FEDERAL PROPERTY MANAGEMENT AND HISTORIC PRESERVATION IN THE LOCAL COMMUNITY:

AN ESSAY

Through the siting, design, and management of buildings and facilities across the country, the Federal Government conveys its power and authority.
IN THE FALL OF 1966, President Lyndon Johnson signed Public Law 89-665. His action had far-reaching implications. What became known as the National Historic Preservation Act (NHPA) not only set historic preservation as a national priority but also laid the foundation for the Federal preservation program, including the Advisory Council on Historic Preservation and the Section 106 review process. Invoking the sweep and grandeur of American history, the law condemned the blatant disregard for historic resources theretofore associated with national progress and affirmed the significance of the physical remnants of America’s past. Calling Americans to action, NHPA described an ideal wherein the Federal Government worked with communities across the country to protect the Nation from the further ravages of civilization. In the particular aspect of the Great Society NHPA envisioned, public servant and private citizen alike would preserve, protect, and maintain the "historic and cultural foundations of the Nation" in a spirit of stewardship sustained and enhanced through the activities of the Federal Government.¹

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NHPA transformed the approach to historic preservation.

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TWENTY-FIVE YEARS LATER, there is much to celebrate. In his silver anniversary assessment of the impacts of NHPA, the historian James Glass observes that the legislation has "transformed the ways in which the Federal Government, the States, local communities, and the preservation movement at large approach historic preservation." In 1966, Glass notes, only the National Park Service (NPS) had a historic preservation program; by 1991, many Federal agencies or bureaus have adopted internal preservation procedures or regulations and hired professional staff to carry them out. At the State level, progress is even more remarkable. Where in 1966 only a handful of States pursued historic preservation programs through historical societies or commissions, 25 years later, every State conducts a historic preservation program and many States have passed parallel laws to protect their historic resources. Finally, at the local level NHPA stimulated an awareness of historic preservation values that indirectly fostered local preservation ordinances to regulate alterations and demolition of local historic properties and districts².

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The Federal Government is failing to demonstrate its commitment to historic preservation.

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But if NHPA can be declared a success, evidence suggests that its bright promise with regard to Federal property management remains unfulfilled. Formal and informal discussions among the broader preservation community consistently point out difficulties Federal agencies have in meeting the act's broad mandate; inadequate staffing, funding, and training opportunities are the most frequently cited impediments to further achievement.

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The federally built environment testifies to the sweeping grandeur of America’s history and lays the physical foundation for a collective national identity.
Limited Federal funding for historic preservation, coupled with conflicting agency missions, accentuate the tension between Federal policy and practice; historic resources throughout the Nation are placed at risk. Problems in the area of Federal property management seem especially acute. Recent studies by the General Accounting Office (GAO), for example, report that buildings leased, owned, or otherwise administered by the Federal Government are deteriorating at an alarming rate; required repairs and alterations are estimated at the astounding cost of $3 billion. Exactly what this means in terms of the public-private partnership articulated and formalized through NHPA is clear: the Federal Government is failing to demonstrate its historic preservation commitment to the public through the direct care and management of its historic properties in communities across the country.  

But if this most obvious of the Federal Government's missed opportunities is readily identified, formulating a procedure through which that opportunity can be reclaimed is less easily done; surrounding the notion of Federal property management and its impact on the local community is a host of related questions. For instance, what does Federal historic preservation leader-
ship mean in the context of individual Federal agency activities? How do historic preservation leadership and stewardship responsibilities mesh with existing agency mandates? How can Federal agencies actively enhance America's historic resources while carrying out their day-to-day business? That this real and perceived disjunction between legislative charge and agency implementation inevitably affects the tenuous relationship between public official and private citizen goes without question. How that relationship can be strengthened and enriched through the property-managing activities of Federal agencies across America deserves careful consideration.

The special focus of Report to the President and Congress 1991

In celebration of the silver anniversary of NHPA, the Advisory Council turns its attention to the challenges and opportunities of Federal property management, offering its 1991 Report to the President and Congress as a stimulus for thoughtful discussion (see Figure 5, Report to the President and Congress 1997). Inaugurating the Council's problem-solving theme for Fiscal Years 1991 and 1992, "Federal Property Management and Historic Preservation in the Local Community," this report examines the strengths and limitations of national leadership in the area of property management through the narrow lens of a single Federal historic preservation protective process commonly known as Section 106 review. This review process, established by NHPA, is administered by the Advisory Council; it is invoked any time a Federal undertaking might affect historic properties (see Figure 6, How does Section 106 work?).

