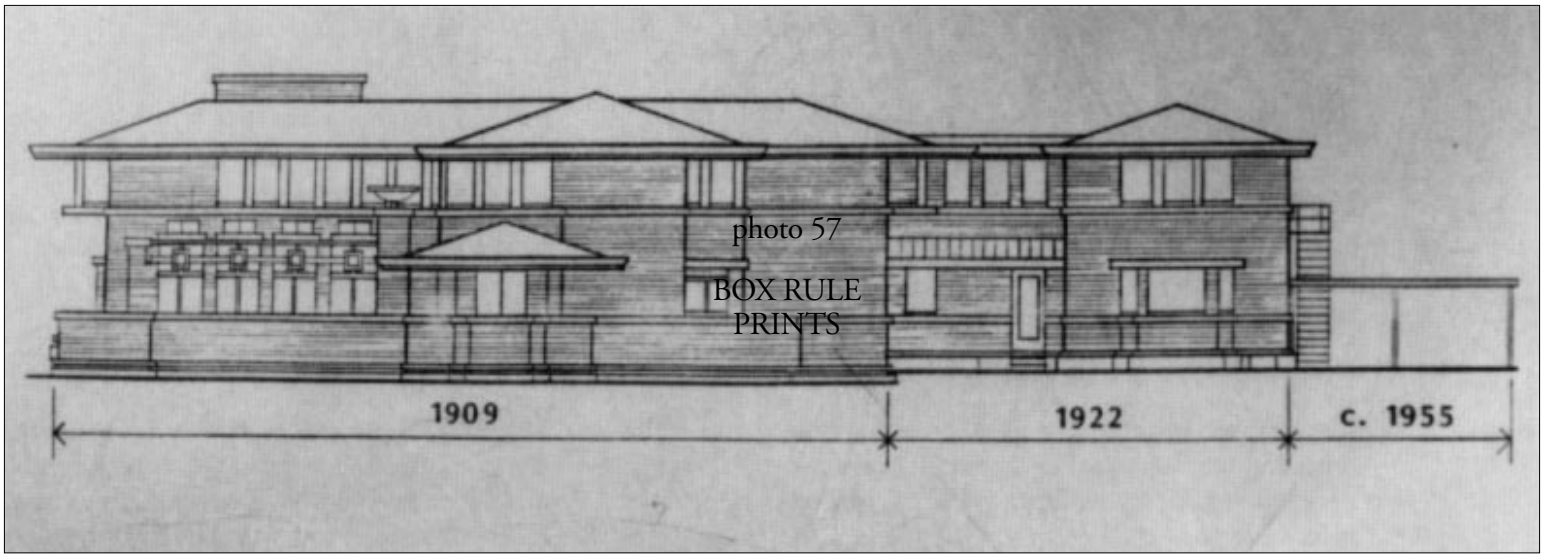
Applying new or non-historic surface treatments such as water-repellent coatings to masonry only after repointing and only if masonry repairs have failed to arrest water penetration problems.

Not Recommended

Replacing an entire masonry feature from the restoration period such as a cornice or balustrade when repair of the masonry and limited replacement of deteriorated or missing parts are appropriate.

Using a substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the masonry feature or that is physically or chemically incompatible.

Applying waterproof, water repellent, or non-historic coatings such as stucco to masonry as a substitute for repointing and masonry repairs. Coatings are frequently unnecessary, expensive, and may change the appearance of historic masonry as well as accelerate its deterioration.



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BOX RULE
PRINTS

The Meyer May House in Grand Rapids, Michigan, was designed by Frank Lloyd Wright and built in 1909. In 1922, May added to the house for an expanding family. After the May occupancy, the house was altered for use as apartments, with a carport added in 1955. In the 1980s restoration, the Wright's original design was deemed more significant than May's later changes, and, as a result, the additions were removed and the house returned to its 1909 appearance. Drawing: Martha L. Werenfels, AIA.

Recommended	*Not Recommended*
Replacing in kind an entire masonry feature from the restoration period that is too deteriorated to repair—if the overall form and detailing are still evident—using the physical evidence as a model to reproduce the feature. Examples can include large sections of a wall, a cornice, balustrade, column, or stairway. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered. The new work should be unobtrusively dated to guide future research and treatment.	Removing a masonry feature from the restoration period that is unrepairable and not replacing it.

The following **Restoration** *work is highlighted to indicate that it involves the removal or alteration of existing historic masonry features that would be retained in Preservation and Rehabilitation treatments; and the replacement of missing masonry features from the restoration period using all new materials.*

Recommended	*Not Recommended*
Removing Existing Features from Other Historic Periods	
Removing or altering masonry features from other historic periods such as a later doorway, porch, or steps.	Failing to remove a masonry feature from another period, thus confusing the depiction of the building's significance.
Documenting materials and features dating from other periods prior to their alteration or removal. If possible, selected examples of these features or materials should be stored to facilitate future research.	Failing to document masonry features from other historic periods that are removed from the building so that a valuable portion of the historic record is lost.
Re-creating Missing Features from the Restoration Period	
Re-creating a missing masonry feature that existed during the restoration period based on physical or documentary evidence; for example, duplicating a terra-cotta bracket or stone balustrade.	Constructing a masonry feature that was part of the original design for the building but was never actually built; or constructing a feature which was thought to have existed during the restoration period, but for which there is insufficient documentation.

Building Exterior

Wood: Clapboard, weatherboard, shingles, and other wooden siding and decorative elements

Recommended	*Not Recommended*
Identifying, retaining, and preserving wood features from the restoration period such as siding, cornices, brackets, window architraves, and doorway pediments; and their paints, finishes, and color.	Altering wood features from the restoration period.
	Failing to properly document wood features from the restoration period which may result in their loss.
	Applying paint or other coatings to wood or removing paint from wood if such treatments cannot be documented to the restoration period.
	Changing the type or color of the paint or coating unless the work can be substantiated by historical documentation.
Protecting and maintaining wood features from the restoration period by providing proper drainage so that water is not allowed to stand on flat, horizontal surfaces or accumulate in decorative features.	Failing to identify, evaluate, and treat the causes of wood deterioration, including faulty flashing, leaking gutters, cracks and holes in siding, deteriorated caulking in joints and seams, plant material growing too close to wood surfaces, or insect or fungus infestation.
Applying chemical preservatives to wood features such as beam ends or outriggers that are exposed to decay hazards and are traditionally unpainted.	Using chemical preservatives such as creosote which, unless they were used historically, can change the appearance of wood features.
Retaining coatings such as paint that help protect the wood from moisture and ultraviolet light. Paint removal should be considered only where there is paint surface deterioration and as part of an overall maintenance program which involves repainting or applying other appropriate protective coatings.	Stripping paint or other coatings to reveal bare wood, thus exposing historically coated surfaces to the effects of accelerated weathering.
Inspecting painted wood surfaces to determine whether repainting is necessary or if cleaning is all that is required.	Removing paint that is firmly adhering to, and thus, protecting wood surfaces.
Removing damaged or deteriorated paint to the next sound layer using the gentlest method possible (handscraping and handsanding), then repainting.	Using destructive paint removal methods such as propane or butane torches, sandblasting or waterblasting. These methods can irreversibly damage historic woodwork.

Ongoing work at this house focuses on the maintenance and repair of exterior wood features from the restoration period. After scraping and sanding, the wood was painted in colors documented to the Restoration period. Photo: ©Mary Randlett, 1992.

Recommended

Using with care electric hot-air guns on decorative wood features and electric heat plates on flat wood surfaces when paint is so deteriorated that total removal is necessary prior to repainting.

Using chemical strippers primarily to supplement other methods such as handscraping, handsanding and the above-recommended thermal devices. Detachable wooden elements such as shutters, doors, and columns may—with the proper safeguards—be chemically dip-stripped.

Not Recommended

Using thermal devices improperly so that the historic woodwork is scorched.

Failing to neutralize the wood thoroughly after using chemicals so that new paint does not adhere.

Allowing detachable wood features to soak too long in a caustic solution so that the wood grain is raised and the surface roughened.

Recommended	*Not Recommended*
Applying compatible paint coating systems following proper surface preparation.	Failing to follow manufacturers' product and application instructions when repainting exterior woodwork.
Repainting with colors that are documented to the restoration period of the building.	Using new colors that are not documented to the restoration period of the building.
Evaluating the existing condition of the wood to determine whether more than protection and maintenance are required, that is, if repairs to wood features from the restoration period will be necessary.	Failing to undertake adequate measures to assure the protection of wood features from the restoration period.
Repairing, stabilizing, and conserving fragile wood from the restoration period using well-tested consolidants, when appropriate. Repairs should be physically and visually compatible and identifiable upon close inspection for future research.	Removing wood from the restoration period that could be stabilized and conserved; or using untested consolidants and untrained personnel, thus causing further damage to fragile historic materials.
Repairing wood features from the restoration period by patching, piecing-in, or otherwise reinforcing the wood using recognized preservation methods. Repair may also include the limited replacement in kind—or with compatible substitute material—of those extensively deteriorated or missing parts of features from the restoration period where there are surviving prototypes such as brackets, molding, or sections of siding. The new work should be unobtrusively dated to guide future research and treatment.	Replacing an entire wood feature from the restoration period such as a cornice or wall when repair of the wood and limited replacement of deteriorated or missing parts are appropriate. Using substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the wood feature or that is physically or chemically incompatible.
Replacing in kind an entire wood feature from the restoration period that is too deteriorated to repair—if the overall form and detailing are still evident—using the physical evidence as a model to reproduce the feature. Examples of wood features include a cornice, entablature or balustrade. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered. The new work should be unobtrusively dated to guide future research and treatment.	Removing a wood feature from the restoration period that is unrepairable and not replacing it.

The following **Restoration** *work is highlighted to indicate that it involves the removal or alteration of existing historic wood features that would be retained in Preservation and Rehabilitation treatments; and the replacement of missing wood features from the restoration period using all new materials.*

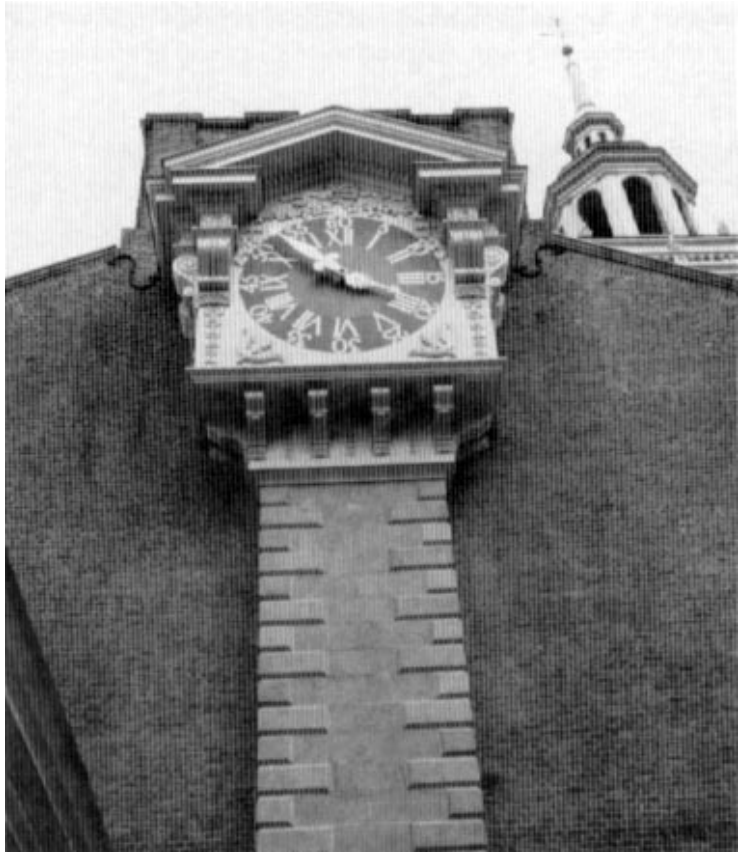
Recommended	*Not Recommended*
Removing Existing Features from Other Historic Periods	
Removing or altering wood features from other historic periods such as a later doorway, porch, or steps.	Failing to remove a wood feature from another period, thus confusing the depiction of the building's significance.
Documenting materials and features dating from other periods prior to their alteration or removal. If possible, selected examples of these features or materials should be stored to facilitate future research.	Failing to document wood features from other historic periods that are removed from the building so that a valuable portion of the historic record is lost.
Re-creating Missing Features from the Restoration Period	
Re-creating a missing wood feature that existed during the restoration period based on physical or documentary evidence; for example, duplicating a roof dormer or porch.	Constructing a wood feature that was part of the original design for the building, but was never actually built; or constructing a feature which was thought to have existed during the restoration period, but for which there is insufficient documentation.

Building Exterior

Architectural Metals: Cast iron, steel pressed tin, copper, aluminum, and zinc

Recommended	*Not Recommended*
Identifying, retaining, and preserving architectural metal features from the restoration period such as columns, capitals, window hoods, or stairways; and their finishes and colors. Identification is also critical to differentiate between metals prior to work. Each metal has unique properties and thus requires different treatments.	Altering architectural metal features from the restoration period.
	Failing to properly document architectural metal features from the restoration period which may result in their loss.
	Changing the type of finish, historic color, or accent scheme unless the work can be substantiated by historical documentation.
Protecting and maintaining restoration period architectural metals from corrosion by providing proper drainage so that water does not stand on flat, horizontal surfaces or accumulate in curved, decorative features.	Failing to identify, evaluate, and treat the causes of corrosion, such as moisture from leaking roofs or gutters.
Cleaning architectural metals, when appropriate, to remove corrosion prior to repainting or applying other appropriate protective coatings.	Exposing metals which were intended to be protected from the environment.
	Applying paint or other coatings to metals such as copper, bronze, or stainless steel that were meant to be exposed.
Identifying the particular type of metal prior to any cleaning procedure and then testing to assure that the gentlest cleaning method possible is selected or determining that cleaning is inappropriate for the particular metal.	Using cleaning methods which alter or damage the historic color, texture, and finish of the metal; or cleaning when it is inappropriate for the metal.
	Removing the patina of historic metal. The patina may be a protective coating on some metals, such as bronze or copper, as well as a significant historic finish.
Cleaning soft metals such as lead, tin, copper, terneplate, and zinc with appropriate chemical methods because their finishes can be easily abraded by blasting methods.	Cleaning soft metals such as lead, tin, copper, terneplate, and zinc with grit blasting which will abrade the surface of the metal.

Recommended	*Not Recommended*
Using the gentlest cleaning methods for cast iron, wrought iron, and steel—hard metals—in order to remove paint buildup and corrosion. If handscraping and wire brushing have proven ineffective, low pressure grit blasting may be used as long as it does not abrade or damage the surface.	Failing to employ gentler methods prior to abrasively cleaning cast iron, wrought iron or steel; or using high pressure grit blasting.
Applying appropriate paint or other coating systems after cleaning in order to decrease the corrosion rate of metals or alloys.	Failing to re-apply protective coating systems to metals or alloys that require them after cleaning so that accelerated corrosion occurs.
Repainting with colors that are documented to the restoration period of the building.	Using new colors that are not documented to the restoration period of the building.
Applying an appropriate protective coating such as lacquer to an architectural metal feature such as a bronze door which is subject to heavy pedestrian use.	Failing to assess pedestrian use or new access patterns so that architectural metal features are subject to damage by use or inappropriate maintenance such as salting adjacent sidewalks.
Evaluating the existing condition of the architectural metals to determine whether more than protection and maintenance are required, that is, if repairs to metal features from the restoration period will be necessary.	Failing to undertake adequate measures to assure the protection of architectural metal features from the restoration period.
Repairing, stabilizing, and conserving fragile architectural metal from the restoration period using well-tested consolidants, when appropriate. Repairs should be physically and visually compatible and identifiable upon close inspection for future research.	Removing architectural metal from the restoration period that could be stabilized and conserved; or using untested consolidants and untrained personnel, thus causing further damage to fragile historic materials.
Repairing architectural metal features from the restoration period by patching, splicing, or otherwise reinforcing the metal using recognized preservation methods. Repairs may also include the limited replacement in kind—or with a compatible substitute material—of those extensively deteriorated or missing parts of features from the restoration period when there are surviving prototypes such as porch balusters, column capitals or bases; or porch cresting. The new work should be unobtrusively dated to guide future research and treatment.	Replacing an entire architectural metal feature from the restoration period such as a column or a balustrade when repair of the metal and limited replacement of deteriorated or missing parts are appropriate. Using a substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the architectural metal feature or that is physically or chemically incompatible.



The Standards for Restoration call for the repair of existing features from the restoration period as well as the re-creation of missing features from the period. In some instances, when missing features are replaced, substitute materials may be considered if they convey the appearance of the historic materials. In this example at Philadelphia's Independence Hall, the clock was re-built in 1972-73 using cast stone and wood with fiberglass and polyester bronze ornamentation. Photo: Lee H. Nelson, FAIA.

Recommended

Replacing in kind an entire architectural metal feature from the restoration period that is too deteriorated to repair—if the overall form and detailing are still evident—using the physical evidence as a model to reproduce the feature. Examples could include cast iron porch steps or roof cresting. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered. The new work should be unobtrusively dated to guide future research and treatment.

Not Recommended

Removing an architectural metal feature from the restoration period that is unrepairable and not replacing it.

The following **Restoration** *work is highlighted to indicate that it involves the removal or alteration of existing historic architectural metal features that would be retained in Preservation and Rehabilitation treatments; and the replacement of missing architectural metal features from the restoration period using all new materials.*

Recommended	*Not Recommended*
Removing Existing Features from Other Historic Periods	
Removing or altering architectural metal features from other historic periods such as a later cast iron porch railing or aluminum windows.	Failing to remove an architectural metal feature from another period, thus confusing the depiction of the building's significance.
Documenting materials and features dating from other periods prior to their alteration or removal. If possible, selected examples of these features or materials should be stored to facilitate future research.	Failing to document architectural metal features from other historic periods that are removed from the building so that a valuable portion of the historic record is lost.
Re-creating Missing Features from the Restoration Period	
Re-creating a missing architectural metal feature that existed during the restoration period based on physical or documentary evidence; for example, duplicating a cast iron storefront or porch.	Constructing an architectural metal feature that was part of the original design for the building but was never actually built; or constructing a feature which was thought to have existed during the restoration period, but for which there is insufficient documentation.

Building Exterior

Roofs

Recommended

Identifying, retaining, and preserving roofs and roof features from the restoration period. This includes the roof's shape, such as hipped, gambrel, and mansard; decorative features such as cupolas, cresting, chimneys, and weathervanes; and roofing material such as slate, wood, clay tile, and metal, as well as size, color, and patterning.

Protecting and maintaining a restoration period roof by cleaning the gutters and downspouts and replacing deteriorated flashing. Roof sheathing should also be checked for proper venting to prevent moisture condensation and water penetration; and to insure that materials are free from insect infestation.

Providing adequate anchorage for roofing material to guard against wind damage and moisture penetration.

Protecting a leaking roof with plywood and building paper until it can be properly repaired.

Evaluating the existing condition of materials to determine whether more than protection and maintenance are required, that is, if repairs to roofs and roof features will be necessary.

Repairing a roof from the restoration period by reinforcing the materials which comprise roof features. Repairs will also generally include the limited replacement in kind—or with compatible substitute material—of those extensively deteriorated or missing parts of features when there are surviving prototypes such as cupola louvers, dentils, dormer roofing; or slates, tiles, or wood shingles. The new work should be unobtrusively dated to guide future research and treatment.

Not Recommended

Altering roofs and roof features from the restoration period.

Failing to properly document roof features from the restoration period which may result in their loss.

Changing the type or color of roofing materials unless the work can be substantiated by historical documentation.

Failing to clean and maintain gutters and downspouts properly so that water and debris collect and cause damage to roof fasteners, sheathing, and the underlying structure.

Allowing roof fasteners, such as nails and clips, to corrode so that roofing material is subject to accelerated deterioration.

Permitting a leaking roof to remain unprotected so that accelerated deterioration of historic building materials—masonry, wood, plaster, paint and structural members—occurs.

Failing to undertake adequate measures to assure the protection of roofs and roof features from the restoration period.

Replacing an entire roof feature from the restoration period such as a cupola or dormer when the repair of materials and limited replacement of deteriorated or missing parts are appropriate.

Failing to reuse intact slate or tile when only the roofing substrate needs replacement.

Using a substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the roof or that is physically or chemically incompatible.

Recommended	*Not Recommended*
Replacing in kind an entire roof feature from the restoration period that is too deteriorated to repair—if the overall form and detailing are still evident—using the physical evidence as a model to reproduce the feature. Examples can include a large section of roofing, or a dormer or chimney. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered. The new work should be unobtrusively dated to guide future research and treatment.	Removing a roof feature from the restoration period that is unrepairable, and not replacing it; or failing to document the new work.

The following **Restoration** *work involves the removal or alteration of existing historic roofs and roof features that would be retained in Preservation and Rehabilitation treatments; and the replacement of missing roof features from the restoration period using all new materials in order to create an accurate historic appearance.*

Recommended	*Not Recommended*
Removing Existing Features from Other Historic Periods	
Removing or altering roofs or roof features from other historic periods such as a later dormer or asphalt roofing.	Failing to remove a roof feature from another period, thus confusing the depiction and of the building's significance.
Documenting materials and features dating from other periods prior to their alteration or removal. If possible, selected examples of these features or materials should be stored to facilitate future research.	Failing to document roofing materials and roof features from other historic periods that are removed from the building so that a valuable portion of the historic record is lost.
Re-creating Missing Features from the Restoration Period	
Re-creating missing roofing material or a roof feature that existed during the restoration period based on physical or documentary evidence; for example, duplicating a dormer or cupola.	Constructing a roof feature that was part of the original design for the building, but was never actually built; or constructing a feature which was thought to have existed during the restoration period, but for which there is insufficient documentation.

Building Exterior

Windows

Recommended	*Not Recommended*
Identifying, retaining, and preserving windows—and their functional and decorative features—from the restoration period. Such features can include frames, sash, muntins, glazing, sills, heads, hoodmolds, panelled or decorated jambs and moldings, and interior and exterior shutters and blinds.	Altering windows or window features from the restoration period.
	Failing to properly document window features from the restoration period which may result in their loss.
	Applying paint or other coatings to window features or removing them if such treatments cannot be documented to the restoration period.
	Changing the type or color of protective surface coatings on window features unless the work can be substantiated by historical documentation.
	Stripping windows of sound material such as wood, cast iron, and bronze.
Conducting an indepth survey of the condition of existing windows from the restoration period early in the planning process so that repair and upgrading methods and possible replacement options can be fully explored.	Replacing windows from the restoration period solely because of peeling paint, broken glass, stuck sash, and high air infiltration. These conditions, in themselves, are no indication that windows are beyond repair.
Protecting and maintaining the wood and architectural metals from the restoration period which comprise the window frame, sash, muntins, and surrounds through appropriate surface treatments such as cleaning, rust removal, limited paint removal, and re-application of protective coating systems.	Failing to provide adequate protection of materials on a cyclical basis so that deterioration of the window results.
Making windows weathertight by re-caulking, and replacing or installing weatherstripping. These actions also improve thermal efficiency.	Retrofitting or replacing windows from the restoration period rather than maintaining the sash, frame, and glazing.
Evaluating the existing condition of materials to determine whether more than protection and maintenance are required, i.e. if repairs to windows and window features will be required.	Failing to undertake adequate measures to assure the protection of window materials from the restoration period.

Recommended

Repairing window frames and sash from the restoration period by patching, splicing, consolidating or otherwise reinforcing. Such repair may also include replacement in kind—or with compatible substitute material—of those extensively deteriorated or missing parts when there are surviving prototypes such as architraves, hoodmolds, sash, sills, and interior or exterior shutters and blinds. The new work should be unobtrusively dated to guide future research and treatment.

Replacing in kind a window feature from the restoration period that is too deteriorated to repair using the same sash and pane configuration and other design details. If using the same kind of material is not technically or economically feasible when replacing windows deteriorated beyond repair, then a compatible substitute material may be considered. The new work should be unobtrusively dated to guide future research and treatment.

Not Recommended

Replacing an entire window from the restoration period when repair of materials and limited replacement of deteriorated or missing parts are appropriate.

Failing to reuse serviceable window hardware such as brass sash lifts and sash locks.

Using a substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the window or that is physically or chemically incompatible.

Removing a window feature from the restoration period that is unrepairable and not replacing it; or failing to document the new work.

The following **Restoration** *work is highlighted to indicate that it involves the removal or alteration of existing historic windows and window features that would be retained in Preservation and Rehabilitation treatments; and the replacement of missing window features from the restoration period using all new materials.*

Recommended	*Not Recommended*
Removing Existing Features from Other Historic Periods	
Removing or altering windows or window features from other historic periods, such as later single-pane glazing or inappropriate shutters.	Failing to remove a window feature from another period, thus confusing the depiction of the building's significance.
Documenting materials and features dating from other periods prior to their alteration or removal. If possible, selected examples of these features or materials should be stored to facilitate future research.	Failing to document window features from other historic periods that are removed from the building so that a valuable portion of the historic record is lost.
Re-creating Missing Features from the Restoration Period	
Re-creating a missing window or window feature that existed during the restoration period based on physical or documentary evidence; for example, duplicating a hoodmold or shutter.	Constructing a window feature that was part of the original design for the building, but was never actually built; or constructing a feature which was thought to have existed during the restoration period, but for which there is insufficient documentation.

Building Exterior

Entrances and Porches

Recommended	*Not Recommended*
Identifying, retaining, and preserving entrances and porches from the restoration period—and their functional and decorative features—such as doors, fanlights, sidelights, pilasters, entablatures, columns, balustrades, and stairs.	Altering entrances and porch features from the restoration period.
	Failing to properly document entrance and porch features from the restoration period which may result in their loss
	Applying paint or other coatings to entrance and porch features or removing them if such treatments cannot be documented to the restoration period.
	Changing the type or color of protective surface coatings on entrance and porch features unless the work can be substantiated by historical documentation.
	Stripping entrances and porches of sound material such as wood, iron, cast iron, terra cotta, tile and brick.
Protecting and maintaining the masonry, wood, and architectural metals that comprise restoration period entrances and porches through appropriate surface treatments such as cleaning, rust removal, limited paint removal, and re-application of protective coating systems.	Failing to provide adequate protection to materials on a cyclical basis so that deterioration of entrances and porches results.
Evaluating the existing condition of materials to determine whether more than protection and maintenance are required, that is, if repairs to entrance and porch features will be necessary.	Failing to undertake adequate measures to assure the protection of historic entrances and porches from the restoration period.

Recommended

Repairing entrances and porches from the restoration period by reinforcing the historic materials. Repairs will also generally include the limited replacement in kind—or with compatible substitute material—of those extensively deteriorated or missing parts of repeated features where there are surviving prototypes such as balustrades, cornices, entablatures, columns, sidelights, and stairs. The new work should be unobtrusively dated to guide future research and treatment.

Replacing in kind an entire entrance or porch from the restoration period that is too deteriorated to repair—if the form and detailing are still evident—using the physical evidence as a model to reproduce the feature. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered. The new work should be unobtrusively dated to guide future research and treatment.

Not Recommended

Replacing an entire entrance or porch feature from the restoration period when the repair of materials and limited replacement of parts are appropriate.

Using a substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the entrance and porch or that is physically or chemically incompatible.

Removing an entrance or porch feature from the restoration period that is unrepairable and not replacing it; or failing to document the new work.

Portions of the small porch on an Italianate mansion were carefully numbered prior to Restoration. Some original elements were restored in place, while others had to be removed for repair, then reinstalled. Any element too deteriorated to save was replaced with a new one replicated to match the original design. Photo: Morgan W. Phillips.

The following **Restoration** *work is highlighted to indicate that it involves the removal or alteration of existing historic entrance and porch features that would be retained in Preservation and Rehabilitation treatments; and the replacement of missing entrance and porch features from the restoration period using all new materials.*

Recommended	*Not Recommended*
Removing Existing Features from Other Historic Periods	
Removing or altering entrances and porches and their features from other historic periods such as a later porch railing or balustrade.	Failing to remove an entrance or porch feature from another period, thus confusing the depiction of the building's significance.
Documenting materials and features dating from other periods prior to their alteration or removal. If possible, selected examples of these features or materials should be stored to facilitate future research.	Failing to document entrance or porch features from other historic periods that are removed from the building so that a valuable portion of the historic record is lost.
Re-creating Missing Features from the Restoration Period	
Re-creating a missing entrance or porch or its features that existed during the restoration period based on physical or documentary evidence; for example, duplicating a fanlight or porch column.	Constructing an entrance or porch feature that was part of the original design for the building but was never actually built; or constructing a feature which was thought to have existed during the restoration period, but for which there is insufficient documentation.

Building Exterior

Storefronts

Recommended	*Not Recommended*
Identifying, retaining, and preserving storefronts from the restoration period—and their functional and decorative features—such as display windows, signs, doors, transoms, kick plates, corner posts, and entablatures.	Altering storefronts—and their features—from the restoration period.
	Failing to properly document storefront features from the restoration period which may result in their loss.
	Applying paint or other coatings to storefront features or removing them if such treatments cannot be documented to the restoration period.
	Changing the type or color of protective surface coatings on storefront features unless the work can be substantiated by historical documentation.
Protecting and maintaining masonry, wood, and architectural metals which comprise restoration period storefronts through appropriate treatments such as cleaning, rust removal, limited paint removal, and reapplication of protective coating systems.	Failing to provide adequate protection of materials on a cyclical basis so that deterioration of storefront features results.
Protecting storefronts against arson and vandalism before restoration work begins by boarding up windows and installing alarm systems that are keyed into local protection agencies.	Permitting entry into the building through unsecured or broken windows and doors so that interior features and finishes are damaged by exposure to weather or vandalism.
	Stripping storefronts of historic material from the restoration period such as wood, cast iron, terra cotta, carrara glass, and brick.
Evaluating the existing condition of storefront materials to determine whether more than protection and maintenance are required, that is, if repairs to features will be necessary.	Failing to undertake adequate measures to assure the protection of storefront materials from the restoration period.

Recommended	*Not Recommended*
Repairing storefronts from the restoration period by reinforcing the historic materials. Repairs will also generally include the limited replacement in kind—or with compatible substitute materials—of those extensively deteriorated or missing parts of storefronts where there are surviving prototypes such as transoms, kick plates, pilasters, or signs. The new work should be unobtrusively dated to guide future research and treatment.	Replacing an entire storefront feature from the restoration period when repair of materials and limited replacement of its parts are appropriate. Using substitute material for the replacement part that does not convey the same visual appearance as the surviving parts of the storefront or that is physically or chemically incompatible.
Replacing in kind a storefront from the restoration period that is too deteriorated to repair—if the overall form and detailing are still evident—using the physical evidence as a model. If using the same material is not technically or economically feasible, then compatible substitute materials may be considered. The new work should be unobtrusively dated to guide future research and treatment.	Removing a storefront feature from the restoration period that is unrepairable, and not replacing it; or failing to document the new work.

The following **Restoration** *work is highlighted to indicate that it involves the removal or alteration of existing historic storefront features that would be retained in Preservation and Rehabilitation treatments; and the replacement of missing storefront features from the restoration period using all new materials.*

Recommended	*Not Recommended*
Removing Existing Features from Other Historic Periods	
Removing or altering storefronts and their features from other historic periods such as inappropriate cladding or signage.	Failing to remove a storefront feature from another period, thus confusing the depiction of the building's significance.
Documenting materials and features dating from other periods prior to their alteration or removal. If possible, selected examples of these features or materials should be stored to facilitate future research.	Failing to document storefront features from other historic periods that are removed from the building so that a valuable portion of the historic record is lost.
Re-creating Missing Features from the Restoration Period	
Re-creating a missing storefront or storefront feature that existed during the restoration period based on physical or documentary evidence; for example, duplicating a display window or transom.	Constructing a storefront feature that was part of the original design for the building but was never actually built; or constructing a feature which was thought to have existed during the restoration period, but for which there is insufficient documentation.

Building Interior

Structural Systems

Recommended	*Not Recommended*
Identifying, retaining, and preserving structural systems from the restoration period—and individual features of systems—such as post and beam systems, trusses, summer beams, vigas, cast iron columns, above-grade stone foundation walls, or loadbearing brick or stone walls.	Altering visible features of structural systems from the restoration period.
	Failing to properly document structural systems from the restoration period which may result in their loss.
	Overloading the existing structural system; or installing equipment or mechanical systems which could damage the structure.
	Replacing a loadbearing masonry wall that could be augmented and retained.
	Leaving known structural problems untreated such as deflection of beams, cracking and bowing of walls, or racking of structural members.
Protecting and maintaining the structural system by cleaning the roof gutters and downspouts; replacing roof flashing; keeping masonry, wood, and architectural metals in a sound condition; and ensuring that structural members are free from insect infestation.	Failing to provide proper building maintenance so that deterioration of the structural system results. Causes of deterioration include subsurface ground movement, vegetation growing too close to foundation walls, improper grading, fungal rot, and poor interior ventilation that results in condensation.
Examining and evaluating the physical condition of the structural system and its individual features using non-destructive techniques such as X-ray photography.	Utilizing destructive probing techniques that will damage or destroy structural material.
Repairing the structural system by augmenting or upgrading individual parts or features in a manner that is consistent with the restoration period. For example, weakened structural members such as floor framing can be paired with a new member, braced, or otherwise supplemented and reinforced. The new work should be unobtrusively dated to guide future research and treatment.	Upgrading the building structurally in a manner that diminishes the historic character of the exterior, such as installing strapping channels or removing a decorative cornice; or that damages interior features or spaces.
	Replacing a structural member or other feature of the structural system when it could be augmented and retained.

Recommended	*Not Recommended*
Replacing in kind—or with substitute material—those portions or features of the structural system that are either extensively deteriorated or are missing when there are surviving prototypes such as cast iron columns, roof rafters or trusses, or sections of loadbearing walls. Substitute material should convey the same form, design, and overall visual appearance as the historic feature; and, at a minimum, be equal to its loadbearing capabilities. The new work should be unobtrusively dated to guide future research and treatment.	Installing a visible replacement feature that does not convey the same visual appearance, e.g., replacing an exposed wood summer beam with a steel beam; or failing to document the new work. Using substitute material that does not equal the loadbearing capabilities of the historic material and design or is otherwise physically or chemically incompatible.

The following **Restoration** *work is highlighted to indicate that it involves the removal or alteration of existing historic structural systems and features that would be retained in Preservation and Rehabilitation treatments; and the replacement of missing structural system features from the restoration period using all new materials.*

Recommended	*Not Recommended*
Removing Existing Features from Other Historic Periods	
Removing or altering visually intrusive structural features from other historic periods such as a non-matching column or exposed ceiling beams.	Failing to remove or alter a visually intrusive structural feature from another period, thus confusing the depiction of the building's significance.
Documenting materials and features dating from other periods prior to their alteration or removal. If possible, selected examples of these features or materials should be stored to facilitate future research.	Failing to document structural features from other historic periods that are removed from the building so that a valuable portion of the historic record is lost.
Re-creating Missing Features from the Restoration Period	
Re-creating a missing structural feature that existed during the restoration period based on physical or documentary evidence; for example, duplicating a viga or cast iron column.	Constructing a structural feature that was part of the original design for the building but was never actually built; or constructing a feature which was thought to have existed during the restoration period, but for which there is insufficient documentation.

Building Interior

Spaces, Features, and Finishes

Recommended	*Not Recommended*
Interior Spaces	
Identifying, retaining, and preserving a floor plan or interior spaces from the restoration period. This includes the size, configuration, proportion, and relationship of rooms and corridors; the relationship of features to spaces; and the spaces themselves, such as lobbies, reception halls, entrance halls, double parlors, theaters, auditoriums, and important industrial or commercial spaces.	Altering a floor plan or interior spaces—including individual rooms—from the restoration period.
Interior Features and Finishes	
Identifying, retaining, and preserving interior features and finishes from the restoration period. These include columns, cornices, baseboards, fireplaces and mantels, panelling, light fixtures, hardware, and flooring; and wallpaper, plaster, paint, and finishes such as stencilling, marbling, and graining; and other decorative materials that accent interior features and provide color, texture, and patterning to walls, floors, and ceilings.	Altering features or finishes from the restoration period. Failing to properly document spaces, features, and finishes from the restoration period which may result in their loss. Applying paint, plaster, or other finishes to surfaces unless the work can be substantiated historical documentation. Stripping paint to bare wood rather than repairing or reapplying grained or marbled finishes from the restoration period to features such as doors and panelling. Changing the type of finish or its color, such as painting a previously varnished wood feature, unless the work can be substantiated by historical documentation.
Protecting and maintaining masonry, wood, and architectural metals that comprise restoration period interior features through appropriate surface treatments such as cleaning, rust removal, limited paint removal, and reapplication of protective coating systems.	Failing to provide adequate protection to materials on a cyclical basis so that deterioration of interior features results.

Recommended	*Not Recommended*
Protecting interior spaces, features and finishes against arson and vandalism before project work begins, erecting protective fencing, boarding-up windows, and installing fire alarm systems that are keyed to local protection agencies.	Permitting entry into historic buildings through unsecured or broken windows and doors so that the interior features and finishes are damaged by exposure to weather or vandalism.
	Stripping interiors of restoration period features such as woodwork, doors, windows, light fixtures, copper piping, radiators; or of decorative materials.
Protecting interior features such as a staircase, mantel, or decorative finishes and wall coverings against damage during project work by covering them with heavy canvas or plastic sheets.	Failing to provide proper protection of interior features and finishes during work so that they are gouged, scratched, dented, or otherwise damaged.
Installing protective coverings in areas of heavy pedestrian traffic to protect historic features such as wall coverings, parquet flooring and panelling.	Failing to take new use patterns into consideration so that interior features and finishes are damaged.
Removing damaged or deteriorated paints and finishes to the next sound layer using the gentlest method possible, then repainting or refinishing using compatible paint or other coating systems based on historical documentation.	Using destructive methods such as propane or butane torches or sandblasting to remove paint or other coatings. These methods can irreversibly damage the historic materials that comprise interior features.
Repainting with colors that are documented to the building's restoration period.	Using new paint colors that are inappropriate to the building's restoration period.
Limiting abrasive cleaning methods to certain industrial warehouse buildings where the interior masonry or plaster features do not have distinguishing design, detailing, tooling, or finishes; and where wood features are not finished, molded, beaded, or worked by hand. Abrasive cleaning should only be considered after other, gentler methods have been proven ineffective.	Changing the texture and patina of features from the restoration period through sandblasting or use of abrasive methods to remove paint, discoloration or plaster. This includes both exposed wood (including structural members) and masonry.
Evaluating the existing condition of materials to determine whether more than protection and maintenance are required, that is, if repairs to interior features and finishes will be necessary.	Failing to undertake adequate measures to assure the protection of interior features and finishes.

Recommended

Repairing interior features and finishes from the restoration period by reinforcing the historic materials. Repair will also generally include the limited replacement in kind—or with compatible substitute material—of those extensively deteriorated or missing parts of repeated features when there are surviving prototypes such as stairs, balustrades, wood panelling, columns; or decorative wall coverings or ornamental tin or plaster ceilings. The new work should be unobtrusively dated to guide future research and treatment.

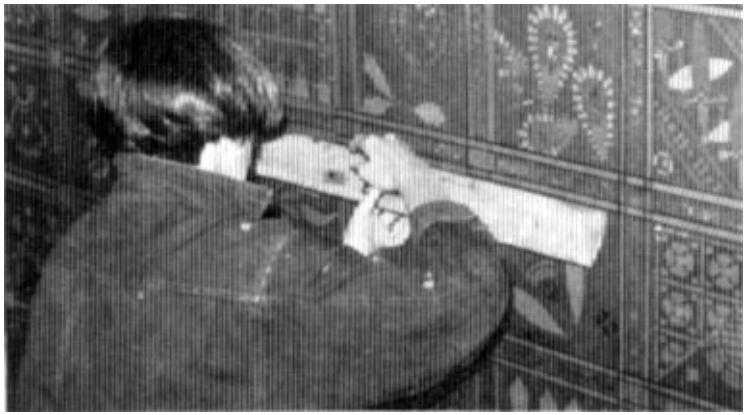
Replacing in kind an entire interior feature or finish from the restoration period that is too deteriorated to repair—if the overall form and detailing are still evident—using the physical evidence as a model for reproduction. Examples could include wainscoting, a tin ceiling, or interior stairs. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered. The new work should be unobtrusively dated to guide future research and treatment.

Not Recommended

Replacing an interior feature from the restoration period such as a staircase, panelled wall, parquet floor, or cornice; or finish such as a decorative wall covering or ceiling when repair of materials and limited replacement of such parts are appropriate.

Using a substitute material for the replacement part that does not convey the visual appearance of the surviving parts or portions of the interior feature or finish or that is physically or chemically incompatible.

Removing a feature or finish from the restoration period that is unrepairable and not replacing it; or failing to document the new work.



A complete paint investigation often needs to be conducted during Restoration. Paint samples are carefully collected onsite. In the laboratory, an ultra violet light is used to identify pigment and binding media. Paint samples are then photographed. Physical evidence documented through laboratory research provides a sound basis for an accurate restoration of painted finishes, such as the complex stencilling pictured here. Photo left: Courtesy, Alexis Elza; Photo right: Courtesy, Andrea Gilmore.

The following **Restoration** *work is highlighted to indicate that it involves the removal or alteration of existing historic interior spaces, features, and finishes that would be retained in Preservation and Rehabilitation treatments; and the replacement of missing interior spaces, features, and finishes from the restoration period using all new materials.*

Recommended	*Not Recommended*
Removing Existing Features from Other Historic Periods	
Removing or altering interior spaces, features and finishes from other historic periods such as a later suspended ceiling or wood panelling.	Failing to remove or alter an interior space, feature, or finish from another period, thus confusing the depiction of the building's significance.
Documenting materials and features dating from other periods prior to their alteration or removal. If possible, selected examples of these features or materials should be stored to facilitate future research.	Failing to document interior spaces, features, and finishes from other historic periods that are removed from the building so that a valuable portion of the historic record is lost.
Re-creating Missing Features from the Restoration Period	
Re-creating an interior space, or a missing feature or finish from the restoration period based on physical or documentary evidence; for example, duplicating a marbleized mantel or a staircase.	Constructing an interior space, feature, or finish that was part of the original design for the building but was never actually built; or constructing a feature which was thought to have existed during the restoration period, but for which there is insufficient documentation.

The missing plaster cornice was restored as part of an overall project to return a residence to its original appearance. The traditional method of producing a cornice is unchanged today. Photo: Old-House Journal.

Building Interior

Mechanical Systems: Heating, Air Conditioning, Electrical, and Plumbing

Recommended	*Not Recommended*
Identifying, retaining, and preserving visible features of mechanical systems from the restoration period such as radiators, vents, fans, grilles, plumbing fixtures, switchplates, and lights.	Altering visible decorative features of mechanical systems from the restoration period. Failing to properly document mechanical systems and their visible decorative features from the restoration period which may result in their loss.
Protecting and maintaining mechanical, plumbing, and electrical systems and their features from the restoration period through cyclical cleaning and other appropriate measures.	Failing to provide adequate protection of materials on a cyclical basis so that deterioration of mechanical systems and their visible features results.
Preventing accelerated deterioration of mechanical systems by providing adequate ventilation of attics, crawlspaces, and cellars so that moisture problems are avoided.	Enclosing mechanical systems in areas that are not adequately ventilated so that deterioration of the systems results.
Improving the energy efficiency of existing mechanical systems to help reduce the need for elaborate new equipment.	Installing unnecessary air conditioning or climate control systems which can add excessive moisture to the building. This additional moisture can either condense inside, damaging interior surfaces, or pass through interior walls to the exterior, potentially damaging adjacent materials as it migrates.
Repairing mechanical systems from the restoration period by augmenting or upgrading system parts, such as installing new pipes and ducts; rewiring; or adding new compressors or boilers.	Replacing a mechanical system from the restoration period or its functional parts when it could be upgraded and retained.
Replacing in kind—or with compatible substitute material—those visible features of restoration period mechanical systems that are either extensively deteriorated or are prototypes such as ceiling fans, switchplates, radiators, grilles, or plumbing fixtures.	Installing a visible replacement feature that does not convey the same visual appearance.
Installing a new mechanical system, if required, in a way that results in the least alteration possible to the building.	Installing a new mechanical system so that structural or interior features from the restoration period are altered.

Recommended	*Not Recommended*
Providing adequate structural support for new mechanical equipment.	Failing to consider the weight and design of new mechanical equipment so that, as a result, historic structural members or finished surfaces are weakened or cracked.
Installing the vertical runs of ducts, pipes, and cables in closets, service rooms, and wall cavities.	Installing vertical runs of ducts, pipes, and cables in places where they will obscure features from the restoration period.
Installing air conditioning units in such a manner that features are not damaged or obscured and excessive moisture is not generated that will accelerate deterioration of historic materials.	Concealing mechanical equipment in walls or ceilings in a manner that requires the removal of building material from the restoration period.
	Cutting through features such as masonry walls in order to install air conditioning units.

The following **Restoration** *work is highlighted to indicate that it involves the removal or alteration of existing historic mechanical systems and features that would be retained in Preservation and Rehabilitation treatments; and the replacement of missing mechanical systems and features from the restoration period using all new materials.*

Recommended	*Not Recommended*
Removing Existing Features from Other Historic Periods	
Removing or altering mechanical systems and features from other historic periods such as a later elevator or plumbing fixture.	Failing to remove a mechanical system or feature from another period, thus confusing the depiction of the building's significance.
Documenting materials and features dating from other periods prior to their alteration or removal. If possible, selected examples of these features or materials should be stored to facilitate future research.	Failing to document mechanical systems and features from other historic periods that are removed from the building so that a valuable portion of the historic record is lost.
Re-creating Missing Features from the Restoration Period	
Re-creating a missing feature of the mechanical system that existed during the restoration period based on physical or documentary evidence; for example, duplicating a heating vent or gaslight fixture.	Constructing a mechanical system or feature that was part of the original design for the building but was never actually built; or constructing a feature which was thought to have existed during the restoration period, but for which there is insufficient documentation.

Building Site

Recommended

Identifying, retaining, and preserving restoration period buildings and their features as well as features of the site. Site features may include circulation systems such as walks, paths, roads, or parking; vegetation such as trees, shrubs, fields, or herbaceous plant material; landforms such as terracing, berms or grading; furnishings such as lights, fences, or benches; decorative elements such as sculpture, statuary or monuments; water features including fountains, streams, pools, or lakes; and subsurface archeological features which are important in defining the restoration period.