Part one of this report surveys policy issues central to effective Federal preservation leadership and explores ways in which that leadership—or the lack thereof—intersects with the preservation needs of the community at large. Part Two uses seven case studies to highlight Federal property management issues the Council regularly encounters in its work. Part Three discusses the evolution of the theme problem-solving approach and how it fits into the Council's work. Given present-day preservation constraints, such as limited tax incentives, shrinking budgets, and expanded missions, which affect both public and private initiatives, the importance of exemplary Federal leadership cannot be overstated. In this anniversary year, it seems prudent to assess the Federal historic preservation legacy,
Federal property management: a working definition

Precisely what Federal property management means is a question of some debate; definitions vary by agency and regional office, by primary and secondary agency mission. In view of this inherent difficulty, the Council offers its own working definition of Federal property management advanced from the vantage point of the Section 106 consultation process. Intended to encourage rather than preclude further discussion, this definition builds on the documented policies and practices of property-managing agencies to establish a common point of reference for this essay. For the purposes of Report to the President and Congress 1991, Federal property management denotes a series of activities conducted by a Federal agency administering historic properties which may involve:

- the rehabilitation, retrofit, or adaptive use of buildings or other holdings;
- the acquisition of property through lease or purchase, siting of new construction and the disposal or conveyance of surplus property;
- the integration of historic values

management of historic resources within communities throughout the Nation.

to ask how the Federal Government can fully redeem the promise of NHPA through its direct care and

Report to the President and Congress 1991 marks the third in a series of the Advisory Council on Historic Preservation's annual reports on a pivotal historic preservation topic. In 1989, for example, the Council examined the challenges and opportunities of historic preservation in urban areas, using the International Council on Monuments and Sites' Washington Charter as its point of departure. In 1990, the Council turned to rural issues, using nine Section 106 case studies to illustrate the unique preservation needs of rural America. This year, the Council offers its examination of Federal property management and historic preservation in the local community. Report 1991 also introduces the Council's new theme problem-solving strategy.
into maintenance and operation plans, including treatment of period art or other special features associated with historic public buildings; and
- the determination of appropriate property use, including access and security needs.

The notion of Federal property management must be approached through its broadest possible meaning.

**THIS DEFINITION** also takes into account agency program structures, the relationship of general property policies and practices to agency missions, agency planning frameworks and cross-cutting legislation affecting property management, and government-wide policies that help define agency response to local planning efforts, ordinances, or community interests. This definition, for example, can be used to describe activities affecting archeological sites and structures on land managed by the Bureau of Land Management (BLM) or the United States Forest Service (FS), as well as the interior of a historic building managed by GSA or the lens in a historic light-house under the control of the United States Coast Guard (USCG). Given the magnitude of property at issue---270 million acres by BLM, approximately 35,000 buildings owned or leased by USPS, 66,000 facilities managed by GSA---a more narrow definition is simply impractical. The question of how Federal agencies might demonstrate their commitment to historic preservation through better management of historic properties under their control must be approached through the broadest possible definition if lasting change is to be effected.

**The Federal presence historically has been conveyed to the community through Federal sites and structures.**

**The Federal presence, locally**

**THE RELATIONSHIP** among the Federal Government, its properties, and the local community was not always so complicated. While the government is a relative latecomer to historic preservation--leadership remained concentrated at the local level until well after World War II--the Federal Government neverthe-
This rustic complex at Tellac National Forest in California is one of the many and diverse historic properties under the administration of the U.S. Forest Service.
Figure 7.
Parallel endeavors

It is easy to forget that the Federal Government is a relative newcomer to historic preservation; historians agree that the majority of preservation projects before 1966 were typically spearheaded by private citizens—usually women—to protect their local heritage from a perceived threat, most commonly decay or neglect. Although William Murtaugh traces Federal involvement to 1812 and the architect Robert Mills' plans for reconstruction of the steeple of Independence Hall in Philadelphia, a casualty of the recent war with England, he emphasizes that Federal stewardship of historic resources did not begin in earnest until the early 20th century when the conservation-minded Theodore Roosevelt turned his interest to the Civil War and brought its battlefields and monuments under the protection of the Department of War. In 1916, the National Park Service, founded under the
The aegis of the new Department of the Interior, integrated preservation responsibilities directly into its mission and, under the leadership of first director Stephen Mather, vastly expanded Federal historic preservation activities.