Not Recommended

Altering buildings and their features or site features from the restoration period.

Failing to properly document building and site features from the restoration period which may result in their loss.

This ca. 1900 photograph (left) would be invaluable to guide restoration of the deteriorated house (right) to its documented earlier appearance, complete with decorative trim, shutters, polychromed exterior, and fencing. Photos: Courtesy, North Carolina Department of Archives and History.

Recommended	*Not Recommended*
Re-establishing the relationship between buildings and the landscape that existed during the restoration period.	Retaining non-restoration period buildings or landscape features.
Protecting and maintaining buildings and the site by providing proper drainage to assure that water does not erode foundation walls; drain toward the building; or damage or erode the landscape.	Failing to maintain adequate site drainage so that buildings and site features are damaged or destroyed; or alternatively, changing the site grading so that water no longer drains properly.
Minimizing disturbance of terrain around buildings or elsewhere on the site, thus reducing the possibility of destroying or damaging important landscape features or archeological resources.	Introducing heavy machinery into areas where it may disturb or damage important landscape features or archeological resources.
Surveying and documenting areas where the terrain will be altered during restoration work to determine the potential impact to landscape features or archeological resources.	Failing to survey the building site prior to beginning restoration work which results in damage to, or destruction of, landscape features or archeological resources.
Protecting, e.g., preserving in place, important archeological resources.	Leaving known archeological material unprotected so that it is damaged during restoration work.
Planning and carrying out any necessary investigation using professional archeologists and modern archeological methods when preservation in place is not feasible.	Permitting unqualified personnel to perform data recovery on archeological resources so that improper methodology results in the loss of important archeological material.
Preserving important landscape features from the restoration period, including ongoing maintenance of historic plant material.	Allowing restoration period landscape features to be lost or damaged due to a lack of maintenance.
Protecting building and landscape features against arson and vandalism before restoration work begins, i.e., erecting protective fencing and installing alarm systems that are keyed into local protection agencies.	Permitting the property to remain unprotected so that the building and landscape features or archeological resources are damaged or destroyed.
	Removing restoration period features from the building or site such as wood siding, iron fencing, masonry balustrades, or plant material.

Recommended	*Not Recommended*
Providing continued protection of building materials and plant features from the restoration period through appropriate cleaning, rust removal, limited paint removal, and re-application of protective coating systems; and pruning and vegetation management.	Failing to provide adequate protection of materials on a cyclical basis so that deterioration of building and site features results.
Evaluating the existing condition of materials and features to determine whether more than protection and maintenance are required, that is, if repairs to building and site features will be necessary.	Failing to undertake adequate measures to assure the protection of building and site features.
Repairing restoration period features of the building and site by reinforcing historic materials. The new work should be unobtrusively dated to guide future research and treatment.	Replacing an entire restoration period feature of the building or site such as a fence, walkway, or driveway when repair of materials and limited compatible replacement of deteriorated or missing parts are appropriate.
	Using a substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the building or site feature or that is physically or chemically incompatible.
Replacing in kind an entire restoration period feature of the building or site that is too deteriorated to repair if the overall form and detailing are still evident. Physical evidence from the deteriorated feature should be used as a model to guide the new work. This could include an entrance or porch, walkway, or fountain. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered. The new work should be unobtrusively dated to guide future research and treatment.	Removing a restoration period feature of the building or site that is unrepairable and not replacing it; or failing to document the new work.
Replacing deteriorated or damaged landscape features of the restoration period in kind or with compatible substitute material. The replacement feature should be based on physical evidence and convey the same appearance.	Adding conjectural landscape features to the site such as period reproduction lamps, fences, fountains, or vegetation that are historically inappropriate, thus creating an inaccurate depiction of the restoration period.

The following **Restoration** *work is highlighted to indicate that it involves the removal or alteration of existing historic building site features that would be retained in Preservation and Rehabilitation treatments; and the replacement of missing building site features from the restoration period using all new materials.*

Recommended	*Not Recommended*
Removing Existing Features from Other Historic Periods	
Removing or altering features of the building or site from other historic periods such as a later outbuilding, paved road, or overgrown tree.	Failing to remove a feature of the building or site from another period, thus creating an inaccurate historic appearance.
Documenting features of the building or site from other periods prior to their alteration or removal.	Failing to document features of the building or site from other historic periods that are removed during restoration so that a valuable portion of the historic record is lost.
Re-creating Missing Features from the Restoration Period	
Re-creating a missing feature of the building or site that existed during the restoration period based on physical or documentary evidence; for example, duplicating a terrace, gazebo, or fencing.	Constructing a feature of the building or site that was part of the original design, but was never actually built; or constructing a feature which was thought to have existed during the restoration period, but for which there is insufficient documentation.

Setting (District/Neighborhood)

Recommended	*Not Recommended*
Identifying retaining, and preserving restoration period building and landscape features of the setting. Such features can include roads and streets, furnishings such as lights or benches, vegetation, gardens and yards, adjacent open space such as fields, parks, commons or woodlands, and important views or visual relationships.	Altering features of the setting that can be documented to the restoration period. Failing to properly document restoration period building and landscape features, which may result in their loss.
Re-establishing the relationship between buildings and landscape features of the setting that existed during the restoration period.	Retaining non-restoration period buildings or landscape features.
Protecting and maintaining building materials and plant features from the restoration period through appropriate cleaning, rust removal, limited paint removal, and reapplication of protective coating systems; and pruning and vegetation management.	Failing to provide adequate protection of materials on a cyclical basis which results in the deterioration of building and landscape features.
Protecting buildings and landscape features against arson and vandalism before restoration work begins by erecting protective fencing and installing alarm systems that are keyed into local protection agencies.	Permitting the building and setting to remain unprotected so that interior or exterior features are damaged. Stripping or removing features from buildings or the setting such as wood siding, iron fencing, terra cotta balusters, or plant material.
Evaluating the existing condition of the building and landscape features to determine whether more than protection and maintenance are required, that is, if repairs to features will be necessary.	Failing to undertake adequate measures to assure the protection of building and landscape features.
Repairing restoration period features of the building and landscape by reinforcing the historic materials. Repair will generally include the replacement in kind—or with compatible substitute material—of those extensively deteriorated or missing parts of features where there are surviving prototypes such as porch balustrades or paving materials. The new work should be unobtrusively dated to guide future research and treatment.	Replacing an entire restoration period feature of the building or landscape setting when repair of materials and limited replacement of deteriorated or missing parts are appropriate. Using a substitute material for the replacement part that does not convey the visual appearance of the surviving parts of the building or landscape, or that is physically, chemically, or ecologically incompatible.

Recommended	*Not Recommended*
Replacing in kind an entire restoration period feature of the building or landscape that is too deteriorated to repair—when the overall form and detailing are still evident—using the physical evidence as a model to guide the new work. If using the same kind of material is not technically or economically feasible, then a compatible substitute material may be considered. The new work should be unobtrusively dated to guide future research and treatment.	Removing a restoration period feature of the building or landscape that is unrepairable and not replacing it; or failing to document the new work.

The following **Restoration** *work is highlighted to indicate that it involves the removal or alteration of existing features of the historic setting that would be retained in Preservation and Rehabilitation treatments; and the replacement of missing features from the restoration period using all new materials.*

Recommended	*Not Recommended*
Removing Existing Features from Other Historic Periods	
Removing or altering features of the building or landscape from other historic periods, such as a later road, sidewalk, or fence.	Failing to remove a feature of the building or landscape from another period, thus creating an inaccurate historic appearance.
Documenting features of the building or landscape dating from other periods prior to their alteration or removal.	Failing to document features of the building or landscape from other historic periods that are removed from the setting so that a valuable portion of the historic record is lost.
Re-creating Missing Features from the Restoration Period	
Re-creating a missing feature of the building or landscape in the setting that existed during the restoration period based on physical or documentary evidence; for example, duplicating a path or park bench.	Constructing a feature of the building or landscape that was part of the original design for the setting but was never actually built; or constructing a feature which was thought to have existed during the restoration period, but for which there is insufficient documentation.

The Bronson-Mulholland House in Palatka, Florida, ca. 1845, is shown (a) before and (b) after the treatment, Restoration. Over the years the east (far right) side of the veranda had been filled in as a sixth bay. During the restoration, this later infill was removed and the east veranda, together with its flooring, stairs, and foundation, restored. Photo: City of Palatka, Community Development Department.

Although the work in the following sections is quite often an important aspect of restoration projects, it is usually not part of the overall process of preserving features from the restoration period (protection, stabilization, conservation, repair, and replacement); rather, such work is assessed for its potential negative impact on the building's historic appearance. For this reason, particular care must be taken not to obscure, alter, or damage features from the restoration period in the process of undertaking work to meet code and ener-

Energy Efficiency

Recommended	*Not Recommended*
Masonry/Wood/Architectural Metals	
Installing thermal insulation in attics and in unheated cellars and crawlspaces to increase the efficiency of the existing mechanical systems.	Applying thermal insulation with a high moisture content in wall cavities which may damage historic fabric.
Installing insulating material on the inside of masonry walls to increase energy efficiency where there is no interior molding around the windows or other interior architectural detailing from the restoration period.	Installing wall insulation without considering its effect on interior or other architectural detailing.
Windows	
Utilizing the inherent energy conserving features of a building by maintaining windows and louvered blinds from the restoration period in good operable condition for natural ventilation.	Using shading devices that are inappropriate to the restoration period.
Improving thermal efficiency with weatherstripping, storm windows, caulking, interior shades, and if historically appropriate, blinds and awnings.	Replacing multi-paned sash from the restoration period with new thermal sash utilizing false muntins.
Installing interior storm windows with air-tight gaskets, ventilating holes, and/or removable clips to ensure proper maintenance and to avoid condensation damage to historic windows.	Installing interior storm windows that allow moisture to accumulate and damage the window.
Installing exterior storm windows which do not damage or obscure the windows and frames.	Installing new exterior storm windows which are inappropriate in size or color.
	Replacing windows or transoms from the restoration period with fixed thermal glazing or permitting windows and transoms to remain inoperable rather than utilizing them for their energy conserving potential.

Recommended	*Not Recommended*
Entrances and Porches	
Maintaining porches and double vestibule entrances from the restoration period so that they can retain heat or block the sun and provide natural ventilation.	Changing porches significant to the restoration period by enclosing them.
Interior Features	
Retaining interior shutters and transoms from the restoration period for their inherent energy conserving features.	Removing interior features from the restoration period that play a secondary energy conserving role.
Mechanical Systems	
Improving energy efficiency of existing mechanical systems by installing insulation in attics and basements.	Replacing existing mechanical systems that could be repaired for continued use.
Building Site	
Retaining plant materials, trees, and landscape features which perform passive solar energy functions, such as sun shading and wind breaks, if appropriate to the restoration period.	Removing plant materials, trees, and landscape features from the restoration period that perform passive solar energy functions.
Setting (District/Neighborhood)	
Maintaining those existing landscape features which moderate the effects of the climate on the setting such as deciduous trees, evergreen wind-blocks, and lakes or ponds, if appropriate to the restoration period.	Stripping the setting of landscape features and landforms from the restoration period so that effects of the wind, rain, and sun result in accelerated deterioration of the historic building.

Accessibility Considerations

Recommended

Identifying spaces, features, and finishes from the restoration period so that accessibility code-required work will not result in their damage or loss.

Complying with barrier-free access requirements in such a manner that spaces, features, and finishes from the restoration period are preserved.

Working with local disability groups, access specialists, and historic preservation specialists to determine the most appropriate solution to access problems.

Providing barrier-free access that promotes independence for to the highest degree practicable, while preserving significant historic features.

Finding solutions to meet accessibility requirements that minimize the impact on the historic building and its site, such as compatible ramps, paths, and lifts.

Not Recommended

Undertaking code-required alterations before identifying those spaces, features, or finishes from the restoration period which must be preserved.

Altering, damaging, or destroying features from the restoration period in attempting to comply with accessibility requirements.

Making changes to buildings without first seeking expert advice from access specialists and historic preservationists to determine solutions.

Making access modifications that do not provide a reasonable balance between independent, safe access and preservation of historic features.

Making modifications for accessibility without considering the impact on the historic building and its site.

Health and Safety Considerations

Recommended

Identifying spaces, features, and finishes from the restoration period so that code-required work will not result in their damage or loss.

Complying with health and safety codes, including seismic code requirements, in such a manner that spaces, features, and finishes from the restoration period are preserved.

Removing toxic building materials only after thorough testing has been conducted and only after less invasive abatement methods have been shown to be inadequate.

Providing workers with appropriate personal protective equipment for hazards found at the worksite.

Working with local code officials to investigate systems, methods, or devices of equivalent or superior effectiveness and safety to those prescribed by code so that unnecessary alterations can be avoided.

Upgrading historic stairways and elevators from the restoration period to meet health and safety codes in a manner that assures their preservation, i.e., so that they are not damaged or obscured.

Installing sensitively designed fire suppression systems, such as sprinkler systems, that result in retention of features and finishes from the restoration period.

Applying fire-retardant coatings, such as intumescent paints, which expand during fire to add thermal protection to steel.

Adding a new stairway or elevator to meet health and safety codes in a manner that preserves adjacent features and spaces from the restoration period.

Not Recommended

Undertaking code-required alterations to a building or site before identifying those spaces, features, or finishes from the restoration period which must be preserved.

Altering, damaging, or destroying spaces, features, and finishes while making modifications to a building or site to comply with safety codes.

Destroying interior features and finishes from the restoration period without careful testing and without considering less invasive abatement methods.

Removing unhealthful building materials without regard to personal and environmental safety.

Making changes to historic buildings without first exploring equivalent health and safety systems, methods, or devices that may be less damaging to spaces, features, and finishes from the restoration period.

Damaging or obscuring stairways and elevators or altering adjacent spaces from the restoration period in the process of doing work to meet code requirements.

Covering wood features from the restoration period with fire-resistant sheathing which results in altering their visual appearance.

Using fire-retardant coatings if they damage or obscure features from the restoration period.

Altering the appearance of spaces, features, or finishes from the restoration period when adding a new code-required stairway or elevator.

Standards for Reconstruction & Guidelines for Reconstructing Historic Buildings

Reconstruction *is defined as the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.*

Standards for Reconstruction

1. Reconstruction will be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture, and such reconstruction is essential to the public understanding of the property.

2. Reconstruction of a landscape, building, structure, or object in its historic location will be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts which are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures will be undertaken.

3. Reconstruction will include measures to preserve any remaining historic materials, features, and spatial relationships.

4. Reconstruction will be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property will re-create the appearance of the non-surviving historic property in materials, design, color, and texture.

5. A reconstruction will be clearly identified as a contemporary re-creation.

6. Designs that were never executed historically will not be constructed.

Guidelines for Reconstructing Historic Buildings

Introduction

Whereas the treatment Restoration provides guidance on restoring—or re-creating—building features, the **Standards for Reconstruction and Guidelines for Reconstructing Historic Buildings** address those aspects of treatment necessary to re-create an entire non-surviving building with new material. Much like restoration, the goal is to make the building appear as it did at a particular—and most significant—time in its history. The difference is, in **Reconstruction**, there is far less extant historic material prior to treatment and, in some cases, nothing visible. Because of the potential for historical error in the absence of sound physical evidence, this treatment can be justified only rarely and, thus, is the least frequently undertaken. Documentation requirements prior to and following work are very stringent. Measures should be taken to preserve extant historic surface and subsurface material. Finally, the reconstructed building must be clearly identified as a contemporary re-creation.

In the 1930s reconstruction of the 18th century Governor's Palace at Colonial Williamsburg, Virginia, the archeological remains of the brick foundation were carefully preserved in situ, and serve as a base for the reconstructed walls. Photo: The Colonial Williamsburg Foundation.

Research and Document Historical Significance

Guidance for the treatment **Reconstruction** begins with ***researching and documenting*** the building's historical significance to ascertain that its re-creation is essential to the public understanding of the property. Often, another extant historic building on the site or in a setting can adequately explain the property, together with other interpretive aids. Justifying a reconstruction requires detailed physical and documentary evidence to minimize or eliminate conjecture and ensure that the reconstruction is as accurate as possible. Only one period of significance is generally identified; a building, as it evolved, is rarely re-created. During this important fact-finding stage, if research does not provide adequate documentation for an accurate reconstruction, other interpretive methods should be considered, such as an explanatory marker.

Investigate Archeological Resources

Investigating archeological resources is the next area of guidance in the treatment **Reconstruction**. The goal of physical research is to identify features of the building and site which are essential to an accurate re-creation and must be reconstructed, while leaving those archeological resources that are not essential, undisturbed. Information that is not relevant to the project should be preserved in place for future research. The archeological findings, together with archival documentation, are then used to replicate the plan of the building, together with the relationship and size of rooms, corridors, and other spaces, and spatial relationships.

Identify, Protect and Preserve Extant Historic Features

Closely aligned with archeological research, recommendations are given for ***identifying, protecting, and preserving*** extant features of the historic building. It is never appropriate to base a **Reconstruction** upon conjectural designs or the availability of different features from other buildings. Thus, any remaining historic materials and features, such as remnants of a foundation or chimney and site features such as a walkway or path, should be retained, when practicable, and incorporated into the reconstruction. The historic as well as new material should be carefully documented to guide future research and treatment.

Reconstruct Non-Surviving Building and Site

After the research and documentation phases, guidance is given for **Reconstruction** work itself. Exterior and interior features are addressed in general, always emphasizing the need for an accurate *depiction*, i.e., careful duplication of the appearance of historic interior paints, and finishes such as stencilling, marbling, and graining. In the absence of extant historic materials, the objective in reconstruction is to re-create the appearance of the historic building for interpretive purposes. Thus, while the use of traditional materials and finishes is always preferred, in some instances, substitute materials may be used if they are able to convey the same visual appearance.

Where non-visible features of the building are concerned—such as interior structural systems or mechanical systems—it is expected that contemporary materials and technology will be employed.

Re-creating the building site should be an integral aspect of project work. The initial archeological inventory of subsurface and aboveground remains is used as documentation to reconstruct landscape features such as walks and roads, fences, benches, and fountains.

Energy Efficiency/Accessibility/Health and Safety Code Considerations

Code requirements must also be met in Reconstruction projects. For code purposes, a reconstructed building may be considered as essentially new construction. Guidance for these sections is thus abbreviated, and focuses on achieving design solutions that do not destroy extant historic features and materials or obscure reconstructed features.

Reconstruction as a Treatment. *When a contemporary depiction is required to understand and interpret a property's historic value (including the re-creation of missing components in a historic district or site); when no other property with the same associative value has survived; and when sufficient historical documentation exists to ensure an accurate reproduction, Reconstruction may be considered as a treatment. Prior to undertaking work, a documentation plan for Reconstruction should be developed.*

Reconstruction should generally be based on an extensive archeological investigation, as was done here to re-create a non-surviving commissary building at Fort Snelling.

Recommended

Researching and documenting the property's historical significance, focusing on the availability of documentary and physical evidence needed to justify reconstruction of the non-surviving building.

Investigating archeological resources to identify and evaluate those features and artifacts which are essential to the design and plan of the building.

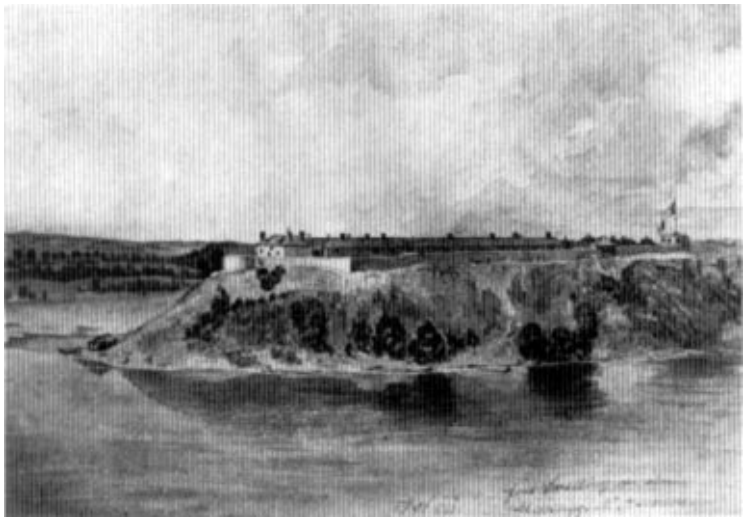
Not Recommended

Undertaking a reconstruction based on insufficient research, so that, as a result, an historically inaccurate building is created.

Reconstructing a building unnecessarily when an existing building adequately reflects or explains the history of the property, the historical event, or has the same associative value.

Executing a design for the building that was never constructed historically.

Failing to identify and evaluate archeological information prior to reconstruction, or destroying extant historical information not relevant to the reconstruction but which should be preserved in place.



Jean Baptiste Wengler's watercolor rendering of Fort Snelling, Minnesota, in 1857, is aesthetically pleasing, but the overall view does not constitute adequate documentary evidence for a Reconstruction. Oral histories are also unreliable sources of documentation for treatment.

Recommended

Minimizing disturbance of terrain to reduce the possibility of destroying archeological resources.

Identifying, retaining, and preserving extant historic features of the building and site, such as remnants of a foundation, chimney, or walkway.

Not Recommended

Introducing heavy machinery or equipment into areas where it may disturb archeological resources.

Beginning reconstruction work without first conducting a detailed site investigation to physically substantiate the documentary evidence.

Basing a reconstruction on conjectural designs or the availability of different features from other historic buildings.

(a) and (b). Two photos illustrate the use of contemporary construction materials and techniques within the treatment, Reconstruction. Because Reconstruction is employed to portray a significant earlier time, usually for interpretive purposes, substitute materials may be appropriate if they are able to convey the historic appearance.

Recommended	*Not Recommended*
Building Exterior	
Reconstructing a non-surviving building to depict the documented historic appearance. Although traditional building materials such as masonry, wood, and architectural metals are preferable, substitute materials may be used as long as they re-create the historical appearance.	Reconstructing features that cannot be documented historically or for which inadequate documentation exists. Using substitute materials that do not convey the appearance of the historic building.
Re-creating the documented design of exterior features such as the roof shape and coverings; architectural detailing; windows; entrances and porches; steps and doors; and their historic spatial relationships and proportions.	Omitting a documented exterior feature; or re-building a feature, but altering its historic design. Using inappropriate designs or materials that do not convey the historic appearance, such as aluminum storm and screen window combinations.
Reproducing the appearance of historic paint colors and finishes based on physical and documentary evidence.	Using paint colors that cannot be documented through research and investigation to be appropriate to the building or using other undocumented finishes.
Using signs to identify the building as a contemporary re-creation.	Failing to explain that the building is a reconstruction, thus confusing the public understanding.
Building Interior	
Re-creating the appearance of *visible* features of the historical structural system, such as post and beam systems, trusses, summer beams, vigas, cast iron columns, above-grade stone foundations, or loadbearing brick or stone walls. Substitute materials may be used for unexposed structural features if they were not important to the historic significance of the building.	Changing the documented appearance of visible features of the structural system.
Re-creating a historic floor plan or interior spaces, including the size, configuration, proportion, and relationship of rooms and corridors; the relationship of features to spaces; and the spaces themselves.	Altering the documented historic floor plan or relocating an important interior feature such as a staircase so that the historic relationship between the feature and space is inaccurately depicted.

Recommended	*Not Recommended*
Duplicating the documented historic appearance of the building's interior features and finishes, including columns, cornices, baseboards, fireplaces and mantels, panelling, light fixtures, hardware, and flooring; and wallpaper, plaster, paint and finishes such as stencilling, marbling and graining; and other decorative materials that accented interior features and provided color, texture, and patterning to walls, floors and ceilings.	Altering the documented appearance of interior features and finishes so that, as a result, an inaccurate depiction of the historic building is created. For example, moving a feature from one area of a room to another; or changing the type or color of the finish.
Installing modern mechanical systems in the least obtrusive way possible, while meeting user need.	Altering the historic plan or the re-created appearance unnecessarily when installing modern mechanical systems.
Installing the vertical runs of ducts, pipes, and cables in closets, service rooms, and wall cavities.	Installing vertical runs in ducts, pipes, and cables in places where they will intrude upon the historic depiction of the building.
Installing exterior electrical and telephone cables underground, or in the least obtrusive way possible.	Attaching exterior electrical and telephone cables to the principal elevations of the reconstructed building, unless their existence and visibility can be documented.

The spacious grounds at Middleton Place, near Charleston, South Carolina, constitute the first landscaped garden in America. The molded terraces, originally constructed in the 18th century, were largely reconstructed in the early 20th century based on extant remains and other documentary evidence. Photo: Middleton Place.

Building Site

Recommended	*Not Recommended*
Basing decisions for reconstructing building site features on the availability of documentary and physical evidence.	Reconstructing building site features without first conducting a detailed investigation to physically substantiate the documentary evidence.
Inventorying the building site to determine the existence of aboveground remains and subsurface archeological materials, then using this evidence as corroborating documentation for the reconstruction of related site features. These may include walks, paths, roads, and parking; trees, shrubs, fields or herbaceous plant material; terracing, berms, or grading; lights, fences, or benches; sculpture, statuary, or monuments; fountains, streams, pools, or lakes.	Giving the building's site a false appearance by basing the reconstruction or conjectural designs or the availability of features from other nearby sites.
Re-establishing the historic relationship between the building or buildings and historic site features, whenever possible.	Changing the historic spatial relationship between the building and historic site features, or reconstructing some site features, but not others, thus creating a false appearance.

Recommended

Setting (District or Neighborhood)

Basing decisions for reconstructing features of the building's setting on the availability of documentary and physical evidence.

Inventorying the setting to determine the existence of above-ground remains and subsurface archeological materials, using this evidence as corroborating documentation for the reconstruction of missing features of the setting. Such features could include roads and streets; furnishings such as lights or benches; vegetation, gardens and yards; adjacent open space such as fields, parks, commons or woodlands; and important views or visual relationships.

Re-establishing the historic spatial relationship between buildings and landscape features of the setting.

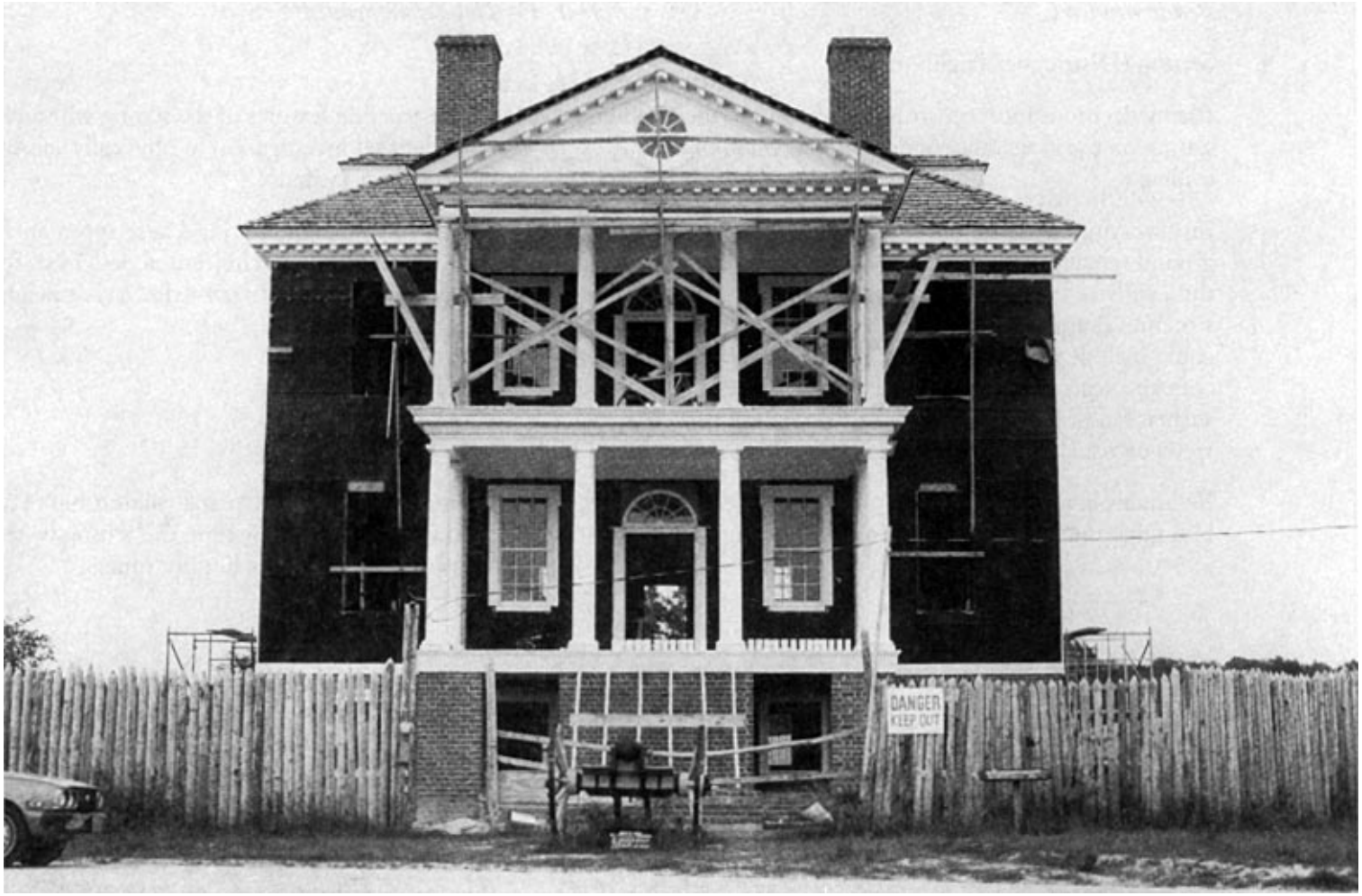
Not Recommended

Reconstructing features of the setting without first conducting a detailed investigation to physically substantiate the documentary evidence.

Giving the building's setting a false appearance by basing the reconstruction on conjectural designs or the availability of features from other nearby districts or neighborhoods.

Confusing the historic spatial relationship between buildings and landscape features within the setting by reconstructing some missing elements, but not others.

(a) and (b). Two views of the Officers' Quarters at Fort Snelling (ca. 1885 to 1900) not only provide information on the materials and form of the historic block, they document the wooden walkways and other landscape features such as stairs, railings, and tree placement. Historical and pictorial evidence would need to be combined with specific physical evidence in order to make the case for Reconstruction as a treatment.



The 1778 Kershaw House, which served as British Headquarters during the Revolutionary War, was burned by Union troops in 1865. In the early 1970s, the house was reconstructed as part of Camden Battlefield, Camden, South Carolina. Built expressly for interpretive purposes, it serves as an illustrative reminder of a past event of national significance. The Standards for Reconstruction call for any re-created building to be clearly identified as a contemporary depiction. This is most often done by means of an exterior sign or plaque, or through an explanatory brochure or exhibit. A guide may inform visitors as well. Photo: Richard Frear.

Whereas preservation, rehabilitation, and restoration treatments usually necessitate retrofitting to meet code and energy requirements, in this treatment it is assumed that the reconstructed building will be essentially ***new*** *construction. Thus, only minimal guidance is provided in the following section, although the work must still be assessed for its potential negative impact on the reconstructed*

Recommended	*Not Recommended*
Energy Efficiency	
Installing thermal insulation, where appropriate, as part of the reconstruction.	Installing thermal insulation with a high moisture content.
Utilizing the inherent energy conserving features of windows and blinds, porches and double vestibule entrances in a reconstruction project.	Using windows and shading devices that are inappropriate to the reconstruction. Installing new thermal sash with false muntins instead of using sash that is appropriate to the reconstruction.
Utilizing plant materials, trees, and landscape features, especially those which perform passive solar energy functions such as sun shading and wind breaks, when appropriate to the reconstruction.	Removing plant materials and landscape features which perform passive energy functions if they are appropriate to the reconstruction.
Accessibility Considerations	
Taking accessibility requirements into consideration early in the planning stage so that barrier-free access can be provided in a way that is compatible with the reconstruction.	Obscuring or damaging the appearance of the reconstructed building in the process of providing barrier-free access.
Health and Safety Considerations	
Considering health and safety code requirements, such as the installation of fire suppression systems, early in the planning stage of the project so that the work is compatible with the reconstruction.	Meeting health and safety requirements without considering their visual impact on the reconstruction.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

July 30, 2010

M-10-33

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES, AND INDEPENDENT REGULATORY AGENCIES

FROM: Peter R. Orszag
Director

SUBJECT: Guidance for Implementing E.O. 13175, "Consultation and Coordination with Indian Tribal Governments"

On November 5, 2009, President Obama signed a Memorandum for the Heads of Executive Departments and Agencies on Tribal Consultation. In this Memorandum, the President emphasized his commitment to "regular and meaningful consultation and collaboration with tribal officials in policy decisions that have tribal implications including, as an initial step, through complete and consistent implementation of Executive Order 13175." Pursuant to Executive Order 13175, executive departments and agencies are charged with engaging in consultation and collaboration with Indian tribal governments; strengthening the government-to-government relationship between the United States and Indian tribes; and reducing the imposition of unfunded mandates upon Indian tribes.

Within the Office of Management and Budget, the Office of Information and Regulatory Affairs (OIRA) has primary responsibility for implementing Executive Order 13175 and the President's Memorandum. To assist in this charge, the OIRA Administrator, Cass R. Sunstein, has prepared the attached guidance.

Please circulate this memorandum (attached) to the appropriate officials within your agency for immediate attention.

Thank you.

Attachment

ADMINISTRATOR
OFFICE OF
INFORMATION AND
REGULATORY
AFFAIRS

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

July 30, 2010

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES, AND INDEPENDENT REGULATORY AGENCIES

FROM: Cass R. Sunstein
Administrator

SUBJECT: Guidance for Implementing E.O. 13175, "Consultation and Coordination with Indian Tribal Governments"

On November 5, 2009, President Obama signed a Memorandum for the Heads of Executive Departments and Agencies on Tribal Consultation.[1] In this Memorandum, the President emphasized his commitment to regular and meaningful consultation and collaboration with tribal officials in Federal policy decisions that have tribal implications. Fulfillment of this commitment includes, as an initial step, complete and consistent implementation of Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments," issued by President Clinton on November 6, 2000. [2]

To ensure compliance with Executive Order 13175, President Obama instructed "each agency head to submit . . . a detailed plan of actions the agency will take to implement the policies and directives of [that] Executive Order." The President also instructed "each agency head to submit to the Director of the OMB, within 270 days after the date of this memorandum, and annually thereafter, a progress report on the status of each action included in its plan together with any proposed updates to its plan."

This guidance provides additional instruction to agencies on the preparation and submission of these progress reports. It also updates the relevant guidance issued in 2001 by the Office of Management and Budget Deputy Director for Management on what agencies should do to comply with Executive Order 13175, and how they should document that compliance.

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[1] Published at 74 Fed. Reg. 57879 (November 9, 2009), *and available at* http://www.gpo.gov/fdsys/pkg/DCPD-200900887/pdf/DCPD-200900887.pdf

[2] Published at 65 Fed. Reg. 67249 (November 9, 2000).

Compliance with Executive Order 13175 and President Obama's November 5, 2009, Memorandum is critical to facilitate a meaningful dialogue between Federal officials and tribal officials. This dialogue is a continuing part of the Administration's commitments to transparency, participation, and collaboration, as emphasized by the President in his Memorandum on Transparency and Open Government, issued on January 21, 2009.[3] In that Memorandum, the President emphasized that "[k]nowledge is widely dispersed in society, and public officials benefit from having access to that dispersed knowledge."

Following the President's Memorandum on Transparency and Open Government, the OMB issued the Open Government Directive, which, among other things, specifically instructs the Administrator of the Office of Information and Regulatory Affairs (OIRA) to "review existing OMB policies . . . to identify impediments to open government and to the use of new technologies and, where necessary, issue clarifying guidance and/or propose revisions to such policies, to promote greater openness in government."[4]

Consistent with Executive Order 13175, the President's Memorandum on Tribal Consultation, and his Memorandum on Transparency and Open Government, the purpose of this guidance is to help Federal agencies to comply with their obligations to provide meaningful consultation and collaboration with tribal officials, and to promote greater openness in government.

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1. When did Executive Order 13175 take effect?

Executive Order 13175 ("the Order") became effective on January 5, 2001 (Sec. 9(d)).

2. What agencies does it cover?

E.O. 13175 binds all Federal agencies, except for independent regulatory agencies (Sec. 1(c)). It encourages independent regulatory agencies to comply voluntarily with its provisions (Sec. 8). The Order adopts definitions of "agency" and "independent regulatory agency" used by the Paperwork Reduction Act of 1995.

3. What is the role of an agency tribal consultation official and which agencies must have them?

[3] President Barack Obama, Memorandum on Transparency and Open Government (Jan. 21, 2009), *available at* http://www.gpoaccess.gov/presdocs/2009/DCPD200900010.pdf

[4] OMB Memorandum M-10-06, *Open Government Directive* (Dec. 8, 2009), *available at* http://www.whitehouse.gov/omb/assets/memoranda_2010/m10-06.pdf

Pursuant to E.O. 13175, each agency and department must have a tribal consultation official (Section 5(a)).[5] Each tribal consultation official must:

- assure that agency program personnel have considered the fundamental principles and policymaking criteria stated in Sections 2 and 3 in formulating or implementing policies, and in the development of legislative proposals, that have tribal implications;

- facilitate a meaningful and timely form of consultation concerning the development, administration, and enforcement of regulations that have tribal implications; and

- provide certifications of compliance to OMB.

The tribal consultation official may designate staff to assist in the performance of these duties.

Pursuant to the President's November 5, 2009, Memorandum on Tribal Consultation, each agency and department must designate an appropriate official to coordinate implementation of the plan and preparation of progress reports. This official may be, but is not required to be, the same tribal consultation official required by E.O. 13175.

4. How does an agency designate its tribal consultation official?

The head of each agency should make this designation by notifying the OIRA Records Management Center (see question 13 below).

5. To what activities does the Order apply?

Section 2 sets forth "Fundamental Principles" to guide agencies in formulating and implementing policies that have tribal implications. Section 3 sets forth "Policymaking Criteria" to which agencies must adhere "to the extent permitted by law." These fundamental principles and policymaking criteria apply to an agency's "regulations, legislative comments or proposed legislation, and other policy statements or actions" that have "substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes" (Sec. 1(a)). The term "Indian tribe" means "an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe . . . ." (Sec. l(b).) Further, pursuant to Pub. L. 108-199, 118 Stat. 452, as amended by Pub. L. 108-447, 118 Stat. 3267, OMB and all Federal agencies are required to "consult with Alaska Native corporations on the same basis as Indian tribes under Executive Order No. 13175."

[5] The specific procedures for consultation with Indian tribal governments set forth in E.O. 13175 are closely similar to those set forth in E.O. 13132, "Federalism." Depending on how an agency has already decided to implement E.O. 13084 and E.O. 13132, an agency has the option of having the tribal consultation official designated under E.O. 13175 be the same official as the federalism official already designated under E.O. 13132.

6. What are the Order's policymaking criteria?

Under Section 3, "Policymaking Criteria," and in addition to adhering to the fundamental principles set forth in Section 2, agencies must adhere, to the extent permitted by law, to specified criteria when formulating and implementing policies that have tribal implications. Agencies must:

- respect Indian tribal self-government and sovereignty, honor tribal treaty and other rights, and strive to meet the responsibilities that arise from the unique legal relationship between the Federal Government and Indian tribal governments;

- with respect to Federal statutes and regulations administered by Indian tribal governments, grant Indian tribal governments the maximum administrative discretion possible;

- when undertaking to formulate and implement policies that have tribal implications,

    1. encourage Indian tribes to develop their own policies to achieve program objectives;

    2. where possible, defer to Indian tribes to establish standards; and

    3. in determining whether to establish Federal standards, consult with tribal officials as to the need for Federal standards and any alternatives that would limit the scope of Federal standards or otherwise preserve the prerogatives and authority of Indian tribes.

The Order establishes a process to ensure that agencies adhere to these policymaking criteria. For any draft final regulation that has tribal implications that is submitted to OIRA for review under E.O. 12866, the tribal consultation official must certify that the requirements of E.O. 13175 concerning both the evaluation of these policymaking criteria and consultation have been met in a meaningful and timely manner (Sec. 7(a)). This certification may take the form of a statement in the preamble of a draft final regulation explaining that either the consultation was conducted according to the requirements of E.O. 13175, or that there was no impact on tribal interests and thus no consultation was necessary.

7. What does the Order require concerning agency development of proposed legislation?

Agencies must not submit to the Congress legislation that would be inconsistent with the policymaking criteria stated in Section 3.

The Order establishes a process to ensure that agencies consider the "Special Requirements for Legislative Proposals" stated in Section 4. In transmitting for OMB clearance proposed legislation that has tribal implications, the tribal consultation official must certify that the "Special Requirements for Legislative Proposals" set forth in Section 4 have been met (Sec.7(b)). This certification may take the form of a statement that either the consultation was

conducted according to the requirements of E.O. 13175, or that there was no impact on tribal interests and thus no consultation was necessary.

8. What does the Order require concerning agency development of regulations?

Agencies must have "an accountable process to ensure meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications" (Sec. 5(a)). The consultation process must involve "tribal officials" (Sec. 5(a)), which the Order defines to mean "elected or duly appointed officials of Indian tribal governments or authorized intertribal organizations" (Sec. 1(d)).

Each agency must submit to OMB "a description of the agency's consultation process" when implementing the Order. Each description should indicate how the agency identifies those policies that have tribal implications and the procedures the agency will use to ensure meaningful and timely input by tribal officials. OMB encourages agencies to submit updates to this description as part of the annual update to OMB (see below).

The Order establishes specific procedures for consultation with tribal officials in two circumstances – if a rule imposes unfunded mandates on tribes or if a rule preempts tribal law.

- Subsection 5(b) establishes specific procedures for unfunded mandates. Subsection 5(b) defines a mandate as "any regulation that has tribal implications, that imposes substantial direct compliance costs on Indian tribal governments, and that is not required by statute." Subsection 5(b)(1) permits an agency not to follow the specific procedures if the Federal government funds the direct costs of complying with the mandate.

- Subsection 5(c) establishes the specific procedures for "any regulation that has tribal implications and that preempts tribal law."

- The specific procedures are identical for regulations that impose unfunded mandates or preempt tribal law. Agencies must adhere to these specific procedures "to the extent practicable and permitted by law" (Secs. 5(b) and 5(c)).

- Each agency must consult, to the extent practicable and permitted by law, with tribal officials "early in the process of developing the proposed regulation" (Sec. 5(b)(2)(A) & 5(c)(1)). These consultations should seek comment on compliance costs or preemption as appropriate to the nature of the rulemaking under development. The timing, nature, detail, and extent of the consultation involved should also be appropriate to the nature of the regulation involved.

- When an agency submits a draft final regulation to OMB for review under E.O. 12866 prior to promulgation of the final regulation, the agency must include in "a separately identified portion of the preamble to the regulation" a "tribal summary impact statement" (Secs. 5(b)(2)(B) & 5(c)(2)).

- The "tribal summary impact statement" must include –
  - "a description of the extent of the agency's prior consultation with tribal officials;"
  - "a summary of the nature of their concerns and the agency's position supporting the need to issue the regulation; and"
  - "a statement of the extent to which the concerns of tribal officials have been met" (Secs. 5(b)(2)(B) & 5(c)(2)).
- To the extent that an agency has carried out consultation with tribal officials prior to the publication of the Notice of Proposed Rulemaking (NPRM), the agency should help tribal officials, and the public as a whole, by including a "tribal summary impact statement" in its preamble to the NPRM.
- When submitting a draft final regulation to OMB for review, each agency must provide a copy of any formal policy-related correspondence from tribal officials, and must, on request, make available a copy of any other written communications submitted to the agency by tribal officials (Secs. 5(b)(2)(C) & 5(c)(3)).

9. Are tribal consultations under the Order subject to the Federal Advisory Committee Act?

No. The exemption to the Federal Advisory Committee Act provided in Section 204(b) of title II of P.L. 104-4, the "Unfunded Mandates Reform Act of 1995," remains in effect. As OMB stated in its guidelines for implementing Section 204(b):

> "In accordance with the legislative intent, the exemption should be read broadly to facilitate intergovernmental communications on responsibilities or administration."
>
> "This exemption applies to meetings between Federal officials and employees and State, local, or tribal governments, acting through their elected officers, officials, employees, and Washington representatives, at which 'views, information, or advice' are exchanged concerning the implementation of intergovernmental responsibilities or administration, including those that arise explicitly or implicitly under statute, regulation, or Executive order. The scope of meetings covered by the exemption should be construed broadly to include any meetings called for any purpose relating to intergovernmental responsibilities or administration. Such meetings include, but are not limited to, meetings called for the purpose of seeking consensus; exchanging views, information, advice, and/or recommendations; or facilitating any other interaction relating to intergovernmental responsibilities or administration."[6]

[6] OMB Memorandum 95-20 (September 21, 1995), pp. 6-7, 60 Fed. Reg. 50651, 50653 (September 29, 1995); *see* Delegation of Authority To Issue Guidelines or Instructions to Federal Agencies on Consulting With State, Local,

10. What does the Order provide concerning flexibility for Indian tribal waivers?

The Order directs agencies to "review the processes under which Indian tribes apply for waivers of statutory and regulatory requirements and take appropriate steps to streamline those processes" (Sec. 6(a)). It also sets forth the circumstances under which agencies must consider an application by an Indian tribe for a waiver of statutory or regulatory requirements. It encourages flexibility in granting waivers, but does not change applicable Federal waiver review criteria, including the principle of budget neutrality. It also sets a target completion date of 120 days after the filing of a complete waiver application for an agency decision. These provisions apply "only to statutory or regulatory requirements that are discretionary and subject to waiver by the agency" (Sec. 6(d)).

11. How should agencies document compliance with the Order?

President Obama's November 5, 2009 Memorandum requires all agencies to create a detailed plan of action that documents steps the agency will take to implement the policies and directives of E.O. 13175. On August 2, 2010, and annually thereafter, agencies are required to submit to the Director of OMB a progress report on the status of each action included in its plan as well as any proposed updates to its plan. Each agency should submit these plans and reports to the OIRA Records Management Center (see question 13 below).

The Assistant to the President for Domestic Policy and the Director of OMB will review agency plans and subsequent reports for consistency with the policies and directives of E.O. 13175. By November 5, 2010, the Director of OMB, in coordination with the Assistant to the President for Domestic Policy, will submit to the President a report on the implementation of E.O. 13175 across the executive branch based on the review of agency plans and progress reports. Recommendations for improving the plans and making the tribal consultation process more effective should be included in this report when applicable.

In addition, under the Unfunded Mandates Reform Act (UMRA), Section 208, OMB must publish an annual report on agency compliance with the requirements of Title II, including agency compliance with Section 204, "State, Local, and Tribal Government Input." Each year, OMB will request a summary of your progress in implementing the requirements of the Order as part of your description of your UMRA Section 204 consultations for the previous year.

12. Whom should we contact when we have questions concerning E.O. 13175?

For agency questions about the Order or this Memorandum, please contact your OIRA desk officer.

13. How should an agency submit documentation to OMB?

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and Tribal Governments, President Clinton's Memorandum to the Director of the Office of Management and Budget (August 25, 1995), 60 Fed. Reg. 45039 (August 29, 1995).

Please submit documentation to the OIRA Records Management Center via email (OIRA_Submission@omb.eop.gov). Please include "EO 13175" in the subject line. If email is not possible, call 202-395-6880 to make alternate arrangements.

Professional Qualifications Standards

The following requirements are those used by the National Park Service, and have been previously published in the Code of Federal Regulations, 36 CFR Part 61. The qualifications define minimum education and experience required to perform identification, evaluation, registration, and treatment activities. In some cases, additional areas or levels of expertise may be needed, depending on the complexity of the task and the nature of the historic properties involved. In the following definitions, a year of full-time professional experience need not consist of a continuous year of full-time work but may be made up of discontinuous periods of full-time or part-time work adding up to the equivalent of a year of full-time experience.

History
The minimum professional qualifications in history are a graduate degree in history or closely related field; or a bachelor's degree in history or closely related field plus one of the following:

1. At least two years of full-time experience in research, writing, teaching, interpretation, or other demonstrable professional activity with an academic institution, historic organization or agency, museum, or other professional institution; or
2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

Archeology
The minimum professional qualifications in archeology are a graduate degree in archeology, anthropology, or closely related field plus:

1. At least one year of full-time professional experience or equivalent specialized training in archeological research, administration or management;
2. At least four months of supervised field and analytic experience in general North American archeology, and
3. Demonstrated ability to carry research to completion.

In addition to these minimum qualifications, a professional in prehistoric archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the prehistoric period. A professional in historic archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the historic period.

Architectural History
The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or closely related field, with coursework in American architectural history, or a bachelor's degree in architectural history, art history, historic preservation or closely related field plus one of the following:

1. At least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or
2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

Architecture
The minimum professional qualifications in architecture are a professional degree in architecture plus at least two years of full-time experience in architecture; or a State license to practice architecture.

Historic Architecture
The minimum professional qualifications in historic architecture are a professional degree in architecture or a State license to practice architecture, plus one of the following:

1. At least one year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field; or
2. At least one year of full-time professional experience on historic preservation projects.

Such graduate study or experience shall include detailed investigations of historic structures, preparation of historic structures research reports, and preparation of plans and specifications for preservation projects.

Department of Veterans Affairs
Washington, DC 20420

VA HANDBOOK 7545
Transmittal Sheet
December 5, 2011

CULTURAL RESOURCE MANAGEMENT PROCEDURES

1. REASON FOR ISSUE. This Department of Veterans Affairs (VA) Handbook provides for compliance with historic preservation and other cultural resource management legal requirements in the conduct of VA projects and programs. It provides guidance in implementing the policies contained in VA Directive 7545.

2. SUMMARY OF CONTENTS. This Handbook discusses requirements of cultural resource legal authorities outlined in VA Directive 7545, and elaborates on assignment of responsibilities.

3. RELATED ISSUES. Refer to VA Directive 0057, VA Environmental Management Program, and VA Directive 8603, Consultation and Visitation with American Indian and Alaskan Natives.

4. RESPONSIBLE OFFICE. The Office of Acquisition, Logistics, and Construction, Office of Construction and Facilities Management (CFM), is responsible for the contents of this Handbook.

5. RESCISSIONS. VA Handbook 7545, Cultural Resource Management Procedures, dated March 27, 1996.

CERTIFIED BY:

/s/
Roger W. Baker
Assistant Secretary for
Information and Technology

BY DIRECTION OF THE SECRETARY OF VETERANS AFFAIRS

/s/
Glenn D. Haggstrom
Executive Director, Office of
Acquisition, Logistics, and
Construction

Distribution: Electronic Only

CULTURAL RESOURCE MANAGEMENT
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CULTURAL RESOURCE MANAGEMENT PROCEDURES

1. Purpose. This Department of Veterans Affairs (VA) Handbook provides direction and guidance for compliance with historic preservation and other cultural resource management legal requirements in the conduct of VA projects and programs. It provides guidance in implementing the policies contained in VA Directive 7545.

2. Scope/Overview

a. Introduction. Over the years, and particularly since the 1960s, Congress has enacted laws requiring Federal agencies to consider the impact of proposed actions on the human environment, including its cultural aspects. Based on these laws, regulations have been issued, executive orders have been promulgated, and guidelines, standards, and procedures have been published. Some laws impose specific responsibilities on agencies, such as the VA, while other laws are more general and less directive, but all of these laws have the same overall purpose: to ensure that Federal agencies do not unnecessarily damage the human environment, or encourage others to do damage.

b. Legal Requirements. Following are the major legal provisions that structure VA's (and every other Federal agency's) management of project impact on the cultural aspects of the human environment, as of 2010:

(1) National Environmental Policy Act (NEPA) sets forth broad government policy to preserve and manage the human environment, including the natural and built environments and the relationships of people to these environments. VA's general procedures for NEPA compliance are at 38 CFR 26. Among the aspects of the human environment that must be considered when complying with NEPA are "historic and cultural resources" (40 CFR 1508.27(b)(3), (b)(8)).

(2) National Historic Preservation Act (NHPA) has several sections directly relevant to VA:

(a) Section 106 requires that Federal agencies "take into account" the effects of their proposed actions on any "district, site, building, structure, or object" that is included in or eligible for the National Register of Historic Places – a list maintained by the National Park Service. Compliance with Section 106 and its implementing regulations (36 CFR 800) is a responsibility borne by all VA decision makers, with guidance by and assistance from the Historic Preservation Office (HPO) in the Office of Construction and Facilities Management (CFM).

(b) Section 110 contains many subsections that collectively require a Federal agency to identify historic places under its control or jurisdiction, manage such places in responsible ways, try to use such places to fulfill agency needs, and consult with interested parties about how to maintain such places. It requires that agencies give

preference to using historic buildings and structures to meet their facility needs, with special attention focused on resolving adverse effects on National Historic Landmarks – a special class of properties found by the Secretary of the Interior to be significant in the interpretation and commemoration of the Nation's history. VA manages a number of National Historic Landmarks.

(c) Section 111 requires agencies to seek alternative adaptive uses for historic places they control but do not need for agency purposes, such as old buildings on a VA facility that are no longer needed for VA purposes. When VA authorizes leases and management agreements with other parties to facilitate alternative uses, the law permits retention of proceeds from any such leases or agreements to defray the costs of preservation.

(d) Archaeological Resources Protection Act (ARPA) requires that agencies responsibly manage archaeological resources, ancient and historic sites, and artifacts under their jurisdiction, and permit excavation only under controlled conditions by qualified people.

(e) Archaeological and Historic Preservation Act (AHPA) [1] requires agencies to recover and protect archaeological, historical, and scientific data that may be disturbed by their activities.

(f) Native American Graves Protection and Repatriation Act (NAGPRA) requires agencies to be careful about ancestral Native American graves, cultural items, and sacred objects, and to repatriate ancestral remains and objects to culturally affiliated tribes.

(g) American Indian Religious Freedom Act (AIRFRA) requires that agencies not infringe on the rights of Indian tribes to exercise their religions, which often involve the use of special places, plants, animals, and minerals on Federal land.

(h) Religious Freedom Restoration Act (RFRA) prohibits agencies from substantially impacting the practice of religion – such as using federally controlled land for a ceremony – unless there is a compelling reason to do so.

(i) Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, requires that agencies avoid imposing disproportionate adverse environmental impacts on low-income populations and minority communities, including impacts on cultural environments.

(j) Executive Order 13006, Locating Federal Facilities on Historic Properties in Our Nation's Central Cities, requires agencies to give priority to the use of historic buildings and structures in historic districts in central business areas to meet space needs and conduct agency missions.

[1] Also called the Archaeological Data Preservation Act (ADPA)

(k) Executive Order 13007, Indian Sacred Sites, requires agencies to try to avoid adversely affecting Indian tribal "sacred sites" located on Federal land and tribal access to such sites.

(l) Executive Order 13287, Preserve America, underscores many of the requirements of NHPA Sections 110 and 111 regarding identification, management, use, and reuse of historic properties. It also requires that all agencies periodically report on progress in meeting responsibilities under NHPA.

3. Definitions

a. Ancestral remains. Ancestral remains are the physical remains, including, but not limited to, bones of deceased human beings, including, but not limited to, those that must be given special consideration under NAGPRA.

b. Community identity. A human community's sense of itself typically expressed in and reinforced by social institutions, beliefs, forms of expression, arts, crafts, means of subsistence, and patterns of interaction. Community identity is an aspect of the human environment that must be addressed in analyses under NEPA, and at times under other cultural resource legal authorities.

c. Cultural item. Cultural items, as defined at Section 2(3) of NAGPRA with regard to Native Americans, include ancestral human remains, associated and unassociated funerary objects, sacred objects, and objects of cultural patrimony. Communities that are not of Native American ancestry may also have cultural items, and concerns about such items should be respected, though such communities do not have special rights under NAGPRA.

d. Cultural resource. Cultural resource, as used here, includes all aspects of the human environment that have historical, architectural, archaeological, or cultural significance, including, but not limited to, historic properties, archaeological resources and data, Native American ancestral remains and cultural items, religious places and practices, historical objects and artifacts, historical documents, and community identity.

e. Historical document. Historical documents are documents preserved in any medium (e.g., paper, film, and electronic media) that may be of historical, archaeological, or cultural value, or that must be maintained by VA in accordance with the requirements of the Federal Records Act (FRA). This will be determined by the records management office.

f. Historical object or artifact. Historical objects or artifacts are portable and semi-portable objects that may have historical, archaeological, or cultural value, including, but not limited to, portable archaeological artifacts that must be cared for in accordance with ARPA.

g. Historic property. A historic property is any district, site, building, structure, or object included in or eligible for the National Register of Historic Places, and hence entitled to consideration under NHPA.

h. Native American. Native Americans are individuals, tribes, and organizations that have special rights under NAGPRA, as Indian tribes and/or Native Hawaiian organizations under NHPA, under AIRFA, or under any other provision of Federal law relating to Indian tribes and/or Native Hawaiian organizations.

i. Religious place. A religious place is a location where a group of people practice their beliefs. It may be a building or structure (e.g., a church, synagogue, mosque, or temple), a rural area, an urban location, or a natural place. Impacts on religious places must be considered under RFRA and sometimes under AIRFA.

j. Religious practice. A religious practice is any activity carried out by a group of people expressing its religious beliefs; impacts on such practices must be considered under RFRA and sometimes AIRFA.

4. Responsibilities

a. General. VA is responsible for complying with Federal cultural resource legal requirements. VA must ensure that its employees are equipped to do so through their training, and guidance. The appropriate Deputy Under Secretary, Veterans Integrated Service Networks (VISN), Memorial Service Networks (MSN), Regional Offices, and Staff Offices should have systems in place to ensure that personnel carry out cultural resource responsibilities successfully. Medical centers and national cemeteries should have staff adequate to coordinate and fulfill these responsibilities, with training provided as needed.

b. Executive Director, Office of Acquisition, Logistics, and Construction (OALC). The Executive Director, OALC, maintains the Historic Preservation Office (HPO) within the Office of Construction and Facilities Management (CFM), Strategic Management Office (SMO). HPO oversees and coordinates VA's compliance with cultural resource management legal requirements, including, but not limited to, those relating strictly to historic preservation. HPO issues guidance regarding such requirements, provides training, and consults with other VA offices to assist in meeting VA's cultural resource management responsibilities.

c. Under Secretary for Health (USH), Veterans Health Administration (VHA). USH carries out cultural resource management responsibilities primarily in connection with the construction, management, maintenance, and disposal of medical centers and other facilities.

(1) VISN Directors. VISN directors ensure that actions planned and carried out by facilities and programs under each VISN's oversight are in compliance with cultural resource management legal requirements. Each VISN Director designates a cultural resource management officer (CRMO), either through collateral duty or contractors, with

appropriate training and authority to oversee and advise on cultural resource activities on a day-to-day basis. Appropriate resources should be made available to ensure that the CRMO is able to function in this capacity.

(2) Medical Center Directors. Medical center directors are responsible for ensuring that facility personnel whose activities may affect cultural resources, such as architects, engineers, maintenance personnel, and groundskeepers, are aware of cultural resource legal requirements and are prepared to implement them. Directors of large facilities, facilities with older buildings or structures, and facilities with known or suspected historical or cultural associations are well advised to appoint a staff cultural resource manager and ensure that he or she obtains appropriate training in CRMO. Appropriate resources should be made available to ensure that the manager is able to function in this capacity.

(3) Capital Asset Managers. Capital asset managers are responsible for ensuring that agreements reached and commitments made regarding cultural resources during project planning are properly implemented; for addressing cultural resource legal requirements in their own planning activities; and for managing impact on cultural resources that are discovered during project implementation and routine management. Ensure that the Capital Asset Inventory (CAI) is updated at least annually with regards to historic preservation issues. Consult HPO for detailed guidance.

(4) Project Managers. Project managers are responsible for ensuring that potential project impacts on cultural resources are identified and addressed as early as possible in planning and in accordance with applicable regulations. Consult HPO for detailed guidance.

d. Under Secretary for Memorial Affairs, National Cemetery Administration (NCA). NCA manages cemeteries that are themselves important cultural resources for Veterans and their families and in many cases for the whole Nation. NCA carries out cultural resource management responsibilities in managing, maintaining, and expanding cemeteries and other facilities.

(1) Office of Finance and Planning. The Office of Finance and Planning ensures that the CAI is updated with regards to historic preservation issues identified and submitted to them by the History Program, MSNs, or through Facility Condition Assessments.

(2) Memorial Programs Service (MPS) Managers. MPS managers are responsible for ensuring that potential project impacts on cultural resources are identified and addressed as early as possible in planning any memorial project, in accordance with applicable regulations. Consult HPO for detailed guidance

(3) History Program. The History Program undertakes work supporting NRHP Section 110 identification such as assisting the Office of Finance and Planning with CAI data about historic resources. It also maintains in its collection the records, studies and historic documentation necessary to develop appropriate historic preservation projects and accurate NHPA Section 106 consultation. When NCA/VA initiates a project potentially impacting historic resources, managers shall include NCA history staff early in the planning process. NCA historians meet the professional qualifications established by the Secretary of the Interior for architectural history or related fields.

(4) MSN. MSN directors ensure that actions planned and carried out under each MSN's oversight are in compliance with cultural resource management legal requirements. In consultation with HPO, each MSN director designates a CRMO with appropriate training and authority to oversee and advise about cultural resource activities on a day-to-day basis. Ensure that the CAI updates are submitted to the Office of Finance and Planning at least annually with regards to historic preservation issues.

(5) National Cemetery Directors. National cemetery directors are responsible for ensuring that contractors and personnel whose activities may affect cultural resources, such as architects, engineers, maintenance personnel, and groundskeepers, are aware of cultural resource legal requirements and are prepared to implement them. Directors of large cemeteries, facilities with older buildings, structures or designed landscapes, and facilities with known or suspected historical or cultural associations are encouraged to appoint a staff CRMO and ensure that that person obtains appropriate training in cultural resource management. Appropriate resources should be made available to ensure that the manager is able to function in this capacity.

(6) Office of Construction Management. Director of the Office of Construction Management is responsible for ensuring that specifications for the restoration or repair of an identified cultural resource and all related projects carried out under the Director's guidance are in compliance with cultural resource management legal requirements.

e. Under Secretary for Benefits, Veterans Benefits Administration (VBA). VBA carries out cultural resource management responsibilities when planning, constructing, and maintaining its facilities, which may represent cultural resources or affect such resources.

(1) Director, Office of Facilities, Access, and Administration (OFAA). The Director, OFAA, ensures that construction and other activities carried out under OFAA's oversight are in compliance with cultural resource management legal requirements. Ensure that the CAI is updated at least annually with regards to historic preservation issues. Consult HPO for detailed guidance.

(2) Director, Vocational Rehabilitation and Employment Service (VRES). In consultation with HPO, the Director, VRES will seek opportunities to assist Veterans,

including disabled Veterans, in finding employment in the management of cultural resources.

(3) Director, Loan Guarantee Service (LGS). In consultation with HPO, the Director, LGS, considers the programmatic impacts of loan guarantees on cultural resources in compliance with applicable laws and regulations.

(4) Regional Office Directors. Regional office directors will consult and coordinate with HPO regarding any historic preservation related issues at the regional level.

f. Assistant Secretary for Human Resources and Administration (HRA). In consultation with HPO, the Assistant Secretary, HRA, ensures that the national policies outlined in Appendix B-1 hereof are appropriately reflected in the performance standards of personnel with responsibilities assigned by or pursuant to VA Directive 7545 and this Handbook.

5. PROCEDURES. This section provides general information and direction about how VA Directive 7545 is to be implemented.

a. Timely, Efficient, Beneficial Compliance with Laws.

(1) Ensure that all cultural resource legal requirements are met in a timely and efficient manner that benefits both Veterans and the human environment.

(2) HPO issues guidance on how to meet cultural resource responsibilities in timely and efficient ways, and assists VA personnel in meeting these responsibilities.

(3) VISNs, MSNs, regional offices, medical centers, national cemeteries, and other VA facilities and offices must ensure that:

(a) Staff responsible for project planning and facilities management receive training and appropriate support in implementing cultural resource requirements;

(b) Contracts or other arrangements are in place to ensure the availability of consultants qualified to assist VA in meeting such requirements;

(c) Compliance with cultural resource legal requirements begins early in planning any action involving land acquisition, land disposal, construction, or other changes to VA facilities or to facilities receiving VA financial assistance, and is completed prior to finalizing decisions regarding such actions; and

(d) Compliance with cultural resource requirements is carried out in consultation with interested parties both within and outside VA and is transparent to the interested public, with special consideration for Indian tribes, low-income groups, minority populations, and the disabled.

b. Management and Development Plans

(1) Cultural resources must be considered by the CRMO and project manager or other responsible entity in developing and implementing any master plans or specific project plans for lands under VA control, including, but not limited to, medical centers, national cemeteries, regional offices, and staff offices.

(2) Any new management or development plan should address the following questions with respect to each alternative considered:

(a) Is this alternative likely to affect historic properties as defined by the NHPA;

(b) Is this alternative likely to affect archaeological resources as defined by the Archaeological Resources Protection Act, or archaeological/historical/scientific data that must be considered under the Archaeological and Historic Preservation Act, or Native American cultural items as defined by NAGPRA;

(c) Is this alternative likely to affect religious or other cultural uses of land, buildings, or other resources by Native Americans or other communities, and hence possibly require special consideration under AIRFA and/or RFRA;

(d) Is this alternative likely to affect historical artifacts or documents, including, but not limited to, documents managed in accordance with FRA;

(e) Is this alternative likely to affect the interests of neighbors, Veterans' groups, Indian tribes, or other parties in the character, cohesion, or integrity of their communities, ways of life, or surroundings; and

(f) Does this alternative offer any opportunities to preserve or otherwise manage cultural resources that are important to Veterans, or to involve Veterans in the management of such resources in meaningful and productive ways.

(3) The analysis underlying the management or development plan should document the basis for each response, and should discuss whether projected effects are likely to be positive, negative, or neutral.

(4) Where there is the potential for effects on any of the above cultural resource types, the plan should strive to maximize positive effects to the extent that doing so does not greatly impede the delivery of services to Veterans. Plans should seek ways to harmonize the management of cultural resources with the delivery of services, to benefit both Veterans and the overall human environment.

(5) Compliance with specific cultural resource laws, including, but not limited to, Sections 106, 110, and 111 of NHPA and Section 3 of NAGPRA as applicable, must be undertaken during the preparation of management and development plans.

c. Compliance with the National Environmental Policy Act (NEPA)

(1) Direct, indirect, and cumulative impacts on cultural resources of all kinds must be addressed when considering the environmental impacts of VA activities under NEPA, beginning at the earliest possible point in planning any VA action. Impacts on cultural resources may constitute extraordinary circumstances requiring special review of actions that would otherwise be categorically excluded from extensive NEPA review. Impacts on cultural resources may be, but are not necessarily, significant enough impacts on the quality of the human environment to require preparation of environmental impact statements under NEPA.

(2) When an initial environmental review is done on a proposed VA project, impacts on cultural resources must be among the circumstances considered in judging whether a categorical exclusion (CATEX), environmental assessment (EA), or environmental impact statement (EIS) must be prepared. Adverse effects on cultural resources are not necessarily sufficient to require preparation of an EA or EIS, but may be sufficient depending on the severity of the effects, the character and number of resources involved, the level and kind of public concern about the resources or effects, and similar factors. In preparing an initial environmental review, potential impacts must be considered on both previously known and unknown cultural resources. Compliance with Section 106 of NHPA and Section 3 of NAGPRA must be undertaken in coordination with the review.

(3) When an EA is prepared on a VA project under NEPA, impacts on cultural resources must be among the factors analyzed in determining whether the project will significantly affect the quality of the human environment, and hence require preparation of an EIS. Compliance with Section 106 of NHPA and Section 3 of NAGPRA must be coordinated with preparation of the EA. Impacts on cultural resources are not necessarily sufficient to require preparation of an EIS, but any finding of no significant impact (FONSI) prepared under NEPA must reflect the results of review under Section 106 of NHPA, Section 3 of NAGPRA, and other cultural resource legal requirements to the extent that they apply, and should explain why any effects identified on cultural resources are not sufficiently significant to require preparation of an EIS.

(4) When an EIS is prepared, impacts on cultural resources must be considered, and compliance with all pertinent cultural resource legal requirements must be documented in the final EIS and/or record of decision (ROD) prepared in accordance with NEPA requirements.

(5) Conformance with National Policies. The impacts of proposed actions on cultural resources will be considered in planning and decision making at all levels within VA, with reference to the national policies outlined in Section 101 of NEPA, Sections 1 and 2 of NHPA, and other cultural resource-related laws and executive orders listed in Appendix A-1 hereof.

(6) All VA personnel with responsibilities assigned by or pursuant to VA Directive 7545 must be familiar with the policies established by the cultural laws and executive orders listed in Appendix A-1 of the Directive (reproduced as Appendix A-1 to this Handbook, with their policy sections recited in Appendix B-1 to this Handbook), and must ensure that subordinate personnel and contractors assisting in carrying out such responsibilities are aware of the policies and their implications and receive training in the conduct of such responsibilities.

(7) The Assistant Secretary for HRA will ensure that the national policies outlined in Appendix B-1 hereof are appropriately reflected in the performance standards of personnel with responsibilities assigned by or pursuant to VA Directive 7545.

d. Consultation and Transparency. VA officials responsible for compliance with NEPA, NHPA, and other cultural resource legal requirements will ensure that other government agencies, organizations, and members of the public who may be concerned about impacts on cultural resources are fully and fairly consulted during compliance with such requirements, beginning early in planning for any VA action.

(1) Each Medical Center Director, National Cemetery Director, Regional Office Director, or other VA official responsible for managing a specific VA facility should develop and regularly update lists of individuals, organizations, Indian tribes or Native Hawaiian groups, institutions and agencies with stated, known, or likely interests in the cultural resources of the facility and its surroundings. Those on the list should be routinely advised of VA plans, programs, and activities that have the potential to affect cultural resources, and given opportunities to advise VA of their concerns and interests, if any.

(2) VA personnel and contractors responsible for facilities management, planning, and environmental impact assessment should contact parties with possible concerns about how cultural resources may be affected by VA projects and activities early in planning any activity, and give them every reasonable opportunity to make their views known.

(3) If people have concerns about the implications of a proposed VA action for cultural resources, they should be consulted early and often as VA carries out its responsibilities under the cultural resource legal authorities. Consultation should be an honest exchange of views aimed at reaching agreed-upon resolutions, although it must be understood that agreement will not always be reached, and in the end VA may have to make decisions that do not satisfy all consulting parties.

(4) Special efforts must be made, where applicable, to consult on a government-to-government basis with Indian tribal governments and to accommodate the needs of, and constraints imposed upon, low-income and minority communities.

(5) Responsible VA personnel and contractors should obtain training in consultation, negotiation, and other forms of dispute resolution to assist them in carrying out VA's responsibilities.

6. External Consultation and Coordination. The CRMO or project manager is responsible for external consultants early in the planning process.

a. State Historic Preservation Officers (SHPO) and Tribal Historic Preservation Officers (THPO) must be consulted about possible project impacts on historic properties. Note, however, that SHPOs and THPOs are not responsible for enforcing the cultural resource laws, or for making decisions that such laws assign to Federal agencies.

b. Indian tribes and Native Hawaiian groups play special roles in project review under Section 106 of NHPA, and have special rights under NAGPRA and other laws. Tribes may also have specific and general treaty rights that can affect a VA project or facility. See VA Directive 8603 for detailed direction on government-to-government consultation.

c. Local governments must be consulted under Section 106 of NHPA about VA projects that may have effects within their jurisdiction.

d. Veterans' groups, neighborhood organizations, environmental and historical groups, and other citizens have specific rights under some of the cultural resource laws, and often have concerns with VA projects and their effects on the cultural environment.

e. The public may be deeply interested in how cultural resources are managed and how agencies like VA deal with them in planning and managing agency programs. The various regulations provide different ways for public involvement in decision making. The public needs to be informed of VA plans and programs, and given all reasonable opportunities to participate in VA decision making regarding actions that may affect cultural resources.

f. ACHP must be invited to participate in the review of actions under Section 106 of NHPA adversely affecting historic properties under VA jurisdiction or control, or when VA proposes to prepare a Programmatic Agreement under the regulations implementing Section 106 of NHPA. VA and other parties (e.g., an SHPO or THPO) may invite the ACHP to participate under other circumstances.

g. The National Park Service (NPS) must be invited to consult during the review of VA actions adversely affecting National Historic Landmarks.

CULTURAL RESOURCE LEGAL AUTHORITIES

1. FEDERAL LAWS

a. American Indian Religious Freedom Act (AIRFA). Established as U.S. policy to respect the inherent right of American Indians, Alaska Natives, and Native Hawaiians to practice their traditional religions. AIRFA has been interpreted by the courts to require Federal agencies to consult with Indian tribes and other Native Americans about agency actions that may affect religious practices and places and sacred objects used in religious practices.

b. Archaeological and Historic Preservation Act (AHPA). Also called the Archaeological Data Preservation Act (ADPA), this law requires Federal agencies to recover archaeological, historical, and scientific data that may be threatened by construction projects and other related actions they undertake, assist, or license.

c. Archaeological Resources Protection Act (ARPA). This law prohibits the excavation or removal of archaeological resources from Federal and Indian tribal land without a permit issued by the responsible land management agency in accordance with regulations issued jointly by the Departments of Agriculture, Defense, and Interior, and the Tennessee Valley Authority.

d. Federal Records Act (FRA). This law and its extensive regulations require Federal agencies to manage documents and other records under their jurisdiction and control in accordance with procedures approved by the National Archives and Records Administration (NARA) that are designed to preserve the historical value of such records.

e. National Environmental Policy Act (NEPA). This law articulates U.S. government policy favoring protection and responsible use of the human environment (see Appendix B-1). Together with regulations (i.e., 40 CFR 1500-1508) issued by the Council on Environmental Quality (CEQ), NEPA requires Federal agencies to consider the environmental impacts of actions they propose to undertake, assist, or license. VA NEPA procedures can be found at 38 CFR 26.

f. National Historic Preservation Act (NHPA). Establishes government-wide policy favoring responsible use of historic properties (see Appendix B-1) – places included in or eligible for the National Register of Historic Places – and creating a national historic preservation program. The following sections provide specific direction relevant to VA:

(1) Section 106: Requires agencies to consider the effects of actions they propose to undertake, assist, or license on historic properties. Implementing regulations (i.e., 36 CFR 800) by the Advisory Council on Historic Preservation (ACHP) outline how agencies are to consult with State and Tribal Historic Preservation Officers and other interested parties, identify historic properties, and resolve adverse effects.

(2) Section 110: Requires agencies to identify and manage historic properties under their jurisdiction and control, encourage the preservation of non-federally owned historic properties, discourage the anticipatory destruction of historic properties, document historic properties that must be destroyed or damaged, maintain historic preservation offices, respond to comments by ACHP, and consult with preservation authorities, Indian tribes, and others in carrying out their historic preservation activities. Authorizes inclusion of historic preservation costs as eligible project costs of Federal and federally assisted projects.

(3) Section 111: Requires agencies to seek adaptive uses of historic properties under their jurisdiction or control that can no longer be used for agency purposes. Authorizes leases as means of effecting adaptive use, and authorizes agencies to retain proceeds from such transactions to support preservation activities.

(4) Section 112: Requires agencies to use qualified personnel to carry out historic preservation work, and maintain records of such work in perpetuity.

g. Native American Graves Protection and Repatriation Act (NAGPRA). Requires Federal agencies and museums receiving Federal assistance to identify Native American cultural items (Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony) under their control, and repatriate such items to culturally affiliated tribes having the right to receive them. Also requires work stoppage and various forms of coordination and documentation when such items are unearthed on Federal or Indian tribal lands. Regulations issued by the National Park Service (NPS) (43 CFR 10) require that anyone, including Federal agencies, whose actions may disturb such items on Federal or Indian tribal lands must consult with culturally affiliated tribes and develop and implement plans of action.

h. Religious Freedom Restoration Act (RFRA). Prohibits Federal agencies from substantially burdening any person's practice of religion, unless doing so is required to meet a compelling government interest and the means of doing so is the least restrictive means of meeting that interest.

2. EXECUTIVE ORDERS

a. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. Requires that agencies avoid having disproportionate adverse environmental impacts on low-income populations and

minority communities; impacts may include effects on the cultural environments of such populations and communities.

b. 13006, Locating Federal Facilities on Historic Properties in Our Nation's Central Cities. Requires that in meeting their needs for space in which to conduct their missions, agencies give priority to the use of historic buildings and structures in historic districts within central business areas.

c. 13007, Indian Sacred Sites. Requires that agencies seek to avoid adverse effect on Indian tribal sacred sites located on Federal or tribal land, and on tribal access to such sites.

d. 13287, Preserve America. Underscores many of the requirements of NHPA Sections 110 and 111 regarding identification, management, use, and re-use of historic properties, and requires that agencies report periodically on progress in meeting NHPA compliance.

3. GOVERNMENT-WIDE REGULATIONS

a. 36 CFR 79, Curation of Federally-Owned and Administered Archaeological Collections. Regulations issued by NPS pursuant to ARPA, NHPA, and other authorities, governing how archaeological collections are to be maintained.

b. 36 CFR 800, Protection of Historic Properties. Regulations issued by ACHP governing implementation of Section 106 of NHPA.

c. 36 CFR 1220 et. seq., Federal Records; General. Regulations issued by NARA governing implementation of FRA.

d. 40 CFR 1500-1508, Council on Environmental Quality. Regulations issued by CEQ governing implementation of NEPA.

e. 43 CFR 10, Native American Graves Protection and Repatriation Act Regulations. Regulations issued by NPS governing implementation of NAGPRA.

U.S. GOVERNMENT CULTURAL RESOURCE MANAGEMENT POLICIES

Congress has established that it is the policy of the U.S. Government to:

a. Create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans (NEPA Sec. 101(a));

b. Serve as the trustee of the environment for succeeding generations (NEPA Sec. 101(b)(1));

c. Assure for all Americans aesthetically and culturally pleasing surroundings (NEPA Sec. 101(b)(2));

d. Preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment that supports diversity, and variety of individual choice (NEPA Sec. 101(b)(4));

e. Utilize a systematic, interdisciplinary approach that will ensure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making that may have an impact on man's environment (NEPA Sec. 102(a)(1)(A));

f. Ensure that presently unquantified environmental amenities and values may be given appropriate consideration in decision making along with economic and technical considerations (NEPA Sec. 102(a)(1)(B));

g. Use measures, including financial and technical assistance, to foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations (NHPA Sec. 2(1));

h. Provide leadership in the preservation of the prehistoric and historic resources of the United States and of the international community of nations and in the administration of the national preservation program in partnership with states, Indian tribes, Native Hawaiians, and local governments (NHPA Sec. 2(2));

i. Administer federally owned, administered, or controlled prehistoric and historic resources in a spirit of stewardship for the inspiration and benefit of present and future generations (NHPA Sec. 2(3));

j. Contribute to the preservation of non-federally owned prehistoric and historic resources and give maximum encouragement to organizations and individuals undertaking preservation by private means (NHPA Sec. 2(4));

k. Encourage the public and private preservation and utilization of all usable elements of the Nation's historic built environment (NHPA Sec. 2(5));

l. Assist state and local governments, Indian tribes and Native Hawaiian organizations, and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities (NHPA Sec. 2(6));

m. Do all the above in cooperation with other nations and in partnership with states, local governments, Indian tribes, and private organizations and individuals (NHPA Sec. 2);

n. Protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including but not limited to, access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites (AIRFA);

o. Not substantially burden religious exercise without compelling justification (RFRA Sec. 1(a)(3)); and

p. Secure for the present and future benefit of the American people, the protection of archaeological resources and sites that are on public lands and Indian lands (ARPA Sec. 2(4)(b)).

Department of Veterans Affairs
Washington, DC 20420

VA HANDBOOK 7545
Transmittal Sheet
December 5, 2011

CULTURAL RESOURCE MANAGEMENT PROCEDURES

1. REASON FOR ISSUE. This Department of Veterans Affairs (VA) Handbook provides for compliance with historic preservation and other cultural resource management legal requirements in the conduct of VA projects and programs. It provides guidance in implementing the policies contained in VA Directive 7545.

2. SUMMARY OF CONTENTS. This Handbook discusses requirements of cultural resource legal authorities outlined in VA Directive 7545, and elaborates on assignment of responsibilities.

3. RELATED ISSUES. Refer to VA Directive 0057, VA Environmental Management Program, and VA Directive 8603, Consultation and Visitation with American Indian and Alaskan Natives.

4. RESPONSIBLE OFFICE. The Office of Acquisition, Logistics, and Construction, Office of Construction and Facilities Management (CFM), is responsible for the contents of this Handbook.

5. RESCISSIONS. VA Handbook 7545, Cultural Resource Management Procedures, dated March 27, 1996.

CERTIFIED BY:

/s/
Roger W. Baker
Assistant Secretary for
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BY DIRECTION OF THE SECRETARY OF VETERANS AFFAIRS

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Distribution: Electronic Only

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CULTURAL RESOURCE MANAGEMENT PROCEDURES

1. Purpose. This Department of Veterans Affairs (VA) Handbook provides direction and guidance for compliance with historic preservation and other cultural resource management legal requirements in the conduct of VA projects and programs. It provides guidance in implementing the policies contained in VA Directive 7545.

2. Scope/Overview

a. Introduction. Over the years, and particularly since the 1960s, Congress has enacted laws requiring Federal agencies to consider the impact of proposed actions on the human environment, including its cultural aspects. Based on these laws, regulations have been issued, executive orders have been promulgated, and guidelines, standards, and procedures have been published. Some laws impose specific responsibilities on agencies, such as the VA, while other laws are more general and less directive, but all of these laws have the same overall purpose: to ensure that Federal agencies do not unnecessarily damage the human environment, or encourage others to do damage.

b. Legal Requirements. Following are the major legal provisions that structure VA's (and every other Federal agency's) management of project impact on the cultural aspects of the human environment, as of 2010:

(1) National Environmental Policy Act (NEPA) sets forth broad government policy to preserve and manage the human environment, including the natural and built environments and the relationships of people to these environments. VA's general procedures for NEPA compliance are at 38 CFR 26. Among the aspects of the human environment that must be considered when complying with NEPA are "historic and cultural resources" (40 CFR 1508.27(b)(3), (b)(8)).

(2) National Historic Preservation Act (NHPA) has several sections directly relevant to VA:

(a) Section 106 requires that Federal agencies "take into account" the effects of their proposed actions on any "district, site, building, structure, or object" that is included in or eligible for the National Register of Historic Places – a list maintained by the National Park Service. Compliance with Section 106 and its implementing regulations (36 CFR 800) is a responsibility borne by all VA decision makers, with guidance by and assistance from the Historic Preservation Office (HPO) in the Office of Construction and Facilities Management (CFM).

(b) Section 110 contains many subsections that collectively require a Federal agency to identify historic places under its control or jurisdiction, manage such places in responsible ways, try to use such places to fulfill agency needs, and consult with interested parties about how to maintain such places. It requires that agencies give

preference to using historic buildings and structures to meet their facility needs, with special attention focused on resolving adverse effects on National Historic Landmarks – a special class of properties found by the Secretary of the Interior to be significant in the interpretation and commemoration of the Nation's history. VA manages a number of National Historic Landmarks.

(c) Section 111 requires agencies to seek alternative adaptive uses for historic places they control but do not need for agency purposes, such as old buildings on a VA facility that are no longer needed for VA purposes. When VA authorizes leases and management agreements with other parties to facilitate alternative uses, the law permits retention of proceeds from any such leases or agreements to defray the costs of preservation.

(d) Archaeological Resources Protection Act (ARPA) requires that agencies responsibly manage archaeological resources, ancient and historic sites, and artifacts under their jurisdiction, and permit excavation only under controlled conditions by qualified people.

(e) Archaeological and Historic Preservation Act (AHPA) [1] requires agencies to recover and protect archaeological, historical, and scientific data that may be disturbed by their activities.

(f) Native American Graves Protection and Repatriation Act (NAGPRA) requires agencies to be careful about ancestral Native American graves, cultural items, and sacred objects, and to repatriate ancestral remains and objects to culturally affiliated tribes.

(g) American Indian Religious Freedom Act (AIRFRA) requires that agencies not infringe on the rights of Indian tribes to exercise their religions, which often involve the use of special places, plants, animals, and minerals on Federal land.

(h) Religious Freedom Restoration Act (RFRA) prohibits agencies from substantially impacting the practice of religion – such as using federally controlled land for a ceremony – unless there is a compelling reason to do so.

(i) Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, requires that agencies avoid imposing disproportionate adverse environmental impacts on low-income populations and minority communities, including impacts on cultural environments.

(j) Executive Order 13006, Locating Federal Facilities on Historic Properties in Our Nation's Central Cities, requires agencies to give priority to the use of historic buildings and structures in historic districts in central business areas to meet space needs and conduct agency missions.

[1] Also called the Archaeological Data Preservation Act (ADPA)

(k) Executive Order 13007, Indian Sacred Sites, requires agencies to try to avoid adversely affecting Indian tribal "sacred sites" located on Federal land and tribal access to such sites.

(l) Executive Order 13287, Preserve America, underscores many of the requirements of NHPA Sections 110 and 111 regarding identification, management, use, and reuse of historic properties. It also requires that all agencies periodically report on progress in meeting responsibilities under NHPA.

3. Definitions

a. Ancestral remains. Ancestral remains are the physical remains, including, but not limited to, bones of deceased human beings, including, but not limited to, those that must be given special consideration under NAGPRA.

b. Community identity. A human community's sense of itself typically expressed in and reinforced by social institutions, beliefs, forms of expression, arts, crafts, means of subsistence, and patterns of interaction. Community identity is an aspect of the human environment that must be addressed in analyses under NEPA, and at times under other cultural resource legal authorities.

c. Cultural item. Cultural items, as defined at Section 2(3) of NAGPRA with regard to Native Americans, include ancestral human remains, associated and unassociated funerary objects, sacred objects, and objects of cultural patrimony. Communities that are not of Native American ancestry may also have cultural items, and concerns about such items should be respected, though such communities do not have special rights under NAGPRA.

d. Cultural resource. Cultural resource, as used here, includes all aspects of the human environment that have historical, architectural, archaeological, or cultural significance, including, but not limited to, historic properties, archaeological resources and data, Native American ancestral remains and cultural items, religious places and practices, historical objects and artifacts, historical documents, and community identity.

e. Historical document. Historical documents are documents preserved in any medium (e.g., paper, film, and electronic media) that may be of historical, archaeological, or cultural value, or that must be maintained by VA in accordance with the requirements of the Federal Records Act (FRA). This will be determined by the records management office.

f. Historical object or artifact. Historical objects or artifacts are portable and semi-portable objects that may have historical, archaeological, or cultural value, including, but not limited to, portable archaeological artifacts that must be cared for in accordance with ARPA.

g. Historic property. A historic property is any district, site, building, structure, or object included in or eligible for the National Register of Historic Places, and hence entitled to consideration under NHPA.

h. Native American. Native Americans are individuals, tribes, and organizations that have special rights under NAGPRA, as Indian tribes and/or Native Hawaiian organizations under NHPA, under AIRFA, or under any other provision of Federal law relating to Indian tribes and/or Native Hawaiian organizations.

i. Religious place. A religious place is a location where a group of people practice their beliefs. It may be a building or structure (e.g., a church, synagogue, mosque, or temple), a rural area, an urban location, or a natural place. Impacts on religious places must be considered under RFRA and sometimes under AIRFA.

j. Religious practice. A religious practice is any activity carried out by a group of people expressing its religious beliefs; impacts on such practices must be considered under RFRA and sometimes AIRFA.

4. Responsibilities

a. General. VA is responsible for complying with Federal cultural resource legal requirements. VA must ensure that its employees are equipped to do so through their training, and guidance. The appropriate Deputy Under Secretary, Veterans Integrated Service Networks (VISN), Memorial Service Networks (MSN), Regional Offices, and Staff Offices should have systems in place to ensure that personnel carry out cultural resource responsibilities successfully. Medical centers and national cemeteries should have staff adequate to coordinate and fulfill these responsibilities, with training provided as needed.

b. Executive Director, Office of Acquisition, Logistics, and Construction (OALC). The Executive Director, OALC, maintains the Historic Preservation Office (HPO) within the Office of Construction and Facilities Management (CFM), Strategic Management Office (SMO). HPO oversees and coordinates VA's compliance with cultural resource management legal requirements, including, but not limited to, those relating strictly to historic preservation. HPO issues guidance regarding such requirements, provides training, and consults with other VA offices to assist in meeting VA's cultural resource management responsibilities.

c. Under Secretary for Health (USH), Veterans Health Administration (VHA). USH carries out cultural resource management responsibilities primarily in connection with the construction, management, maintenance, and disposal of medical centers and other facilities.

(1) VISN Directors. VISN directors ensure that actions planned and carried out by facilities and programs under each VISN's oversight are in compliance with cultural resource management legal requirements. Each VISN Director designates a cultural resource management officer (CRMO), either through collateral duty or contractors, with

appropriate training and authority to oversee and advise on cultural resource activities on a day-to-day basis. Appropriate resources should be made available to ensure that the CRMO is able to function in this capacity.

(2) Medical Center Directors. Medical center directors are responsible for ensuring that facility personnel whose activities may affect cultural resources, such as architects, engineers, maintenance personnel, and groundskeepers, are aware of cultural resource legal requirements and are prepared to implement them. Directors of large facilities, facilities with older buildings or structures, and facilities with known or suspected historical or cultural associations are well advised to appoint a staff cultural resource manager and ensure that he or she obtains appropriate training in CRMO. Appropriate resources should be made available to ensure that the manager is able to function in this capacity.

(3) Capital Asset Managers. Capital asset managers are responsible for ensuring that agreements reached and commitments made regarding cultural resources during project planning are properly implemented; for addressing cultural resource legal requirements in their own planning activities; and for managing impact on cultural resources that are discovered during project implementation and routine management. Ensure that the Capital Asset Inventory (CAI) is updated at least annually with regards to historic preservation issues. Consult HPO for detailed guidance.

(4) Project Managers. Project managers are responsible for ensuring that potential project impacts on cultural resources are identified and addressed as early as possible in planning and in accordance with applicable regulations. Consult HPO for detailed guidance.

d. Under Secretary for Memorial Affairs, National Cemetery Administration (NCA). NCA manages cemeteries that are themselves important cultural resources for Veterans and their families and in many cases for the whole Nation. NCA carries out cultural resource management responsibilities in managing, maintaining, and expanding cemeteries and other facilities.

(1) Office of Finance and Planning. The Office of Finance and Planning ensures that the CAI is updated with regards to historic preservation issues identified and submitted to them by the History Program, MSNs, or through Facility Condition Assessments.

(2) Memorial Programs Service (MPS) Managers. MPS managers are responsible for ensuring that potential project impacts on cultural resources are identified and addressed as early as possible in planning any memorial project, in accordance with applicable regulations. Consult HPO for detailed guidance

(3) History Program. The History Program undertakes work supporting NRHP Section 110 identification such as assisting the Office of Finance and Planning with CAI data about historic resources. It also maintains in its collection the records, studies and historic documentation necessary to develop appropriate historic preservation projects and accurate NHPA Section 106 consultation. When NCA/VA initiates a project potentially impacting historic resources, managers shall include NCA history staff early in the planning process. NCA historians meet the professional qualifications established by the Secretary of the Interior for architectural history or related fields.

(4) MSN. MSN directors ensure that actions planned and carried out under each MSN's oversight are in compliance with cultural resource management legal requirements. In consultation with HPO, each MSN director designates a CRMO with appropriate training and authority to oversee and advise about cultural resource activities on a day-to-day basis. Ensure that the CAI updates are submitted to the Office of Finance and Planning at least annually with regards to historic preservation issues.

(5) National Cemetery Directors. National cemetery directors are responsible for ensuring that contractors and personnel whose activities may affect cultural resources, such as architects, engineers, maintenance personnel, and groundskeepers, are aware of cultural resource legal requirements and are prepared to implement them. Directors of large cemeteries, facilities with older buildings, structures or designed landscapes, and facilities with known or suspected historical or cultural associations are encouraged to appoint a staff CRMO and ensure that that person obtains appropriate training in cultural resource management. Appropriate resources should be made available to ensure that the manager is able to function in this capacity.

(6) Office of Construction Management. Director of the Office of Construction Management is responsible for ensuring that specifications for the restoration or repair of an identified cultural resource and all related projects carried out under the Director's guidance are in compliance with cultural resource management legal requirements.

e. Under Secretary for Benefits, Veterans Benefits Administration (VBA). VBA carries out cultural resource management responsibilities when planning, constructing, and maintaining its facilities, which may represent cultural resources or affect such resources.

(1) Director, Office of Facilities, Access, and Administration (OFAA). The Director, OFAA, ensures that construction and other activities carried out under OFAA's oversight are in compliance with cultural resource management legal requirements. Ensure that the CAI is updated at least annually with regards to historic preservation issues. Consult HPO for detailed guidance.

(2) Director, Vocational Rehabilitation and Employment Service (VRES). In consultation with HPO, the Director, VRES will seek opportunities to assist Veterans,

including disabled Veterans, in finding employment in the management of cultural resources.

(3) Director, Loan Guarantee Service (LGS). In consultation with HPO, the Director, LGS, considers the programmatic impacts of loan guarantees on cultural resources in compliance with applicable laws and regulations.

(4) Regional Office Directors. Regional office directors will consult and coordinate with HPO regarding any historic preservation related issues at the regional level.

f. Assistant Secretary for Human Resources and Administration (HRA). In consultation with HPO, the Assistant Secretary, HRA, ensures that the national policies outlined in Appendix B-1 hereof are appropriately reflected in the performance standards of personnel with responsibilities assigned by or pursuant to VA Directive 7545 and this Handbook.

5. PROCEDURES. This section provides general information and direction about how VA Directive 7545 is to be implemented.

a. Timely, Efficient, Beneficial Compliance with Laws.

(1) Ensure that all cultural resource legal requirements are met in a timely and efficient manner that benefits both Veterans and the human environment.

(2) HPO issues guidance on how to meet cultural resource responsibilities in timely and efficient ways, and assists VA personnel in meeting these responsibilities.

(3) VISNs, MSNs, regional offices, medical centers, national cemeteries, and other VA facilities and offices must ensure that:

(a) Staff responsible for project planning and facilities management receive training and appropriate support in implementing cultural resource requirements;

(b) Contracts or other arrangements are in place to ensure the availability of consultants qualified to assist VA in meeting such requirements;

(c) Compliance with cultural resource legal requirements begins early in planning any action involving land acquisition, land disposal, construction, or other changes to VA facilities or to facilities receiving VA financial assistance, and is completed prior to finalizing decisions regarding such actions; and

(d) Compliance with cultural resource requirements is carried out in consultation with interested parties both within and outside VA and is transparent to the interested public, with special consideration for Indian tribes, low-income groups, minority populations, and the disabled.

b. Management and Development Plans

(1) Cultural resources must be considered by the CRMO and project manager or other responsible entity in developing and implementing any master plans or specific project plans for lands under VA control, including, but not limited to, medical centers, national cemeteries, regional offices, and staff offices.

(2) Any new management or development plan should address the following questions with respect to each alternative considered:

(a) Is this alternative likely to affect historic properties as defined by the NHPA;

(b) Is this alternative likely to affect archaeological resources as defined by the Archaeological Resources Protection Act, or archaeological/historical/scientific data that must be considered under the Archaeological and Historic Preservation Act, or Native American cultural items as defined by NAGPRA;

(c) Is this alternative likely to affect religious or other cultural uses of land, buildings, or other resources by Native Americans or other communities, and hence possibly require special consideration under AIRFA and/or RFRA;

(d) Is this alternative likely to affect historical artifacts or documents, including, but not limited to, documents managed in accordance with FRA;

(e) Is this alternative likely to affect the interests of neighbors, Veterans' groups, Indian tribes, or other parties in the character, cohesion, or integrity of their communities, ways of life, or surroundings; and

(f) Does this alternative offer any opportunities to preserve or otherwise manage cultural resources that are important to Veterans, or to involve Veterans in the management of such resources in meaningful and productive ways.

(3) The analysis underlying the management or development plan should document the basis for each response, and should discuss whether projected effects are likely to be positive, negative, or neutral.

(4) Where there is the potential for effects on any of the above cultural resource types, the plan should strive to maximize positive effects to the extent that doing so does not greatly impede the delivery of services to Veterans. Plans should seek ways to harmonize the management of cultural resources with the delivery of services, to benefit both Veterans and the overall human environment.

(5) Compliance with specific cultural resource laws, including, but not limited to, Sections 106, 110, and 111 of NHPA and Section 3 of NAGPRA as applicable, must be undertaken during the preparation of management and development plans.

c. Compliance with the National Environmental Policy Act (NEPA)

(1) Direct, indirect, and cumulative impacts on cultural resources of all kinds must be addressed when considering the environmental impacts of VA activities under NEPA, beginning at the earliest possible point in planning any VA action. Impacts on cultural resources may constitute extraordinary circumstances requiring special review of actions that would otherwise be categorically excluded from extensive NEPA review. Impacts on cultural resources may be, but are not necessarily, significant enough impacts on the quality of the human environment to require preparation of environmental impact statements under NEPA.

(2) When an initial environmental review is done on a proposed VA project, impacts on cultural resources must be among the circumstances considered in judging whether a categorical exclusion (CATEX), environmental assessment (EA), or environmental impact statement (EIS) must be prepared. Adverse effects on cultural resources are not necessarily sufficient to require preparation of an EA or EIS, but may be sufficient depending on the severity of the effects, the character and number of resources involved, the level and kind of public concern about the resources or effects, and similar factors. In preparing an initial environmental review, potential impacts must be considered on both previously known and unknown cultural resources. Compliance with Section 106 of NHPA and Section 3 of NAGPRA must be undertaken in coordination with the review.

(3) When an EA is prepared on a VA project under NEPA, impacts on cultural resources must be among the factors analyzed in determining whether the project will significantly affect the quality of the human environment, and hence require preparation of an EIS. Compliance with Section 106 of NHPA and Section 3 of NAGPRA must be coordinated with preparation of the EA. Impacts on cultural resources are not necessarily sufficient to require preparation of an EIS, but any finding of no significant impact (FONSI) prepared under NEPA must reflect the results of review under Section 106 of NHPA, Section 3 of NAGPRA, and other cultural resource legal requirements to the extent that they apply, and should explain why any effects identified on cultural resources are not sufficiently significant to require preparation of an EIS.

(4) When an EIS is prepared, impacts on cultural resources must be considered, and compliance with all pertinent cultural resource legal requirements must be documented in the final EIS and/or record of decision (ROD) prepared in accordance with NEPA requirements.

(5) Conformance with National Policies. The impacts of proposed actions on cultural resources will be considered in planning and decision making at all levels within VA, with reference to the national policies outlined in Section 101 of NEPA, Sections 1 and 2 of NHPA, and other cultural resource-related laws and executive orders listed in Appendix A-1 hereof.

(6) All VA personnel with responsibilities assigned by or pursuant to VA Directive 7545 must be familiar with the policies established by the cultural laws and executive orders listed in Appendix A-1 of the Directive (reproduced as Appendix A-1 to this Handbook, with their policy sections recited in Appendix B-1 to this Handbook), and must ensure that subordinate personnel and contractors assisting in carrying out such responsibilities are aware of the policies and their implications and receive training in the conduct of such responsibilities.

(7) The Assistant Secretary for HRA will ensure that the national policies outlined in Appendix B-1 hereof are appropriately reflected in the performance standards of personnel with responsibilities assigned by or pursuant to VA Directive 7545.

d. Consultation and Transparency. VA officials responsible for compliance with NEPA, NHPA, and other cultural resource legal requirements will ensure that other government agencies, organizations, and members of the public who may be concerned about impacts on cultural resources are fully and fairly consulted during compliance with such requirements, beginning early in planning for any VA action.

(1) Each Medical Center Director, National Cemetery Director, Regional Office Director, or other VA official responsible for managing a specific VA facility should develop and regularly update lists of individuals, organizations, Indian tribes or Native Hawaiian groups, institutions and agencies with stated, known, or likely interests in the cultural resources of the facility and its surroundings. Those on the list should be routinely advised of VA plans, programs, and activities that have the potential to affect cultural resources, and given opportunities to advise VA of their concerns and interests, if any.

(2) VA personnel and contractors responsible for facilities management, planning, and environmental impact assessment should contact parties with possible concerns about how cultural resources may be affected by VA projects and activities early in planning any activity, and give them every reasonable opportunity to make their views known.

(3) If people have concerns about the implications of a proposed VA action for cultural resources, they should be consulted early and often as VA carries out its responsibilities under the cultural resource legal authorities. Consultation should be an honest exchange of views aimed at reaching agreed-upon resolutions, although it must be understood that agreement will not always be reached, and in the end VA may have to make decisions that do not satisfy all consulting parties.

(4) Special efforts must be made, where applicable, to consult on a government-to-government basis with Indian tribal governments and to accommodate the needs of, and constraints imposed upon, low-income and minority communities.

(5) Responsible VA personnel and contractors should obtain training in consultation, negotiation, and other forms of dispute resolution to assist them in carrying out VA's responsibilities.

6. External Consultation and Coordination. The CRMO or project manager is responsible for external consultants early in the planning process.

a. State Historic Preservation Officers (SHPO) and Tribal Historic Preservation Officers (THPO) must be consulted about possible project impacts on historic properties. Note, however, that SHPOs and THPOs are not responsible for enforcing the cultural resource laws, or for making decisions that such laws assign to Federal agencies.

b. Indian tribes and Native Hawaiian groups play special roles in project review under Section 106 of NHPA, and have special rights under NAGPRA and other laws. Tribes may also have specific and general treaty rights that can affect a VA project or facility. See VA Directive 8603 for detailed direction on government-to-government consultation.

c. Local governments must be consulted under Section 106 of NHPA about VA projects that may have effects within their jurisdiction.

d. Veterans' groups, neighborhood organizations, environmental and historical groups, and other citizens have specific rights under some of the cultural resource laws, and often have concerns with VA projects and their effects on the cultural environment.

e. The public may be deeply interested in how cultural resources are managed and how agencies like VA deal with them in planning and managing agency programs. The various regulations provide different ways for public involvement in decision making. The public needs to be informed of VA plans and programs, and given all reasonable opportunities to participate in VA decision making regarding actions that may affect cultural resources.

f. ACHP must be invited to participate in the review of actions under Section 106 of NHPA adversely affecting historic properties under VA jurisdiction or control, or when VA proposes to prepare a Programmatic Agreement under the regulations implementing Section 106 of NHPA. VA and other parties (e.g., an SHPO or THPO) may invite the ACHP to participate under other circumstances.

g. The National Park Service (NPS) must be invited to consult during the review of VA actions adversely affecting National Historic Landmarks.

CULTURAL RESOURCE LEGAL AUTHORITIES

1. FEDERAL LAWS

a. American Indian Religious Freedom Act (AIRFA). Established as U.S. policy to respect the inherent right of American Indians, Alaska Natives, and Native Hawaiians to practice their traditional religions. AIRFA has been interpreted by the courts to require Federal agencies to consult with Indian tribes and other Native Americans about agency actions that may affect religious practices and places and sacred objects used in religious practices.

b. Archaeological and Historic Preservation Act (AHPA). Also called the Archaeological Data Preservation Act (ADPA), this law requires Federal agencies to recover archaeological, historical, and scientific data that may be threatened by construction projects and other related actions they undertake, assist, or license.

c. Archaeological Resources Protection Act (ARPA). This law prohibits the excavation or removal of archaeological resources from Federal and Indian tribal land without a permit issued by the responsible land management agency in accordance with regulations issued jointly by the Departments of Agriculture, Defense, and Interior, and the Tennessee Valley Authority.

d. Federal Records Act (FRA). This law and its extensive regulations require Federal agencies to manage documents and other records under their jurisdiction and control in accordance with procedures approved by the National Archives and Records Administration (NARA) that are designed to preserve the historical value of such records.

e. National Environmental Policy Act (NEPA). This law articulates U.S. government policy favoring protection and responsible use of the human environment (see Appendix B-1). Together with regulations (i.e., 40 CFR 1500-1508) issued by the Council on Environmental Quality (CEQ), NEPA requires Federal agencies to consider the environmental impacts of actions they propose to undertake, assist, or license. VA NEPA procedures can be found at 38 CFR 26.

f. National Historic Preservation Act (NHPA). Establishes government-wide policy favoring responsible use of historic properties (see Appendix B-1) – places included in or eligible for the National Register of Historic Places – and creating a national historic preservation program. The following sections provide specific direction relevant to VA:

(1) Section 106: Requires agencies to consider the effects of actions they propose to undertake, assist, or license on historic properties. Implementing regulations (i.e., 36 CFR 800) by the Advisory Council on Historic Preservation (ACHP) outline how agencies are to consult with State and Tribal Historic Preservation Officers and other interested parties, identify historic properties, and resolve adverse effects.

(2) Section 110: Requires agencies to identify and manage historic properties under their jurisdiction and control, encourage the preservation of non-federally owned historic properties, discourage the anticipatory destruction of historic properties, document historic properties that must be destroyed or damaged, maintain historic preservation offices, respond to comments by ACHP, and consult with preservation authorities, Indian tribes, and others in carrying out their historic preservation activities. Authorizes inclusion of historic preservation costs as eligible project costs of Federal and federally assisted projects.

(3) Section 111: Requires agencies to seek adaptive uses of historic properties under their jurisdiction or control that can no longer be used for agency purposes. Authorizes leases as means of effecting adaptive use, and authorizes agencies to retain proceeds from such transactions to support preservation activities.

(4) Section 112: Requires agencies to use qualified personnel to carry out historic preservation work, and maintain records of such work in perpetuity.

g. Native American Graves Protection and Repatriation Act (NAGPRA). Requires Federal agencies and museums receiving Federal assistance to identify Native American cultural items (Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony) under their control, and repatriate such items to culturally affiliated tribes having the right to receive them. Also requires work stoppage and various forms of coordination and documentation when such items are unearthed on Federal or Indian tribal lands. Regulations issued by the National Park Service (NPS) (43 CFR 10) require that anyone, including Federal agencies, whose actions may disturb such items on Federal or Indian tribal lands must consult with culturally affiliated tribes and develop and implement plans of action.

h. Religious Freedom Restoration Act (RFRA). Prohibits Federal agencies from substantially burdening any person's practice of religion, unless doing so is required to meet a compelling government interest and the means of doing so is the least restrictive means of meeting that interest.

2. EXECUTIVE ORDERS

a. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. Requires that agencies avoid having disproportionate adverse environmental impacts on low-income populations and

minority communities; impacts may include effects on the cultural environments of such populations and communities.

b. 13006, Locating Federal Facilities on Historic Properties in Our Nation's Central Cities. Requires that in meeting their needs for space in which to conduct their missions, agencies give priority to the use of historic buildings and structures in historic districts within central business areas.

c. 13007, Indian Sacred Sites. Requires that agencies seek to avoid adverse effect on Indian tribal sacred sites located on Federal or tribal land, and on tribal access to such sites.

d. 13287, Preserve America. Underscores many of the requirements of NHPA Sections 110 and 111 regarding identification, management, use, and re-use of historic properties, and requires that agencies report periodically on progress in meeting NHPA compliance.

3. GOVERNMENT-WIDE REGULATIONS

a. 36 CFR 79, Curation of Federally-Owned and Administered Archaeological Collections. Regulations issued by NPS pursuant to ARPA, NHPA, and other authorities, governing how archaeological collections are to be maintained.

b. 36 CFR 800, Protection of Historic Properties. Regulations issued by ACHP governing implementation of Section 106 of NHPA.

c. 36 CFR 1220 et. seq., Federal Records; General. Regulations issued by NARA governing implementation of FRA.

d. 40 CFR 1500-1508, Council on Environmental Quality. Regulations issued by CEQ governing implementation of NEPA.

e. 43 CFR 10, Native American Graves Protection and Repatriation Act Regulations. Regulations issued by NPS governing implementation of NAGPRA.

U.S. GOVERNMENT CULTURAL RESOURCE MANAGEMENT POLICIES

Congress has established that it is the policy of the U.S. Government to:

a. Create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans (NEPA Sec. 101(a));

b. Serve as the trustee of the environment for succeeding generations (NEPA Sec. 101(b)(1));

c. Assure for all Americans aesthetically and culturally pleasing surroundings (NEPA Sec. 101(b)(2));

d. Preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment that supports diversity, and variety of individual choice (NEPA Sec. 101(b)(4));

e. Utilize a systematic, interdisciplinary approach that will ensure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making that may have an impact on man's environment (NEPA Sec. 102(a)(1)(A));

f. Ensure that presently unquantified environmental amenities and values may be given appropriate consideration in decision making along with economic and technical considerations (NEPA Sec. 102(a)(1)(B));

g. Use measures, including financial and technical assistance, to foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations (NHPA Sec. 2(1));

h. Provide leadership in the preservation of the prehistoric and historic resources of the United States and of the international community of nations and in the administration of the national preservation program in partnership with states, Indian tribes, Native Hawaiians, and local governments (NHPA Sec. 2(2));

i. Administer federally owned, administered, or controlled prehistoric and historic resources in a spirit of stewardship for the inspiration and benefit of present and future generations (NHPA Sec. 2(3));

j. Contribute to the preservation of non-federally owned prehistoric and historic resources and give maximum encouragement to organizations and individuals undertaking preservation by private means (NHPA Sec. 2(4));

k. Encourage the public and private preservation and utilization of all usable elements of the Nation's historic built environment (NHPA Sec. 2(5));

l. Assist state and local governments, Indian tribes and Native Hawaiian organizations, and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities (NHPA Sec. 2(6));

m. Do all the above in cooperation with other nations and in partnership with states, local governments, Indian tribes, and private organizations and individuals (NHPA Sec. 2);

n. Protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including but not limited to, access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites (AIRFA);

o. Not substantially burden religious exercise without compelling justification (RFRA Sec. 1(a)(3)); and

p. Secure for the present and future benefit of the American people, the protection of archaeological resources and sites that are on public lands and Indian lands (ARPA Sec. 2(4)(b)).

Appendix E

Checklist for Updating Historic Preservation Plan

[Type here]

CHECKLIST FOR MAINTAINING HISTORIC PRESERVATION PLAN

The **[name VAMC]** is a dynamic historic property, consistently evolving to better meet the healthcare needs of area Veterans. The CRMO should review the historic preservation plan annually to ensure the plan is relevant and useful. Plans that are out-of-date will not be of use to the **[name VAMC]**.

- ☐ Are the campus preservation principles still valid? Have new preservation concerns come to light that should be added to the principles? (Executive Summary)
- ☐ Have any new maps or illustrations been produced that should be added to the historic preservation plan and included in the list of figures? (List of Figures)
- ☐ Have buildings been demolished? Have new buildings been constructed? Have roads or landscapes been altered? Have any buildings been significantly altered (additions, select demolitions, mergers)? (Chapter 1)
- ☐ Has the campus been re-reviewed for National Register of Historic Places eligibility? Have new archaeological reports been produced that alter the understanding of the research potential of the campus' archaeological resources? (Chapter 1)
- ☐ Have any new laws or Executive Orders related to historic preservation been enacted? Has the ACHP released any guidance relevant to the protection of historic properties at the **[name VAMC]**? Has VA released any handbooks related to historic preservation? (Chapter 2/Appendix D)
- ☐ Has a new CRMO been appointed? Has VA FPO leadership changed? Has the ACHP or SHPO relocated? (Chapter 2)
- ☐ Have any buildings been altered to include new materials? Have any buildings become historic? (Chapter 3)
- ☐ What alterations have been made to the campus that affect the campus viewshed, landscape, built and archeological resources, and/or heritage resources? (Chapter 4)
- ☐ Has the campus NRHP nomination been updated, amended, or added to? (Appendix A)
- ☐ Has the campus gained an ally in historic preservation planning that should be added as a Consulting Party? Has an organization declined to participate in all Section 106 processes? Have any Consulting Parties changes contact information? (Appendix B)
- ☐ How has the campus Master Plan changed? (Appendix F)

Appendix F

Checklist for Project Alternatives

Project Name
Date
Project Reviewer:

This project review form is designed to assist Chillicothe VAMC engineers to determine if a proposed project will require Section 106 review. This form should be utilized once a gap in quality, access, or cost-efficiency related to capital assets but outside the revised 2008 Master Plan has been identified, not after a plan has been selected. Each gap will result in at least two alternatives- No Action and/or Alternative 1; most will result in many more options. *Note- altering the campus may produce beneficial effects to historic properties as well as adverse effects. Both should be considered when answering questions.*

Questions[1]	**Yes**	**No**	**Possibly**
Does this project involve activities covered in the revised Master Plan?	See Chapter 4.		
Is this project the design of a new campus Master Plan?			
Is this alternative likely to affect historic buildings on the Chillicothe VAMC campus?			
a. Will historic buildings be demolished?			
b. Will historic buildings receive additions or otherwise be modified?			
c. Will a large building or structure be constructed near a historic building?			
d. Will a building or structure be constructed between historic buildings?			
Will the result of this alternative be able to be seen from outside the campus?			
Will historic buildings outside the campus be modified or demolished, or will new construction outside the campus result from this alternative?			
Is this alternative likely to leave a historic building (or historic buildings) vacant or underutilized either permanently or temporarily?			
Is this alternative likely to necessitate campus road reconfiguration?			
Is this alternative likely to produce new construction in an area that historically has been a piece of the campus landscape (an unobstructed view, an old row of planned trees, etc.)?			
Is this alternative likely to affect known or potential archeological properties?			
a. Will buildings (historic or not) be demolished below grade?			
b. Will this alternative involve new construction below grade (including buildings, utilities, or associated parking lots)?			
Is this alternative likely to affect the use of religiously- or culturally-significant properties? These lands may be significant to American Indians, ethnic groups, Veterans groups, or community organizations.			
Is this alternative likely to affect historic artifacts, documents, commemorative plaques, or pieces of art?			

If the answer to any of these questions is “yes” or “possibly,” the Project Manager should proceed to a Section 106 review of all alternatives. If your alternatives change, or if new alternatives are added, review the checklist. This checklist may be used in drafting consultation letters. Once the Section 106 review is complete or the SHPO has concurred with a finding of No Adverse Effect, the project may proceed.

[1] Adapted from the checklist on page 12 of VA Handbook 7545, 2011.

Appendix G

Revised 2008 Master Plan Executive Summary

Executive Summary
Implementation of the Veterans Affairs Medical Center at Chillicothe, Ohio, Master Plan
As Revised Through ~~July 2012~~ September 2014:
Statement of Actions

In 2008, the Chillicothe VA Medical Center (VAMC Chillicothe) initiated a Master Planning process to better fulfill the mission of providing quality healthcare to Veterans. As part of this process, Cannon Design firm surveyed the entire campus to identify building deficiencies, surplus space, and avenues to better patient care. The survey found serious inadequacies in Diagnostic & Clinic Services (76% deficiency), Inpatient Services (84% deficiency), and Administrative and Support Services. The resulting Master Plan called for a mix of demolitions, renovations, and new construction on-site. Since 2008, funding and patient services changes have necessitated updates to the 2008 Master Plan. The "revised Master Plan" referred to here, and that is the subject of the Programmatic Agreement negotiated in 2012 pursuant to Section 106 of the National Historic Preservation Act, represents the 2008 Master Plan as updated through ~~2011~~ September 2014.

The revised Master Plan as presented in Executive Summary form below, seeks to consolidate primary services, increase energy savings, expand the campus Community Living Centers, and enhance support services. At present, VAMC Chillicothe includes 1,035,820 GSF in over 50 buildings and structures.

Co-location of Primary Services

Building 31

Revised Master Plan Action: Renovation & Additions

The layout of the Chillicothe VAMC reflects the model of hospital care in 1923. Modern medical practices recognize the value to patients of co-located primary services. The additions to Building 31 include a radiology and cardiology units, clinical space, an optometry and podiatry addition, surgical rooms, and additional acute medical beds, among others. These renovations will consolidate campus services and provide better service to Veterans.

Building 26

Revised Master Plan Action: Renovations & Additions

Building 26 houses patients with acute psychiatric issues who require secure facilities. VAMC Chillicothe installed a courtyard to provide these patients with a secure outdoor space. ~~The Master Plan calls for the addition of a solarium to provide a similar space in winter months. Additionally,~~ The Master Plan calls for the building to be renovated and expanded to allow for private rooms and the relocation of Psychosocial Residential Rehabilitation Treatment Programs from Building 35. This relocation will consolidate residential programs onto the Big Circle.

Energy Savings

Window Replacements

Revised Master Plan Action: Select Replacement

VA Handbook 0055 outlines VA's plan for an energy conservation program to reduce energy consumption. As part of the overall campus energy savings plan, VAMC Chillicothe has identified a number of windows on campus that should be replaced. VAMC Chillicothe will replace those windows that have previously been replaced in past projects with more energy efficient models. These replacements will be sympathetic to the original building aesthetic.

Building 2

Revised Master Plan Action: ~~Renovation or~~ Demolition (16,000 GSF)

Building 2 is in extremely poor condition. The grade beams and floors in the basement and crawl spaces show signs of structural deterioration. VAMC Chillicothe cost estimates and condition assessments indicate that it would be more expensive to rehabilitate Building 2 than to demolish it, and the VAMC itself has no use for this building. The VAMC does not need building space in this location. Maintenance of the building has been prohibitively expensive, and as a result has not been done. Despite repeated attempts to locate lessees for this area of campus, the VAMC has been unable to find steady lessees as the rehabilitation and reuse is not feasible due to physical condition. Moreover, having large amounts of surplus square footage spread amongst a large number of buildings not suited to VA's current mission inhibits VAMC from obtaining funding to build new clinical/medical space in the locations they are needed, due to the Strategic Capital Investment Planning (SCIP) programs funding and space requirements. These factors lead VAMC Chillicothe to conclude that it would be best to demolish Building 2. ~~Building 2 was identified by VA's Office of Capital Enterprise Management (OCEM) for possible renovation as part of an enhanced use lease; however, the potential lessee selected by OCEM explored rehabilitation and reuse possibilities and concluded that rehabilitation and reuse for its purposes was not feasible.~~

Building 6

Revised Master Plan Action: ~~Renovation or~~ Demolition (16,000 GSF)

Building 6 is in extremely poor condition. The grade beams and floors in the basement and crawl spaces show signs of structural deterioration. VAMC Chillicothe cost estimates and condition assessments indicate that it would be more expensive to rehabilitate Building 6 than to demolish it, and the VAMC itself has no use for this building. The VAMC does not need building space in this location. Maintenance of the building has been prohibitively expensive, and as a result has not been done. Despite repeated attempts to locate lessees for this area of campus, the VAMC has been unable to find steady lessees as the rehabilitation and reuse is not feasible due to physical condition. Moreover, having large amounts of surplus square footage spread amongst a large number of buildings not suited to VA's current mission inhibits VAMC from obtaining funding to build new clinical/medical space in the locations they are needed, due to the SCIP programs funding and space requirements. These factors lead VAMC Chillicothe to conclude that it would be best to demolish Building 6. ~~Building 6 has been identified by OCEM for possible renovation as part of an enhanced use lease; however, the potential lessee selected by OCEM explored rehabilitation and reuse possibilities and concluded that rehabilitation and reuse for its purposes was not feasible.~~

Buildings 12, 13, 14, 15, 16, &-17
Revised Master Plan Action: Demolition (41,112 GSF)
VA Handbook 7631 directs that Quarters that fail to operate at a profit be considered for demolition, Enhanced-Use Lease, or be re-purposed to fulfill the mission of Veteran healthcare. VAMC Chillicothe has offered Quarters buildings as housing to medical residents but has been unable to interest any long-term leases either as Quarters or other purposes. The buildings are energy inefficient and lack adequate insulation. Chillicothe VAMC has no use for these buildings, in this location. Maintenance of these structures is prohibitively expensive and continued expenditures for maintenance, repair, modernization, or renovation for quarters that are unprofitable are not justified by the campus mission. Moreover, having large amounts of surplus square footage spread amongst a large number of buildings not suited to VA's current mission inhibits VA from obtaining funding to build new clinical/medical space in the locations they are needed, due to the SCIP programs funding and space requirements. For more information about VHA Handbook 7631, see http://www.va.gov/vapubs/viewPublication.asp?Pub_ID=498&FType=2.

Building 25
Revised Master Plan Action: Renovation/Continued maintenance
VAMC Chillicothe is no longer planning to demolish Building 25.

T-40, T-38, T-228, 241 Engineering Complex
Revised Master Plan Action: Demolition (6,800 GSF)
These engineering buildings were constructed as temporary structures, and they lack adequate insulation, space, power, and are inefficiently arranged; T-40 and T-38 are named separately, but they are a single building. These buildings will be demolished and their services will be consolidated into Building 25.

Building 29
Revised Master Plan Action: Renovation/Continued maintenance
VAMC Chillicothe is no longer planning to demolish Building 29. The building will continue operation as a hoptel.

Expansion of Community Living Centers
Buildings 210 & 211
Revised Master Plan Action: Additions & renovations
In 2008, the Veterans Health Administration (VHA) shifted VA nursing home care from a medical care model to a person-centered care model. VA is in the process of de-institutionalizing nursing home spaces either through renovation or new construction to embrace a community-living model that provides private rooms when available, public gathering spaces, and a variety of activities to increase the quality of life for residents. In addition, Community Living Centers (CLCs) provide specialized care for residents with special needs such as diabetes, dementia, and those in hospice care. For more information about VA's criteria and standards for CLCs, see

http://www.va.gov/GERIATRICS/Veterans_Administration_Community_Living_Centers.asp and http://www.va.gov/vhapublications/ViewPublication.asp?pub_ID=1736.

The Chillicothe VAMC Master Plan calls for renovations and new additions to Buildings 210 and 211 to provide a higher standard of living for CLC residents. Expansion of these buildings allows for larger common areas and private rooms for nearly all residents. The facility has added or is in the process of completing rear additions to projecting wings that face away from the road. This new construction includes similar building materials and massing to minimize visual effects to the historic district. The VAMC also is in the process of adding a connector between the two buildings to create a unified entrance. This addition will provide better quality of living to CLC residents.

~~**Buildings T-51 and 52**~~
~~Revised Master Plan Action: Demolition (15,620 GSF)~~
~~When constructed, VAMC Chillicothe included farm space both as a therapeutic activity for patients and to produce food stuffs for the facility. Today, these greenhouses serve only those patients able to travel to the space, which is quite distant from patient care areas. Horticultural activities are being relocated to the CLC space to allow more patient participation.~~

Buildings 10, 11, 28
Revised Master Plan Action: Demolition (28,714 GSF)
The Master Plan calls for the demolition of Buildings 10, 11, and 28 to create space for parking, necessary for visitors to the adjacent Community Living Centers, which are long-term care facilities, and physical therapy rehabilitation clinics. Parking facilities at VAMCs require additional consideration due to the increased requirements for handicap spaces and handicapped accessible drop-off points. The extant parking areas are operating 30% below needed capacity (See attached parking study). Demolition of Buildings 10, 11, and 28 will provide the area with 148 spaces, 4 more than minimally recommended, as well as additional handicap access spaces and aisles.

Enhancement of Support Facilities
Building 21
Revised Master Plan Action: Expansion
VAMC Chillicothe purchased a new fire truck in 2007 which would not fit in the existing garage bay of Building 21. In 2008, the facility expanded the building to accommodate the new truck.
~~The Master Plan calls for the fire station equipment to be consolidated into Building 259.~~ In 2013, the Fire Department relocated to Building 259.
Minor interior renovations to Building 21 will ready the building to serve the Engineering Department.

Building 23
Revised Master Plan Action: Addition
When constructed, Building 23 received rail shipments. The current floor cannot adequately support heavy deliveries. ~~An "at grade" addition is planned to expand the building's capabilities.~~ In 2013, the building received a new exterior covered loading dock and ramp to facilitate safe handling of heavy deliveries.

Building 7
Revised Master Plan Action: Renovation
VAMC Chillicothe is renovating Building 7 and no longer plans to demolish the structure.

Building 24
Revised Master Plan Action: Renovation
Most patient services are concentrated on the north side of campus. Consolidating linen and food services into Building 24 is operationally efficient.

Building 30
Revised Master Plan Action: Renovation
Prior to implementation of the Master Plan, the morgue entrance was not private and not in keeping with patient dignity. In 2011, VAMC Chillicothe added a brick screen and an exit pathway.

Building 8
Revised Master Plan Action: Handicap ramp addition
A handicap accessibility ramp was added to this structure.

Building 9
Revised Master Plan Action: Handicap Ramp Addition, interior elevator addition
A handicap ramp was added to this structure. Also, VAMC Chillicothe installed an interior elevator.

Buildings T-51
Revised Master Plan Action: Demolition (855 GSF)
T-51 was used for retail and display space. The structure will be demolished and replaced.

Building 52
Revised Master Plan Action: Renovation
When constructed, VAMC Chillicothe included farm space both as a therapeutic activity for patients and to produce food stuffs for the facility. The greenhouse will receive minor utility renovations.

Building 212
Revised Master Plan Action: Renovation
Vacated space in the building has been converted to administrative uses. This effort required interior renovations and stabilization of existing tile roofing. Modern life safety code egress requirements necessitate the addition of new exterior stairs, which have not yet been constructed.

Building 218
Revised Master Plan Action: Alteration
A garage door ~~will be~~ has been added to this building as part of the station electrical upgrade.

Building 259
Revised Master Plan Action: Renovation
This building ~~will be~~ was converted in 2013 from the facility boiler plant to the campus Fire Department.

No changes are proposed for the following buildings as a part of this undertaking:

1, 3, 4, 5, 7, 18, 19, 20, 22, 27, 35, 36, T-41, 45, 53, 57, 60, 179, 197, 208, T-233, T-236, 244, 247, 250, 251, 252, 256, 297, 310, 311, 312, 313, 314, and 315

Summary of Actions Planned by Implementing the Veterans Affairs Medical Center at Chillicothe, Ohio, Master Plan As Revised Through ~~July 2012~~ September 2014

Building Number	Building Name/Function (may reflect historic use)	Date of Construction	Contributing?	2008 Master Plan Recommendation	Revised Master Plan Intention	Project Status
1	Main Building	1923	Yes	No change	No change	N/A
2	Re-educational Building	1923	Yes	Demolition	Demolition, ~~Encumbered by BURR~~	~~Demolition cannot occur until building is released from BURR EUL~~ Demolition has not occurred.
3	TB Cottage	1923	Yes	No change	No change	N/A
4	Re-education Building	1923	Yes	No change	No change	N/A
5	Disturbed Patients Building	1923	Yes	No change	No change	N/A
6	Continued Treatment Building	1923	Yes	Demolition	Demolition, ~~Encumbered by BURR~~	~~Demolition cannot occur until building is released from BURR EUL~~ Demolition has not occurred.
7	Mess & Kitchen	1923	Yes	Demolition (optional)	Renovation	N/A
8	Convalescent Cottage	1923	Yes	No change	Handicap ramp addition	Completed.
9	Rec Building	1923	Yes	No change	Handicap ramp addition, interior elevator addition	~~N/A~~ Completed.
10	Male Attendants Quarters	1923	Yes	Demolition	Demolition	Demolition has not occurred.
11	Female Attendant	1923	Yes	Demolition	Demolition	Demolition has not occurred.

Building Number	Building Name/Function (may reflect historic use)	Date of Construction	Contributing?	2008 Master Plan Recommendation	Revised Master Plan Intention	Project Status
	Quarters					
12	Staff Assistants Quarters	1923	Yes	No change	Demolition	Demolition will not occur until VAMC Chillicothe has explored alternative uses for a period of at least 24 months and the plan for the History-Based Enhancement program has been reported to all Consulting Parties.
13	Staff Assistants Quarters	1923	Yes	No change	Demolition	Demolition will not occur until VAMC Chillicothe has explored alternative uses for a period of at least 24 months and the plan for the History-Based Enhancement program has been reported to all Consulting Parties.
14	Staff Assistants Quarters	1923	Yes	No change	Demolition	Demolition will not occur until VAMC Chillicothe has explored alternative uses for a period of at

Building Number	Building Name/Function (may reflect historic use)	Date of Construction	Contributing?	2008 Master Plan Recommendation	Revised Master Plan Intention	Project Status
						least 24 months and the plan for the History-Based Enhancement program has been reported to all Consulting Parties.
15	Staff Quarters	1923	Yes	No change	Demolition	Demolition will not occur until VAMC Chillicothe has explored alternative uses for a period of at least 24 months and the plan for the History-Based Enhancement program has been reported to all Consulting Parties.
16	Staff Quarters	1923	Yes	No change	Demolition	Demolition will not occur until VAMC Chillicothe has explored alternative uses for a period of at least 24 months and the plan for the History-Based Enhancement program has been reported to all

Building Number	Building Name/Function (may reflect historic use)	Date of Construction	Contributing?	2008 Master Plan Recommendation	Revised Master Plan Intention	Project Status
						Consulting Parties.
17	Med Officer Quarters	1923	Yes	No change	Demolition	Demolition will not occur until VAMC Chillicothe has explored alternative uses for a period of at least 24 months and the plan for the History-Based Enhancement program has been reported to all Consulting Parties.
18	Nurses Quarters	1923	Yes	No change	No change	N/A
19	Electric Substation	1923	No	No change	No change	N/A
20	Boiler House	1923	Yes	No change	No change	N/A
21	Garage & Shops Building	1923	Yes	No change	Expansion	Completed.
22	Vocational Building	1923	Yes	No change	No change	N/A
23	Warehouse	1923	Yes	No change	Expansion	~~Expansion has not occurred.~~ Completed.
24	Patient Ward Building	1929	Yes	Renovation	Renovation	Renovation has not occurred.
25	Laundry	1929	Yes	Demolition (optional)	Renovation	Renovation has not occurred.
26	Patient Ward Building	1932	Yes	Renovation, new construction	Renovation, new construction	The courtyard wall has been built. ~~Design~~

Building Number	Building Name/Function (may reflect historic use)	Date of Construction	Contributing?	2008 Master Plan Recommendation	Revised Master Plan Intention	Project Status
						~~for the solarium is complete and the construction has been let for bid.~~ Design for the new addition in underway.
27	Patient Ward Building	1932	Yes	Renovation	No change	N/A
28	Attendants Quarters	1932	Yes	Demolition	Demolition	Demolition has not occurred.
29	Attendants Quarters (current Hoptel)	1932	Yes	Demolition	Renovation	Renovation has not occurred.
30	Patient Ward Building	1938	Yes	Renovation	Renovation	~~Renovations are in progress.~~ Construction of the morgue entrance screening wall is complete.
31	Current Main Building	1938	Yes	Renovation, substantial new construction	Renovation, substantial new construction	Renovations and new construction are in progress.
35	Patient Ward Building	1939	Yes	Vacated Space	Future Vacated Space, BURR Initiative	Completed renovation. The building is subject to the terms of the BURR EUL.
36	Tool Room	1942	Yes	No change	No change	N/A
T-38	Sheet Metal	1948	Yes	No change	Demolition	Demolition has not

Building Number	Building Name/Function (may reflect historic use)	Date of Construction	Contributing?	2008 Master Plan Recommendation	Revised Master Plan Intention	Project Status
	Shop					occurred.
T-40	Plumbing Shop	1948	Yes	No change	Demolition	Demolition has not occurred.
T-41	Engineering Storage	1918	Yes	No change	No change	N/A
T-42	Rehabilitation Medicine Storage	1920s	No	~~Already demolished~~ Not included.	~~No change~~ Demolition.	~~Demolished.~~ Completed.
45	Storage	1929	Yes	Not included	No change	N/A
T-51	Greenhouse Potting Shed	1929	Yes	No change	Demolition	Demolition has not occurred.
52	Greenhouse	1929	Yes	No change	~~Demolition~~ Renovation.	~~Demolition~~ Renovation has not occurred.
53	Implement Storage	1929	Yes	Not included	No change	N/A
57	Golf Course Storage	1930s	Yes	Not included	No change	N/A
60	Rec Building (Mace House)	1826	Yes (Ind. Listed)	No change	No change	N/A
179	Baling Shed	1875	Yes	No change	No change	N/A
197	Stadium Toilet	1932	Yes	Not included	No change	N/A
205	Quarters Garage	1923	Yes	Not included	Demolition	Demolition has not occurred.
206	Quarters Garage	1923	Yes	Not included	Demolition	Demolition has not occurred.
207	Quarters Garage	1923	Yes	Not included	Demolition	Demolition has not occurred.
208	Engineering Storage	1920	Yes	Not included	No change	N/A

Building Number	Building Name/Function (may reflect historic use)	Date of Construction	Contributing?	2008 Master Plan Recommendation	Revised Master Plan Intention	Project Status
210	Patient Ward Building	1945	Yes	Renovation, new construction	Renovation, new construction	Completed.
211	Patient Ward Building	1945	Yes	Renovation, new construction	Renovation, new construction	Renovations and new construction are in progress.
212	Patient Ward Building	1945	Yes	Vacated space	Renovation	Renovations are in progress.
218	Water Softening Plant	1949	Yes	No change	Adding garage door	~~Installation has not occurred.~~ Completed.
T-228	Electric & Paint Shops	1946	No	Not included	Demolition	Demolition has not occurred.
T-233	Engineering Storage	1947	Yes	Not included	No change	N/A
T-236	Greenhouse Storage	1956	No	Not included	No change	N/A
241	Steel & Lumber Storage	1946	Yes	No change	Demolished	Completed.
244	Baseball Stadium & Field	1955	No	No change	No change	N/A
247	Therapeutic Exercise Clinic	1959	No	No change	No change	N/A
250	Storage	1960	No	Not included	No change	N/A
251	Golf Course Club House	1962	No	Not included	No change	N/A
252	Chapel	1966	No	No change	No change	N/A
255	Bus Stop Shelter	1970	No	Already demolished	No change	N/A
256	Water Treatment Plant	1970	No	Not included	No change	N/A

Building Number	Building Name/Function (may reflect historic use)	Date of Construction	Contributing?	2008 Master Plan Recommendation	Revised Master Plan Intention	Project Status
259	Boiler Plant	1970	No	No change	~~Converting~~ Converted to fire department	~~Renovation is in progress.~~ Completed.
297	Emergency Generator	1979	No	Not included	No change	N/A
302	Emergency Generator	1979	No	Not included (covered by new construction)	~~Already demolished~~ Demolition.	~~N/A~~ Completed.
310	Picnic Shelter	1979	No	Not included	No change	N/A
311	Warehouse Storage (modular)	1980	No	Not included	No change	N/A
312	Warehouse Storage (modular)	1980	No	Not included	No change	N/A
313	Emergency Generator	1980	No	No change	No change	N/A
314	Emergency Generator	1980	No	Not included	No change	N/A
315	Picnic Shelter	1986	No	Not included	No change	N/A

Buildings Subject to Stipulations of the Programmatic Agreement

Building Number	Building Name/Function (may reflect historic use)	Date of Construction	Contributing?	Undertaking Action	Project Status
2	Re-educational Building	1923	Yes	Demolition, ~~Encumbered by BURR~~	~~Demolition cannot occur until building is released from BURR EUL~~ Demolition has not occurred.
6	Continued Treatment Building	1923	Yes	Demolition, ~~Encumbered by BURR~~	~~Demolition cannot occur until building is released from BURR EUL~~ Demolition has not occurred.
10	Male Attendants Quarters	1923	Yes	Demolition	Demolition has not occurred.
11	Female Attendant Quarters	1923	Yes	Demolition	Demolition has not occurred.
12	Staff Assistants Quarters	1923	Yes	Demolition	Demolition will not occur until VAMC Chillicothe has explored alternative uses for a period of at least 24 months and the plan for the History-

Building Number	Building Name/Function (may reflect historic use)	Date of Construction	Contributing?	Undertaking Action	Project Status
					Based Enhancement program has been reported to all Consulting Parties.
13	Staff Assistants Quarters	1923	Yes	Demolition	Demolition will not occur until VAMC Chillicothe has explored alternative uses for a period of at least 24 months and the plan for the History-Based Enhancement program has been reported to all Consulting Parties.
14	Staff Assistants Quarters	1923	Yes	Demolition	Demolition will not occur until VAMC Chillicothe has explored alternative uses for a period of at least 24 months and the plan for the History-

Building Number	Building Name/Function (may reflect historic use)	Date of Construction	Contributing?	Undertaking Action	Project Status
					Based Enhancement program has been reported to all Consulting Parties.
15	Staff Quarters	1923	Yes	Demolition	Demolition will not occur until VAMC Chillicothe has explored alternative uses for a period of at least 24 months and the plan for the History-Based Enhancement program has been reported to all Consulting Parties.
16	Staff Quarters	1923	Yes	Demolition	Demolition will not occur until VAMC Chillicothe has explored alternative uses for a period of at least 24 months and the plan for the History-

Building Number	Building Name/Function (may reflect historic use)	Date of Construction	Contributing?	Undertaking Action	Project Status
					Based Enhancement program has been reported to all Consulting Parties.
17	Med Officer Quarters	1923	Yes	Demolition	Demolition will not occur until VAMC Chillicothe has explored alternative uses for a period of at least 24 months and the plan for the History-Based Enhancement program has been reported to all Consulting Parties.
19	Electric Substation	1923	No	No change	N/A
20	Boiler House	1923	Yes	No change	N/A
21	Garage & Shops Building	1923	Yes	Expansion	Completed.
22	Vocational Building	1923	Yes	No change	N/A
23	Warehouse	1923	Yes	Expansion	~~Expansion has not occurred.~~

Building Number	Building Name/Function (may reflect historic use)	Date of Construction	Contributing?	Undertaking Action	Project Status
					Completed.
25	Laundry	1929	Yes	Renovation	Renovation has not occurred.
26	Patient Ward Building	1932	Yes.	Renovations, new construction	The courtyard wall has been built. Design of the new addition is underway.
28	Attendants Quarters	1932	Yes	Demolition	Demolition has not occurred.
31	Current Main Building	1938	Yes	Renovation, substantial new construction	Renovations and new construction are in progress.
36	Tool Room	1942	Yes	No change	N/A
T-38	Sheet Metal Shop	1948	Yes	Demolition	Demolition has not occurred.
T-40	Plumbing Shop	1948	Yes	Demolition	Demolition has not occurred.
T-41	Engineering Storage	1918	Yes	No change	N/A
T-42	Rehabilitation Medicine Storage	1920s	No	~~No change~~ Demolition	Demolished.
T-51	Greenhouse Potting Shed	1929	Yes	Demolition	Demolition has not occurred.
52	Greenhouse	1929	Yes	~~Demolition~~ Renovation.	~~Demolition~~ Renovation has not occurred.
218	Water Softening Plant	1949	Yes	Adding garage door	~~Installation has not occurred.~~ Completed.

Building Number	Building Name/Function (may reflect historic use)	Date of Construction	Contributing?	Undertaking Action	Project Status
T-233	Engineering Storage	1947	Yes	No change	N/A
259	Boiler Plant	1970	No	Convert~~ing~~ to fire department	~~Renovation is in progress.~~ Completed.