Federal initiatives accelerated with the beginning of the Great Depression when first Herbert Hoover and then Franklin Roosevelt looked to the Nation's historic environment as a source of jobs for the thousands of unemployed artists, architects, historians, and photographers. This era ushered in the Historic American Building Survey (HABS), the Civilian Conservation Corps (CCC), and the multitude of art and restoration projects sponsored by the Works Progress Administration (WPA).

At the community level events proceeded quite differently. Beginning in the early 1850s with Ann Pamela Cunningham's nationwide drive to save George Washington's Virginia plantation, Mount Vernon, from deterioration, continuing through the philanthropic endeavors of John D. Rockefeller and Henry Ford in Williamsburg, Virginia, and Dearborn, Michigan, respectively, to the 1931 establishment of the Nation's first historic district in Charleston, South Carolina, local preservationists developed their own models and sources of funding. For brief moments, private and Federal preservation efforts collided—for example, the Federal Government granted emergency funds in the mid-1850s to enable the Ladies Hermitage Association to preserve President Andrew Jackson's Nashville residence—but for the most part the government and its citizens expected local communities to take care of their own.

The strengths and limitations of this informal approach to preserving and protecting America's historic environment was best symbolized in 1876 at the Centennial Exposition in Philadelphia. In the sentimental birthplace of American independence, almost ten million citizens examined artifacts of the past in private pavilions while the Federal Government's building featured almost exclusively portents of the future. The renewed interest in the Colonial and Early National period reflected in late 19th-century American architecture, furniture design and, most important, local preservation activity, owed nothing to the Federal Government: it was the provenance of modernity and, as such, looked askance at the relics of an earlier time. The Federal Government would wait until 1966 to fully articulate the necessity and potential benefits of a national preservation program, much less to formalize the private and public relationship requisite to its success.

Through the siting, design, and management of buildings and facilities throughout the country, the government conveyed its power and authority, reinforcing the idea that the Nation was a single entity. As Lois Craig notes in The Federal Presence: Architecture, Politics, and National Design, from 1789 forward, Federal properties knit the local community into the national, giving citizens a source of inspiration and a sense of pride. As America grew and flourished, its federally built environment testified to its glory and laid the foundation for a collective national identity. Communities throughout the Nation vied for what

An Art Deco ceiling detail at the Department of Justice Main Building recalls the Federal Government's enormous investment in public art and architecture during the Great Depression.
Craig calls a "Federal present," or Federal building, frequently offering the government choice pieces of real estate as an incentive to locate. By the middle of the 20th century, the government and its role in society found visual expression in post offices, courthouses, hospitals, military bases, national forests, parks, and wildlife refuges. Through these properties, citizens were able to see and judge the Federal leadership commitment in the context of their own communities.

Ironically, many of the same sites and structures that once caused hearts to swell today evoke quite different emotions. In some cities, Federal buildings that anchored historic downtowns stand empty; more than a few federally administered archeological sites have been vandalized; much of America's historic infrastructure is in decay. The significance of this embarrassing state of affairs is lost on neither public servant nor private citizen. This report focuses on how better management on the part of Federal agencies who own, lease, or otherwise administer historic properties in America's towns and cities can reassert a positive Federal presence at the local level. Twenty-five years after NHPA's inception, the promise of the Federal property-management aspect of the national historic preservation program remains unrealized. This report explores how Section 106 review can help Federal agencies restore the faith of Americans in the government's ability to preserve, protect, and maintain the Nation's historic environment.

The discrepancy between the goals of NHPA and the practices of Federal agencies does not stem from lack of legal authority.
No lack of legal authority

**The apparent discrepancy** between the goals of NHPA and the practices of Federal agencies within the area of property management clearly does not stem from a lack of legal authority (see Figure 8, Legal authority). The basic leadership and stewardship responsibilities NHPA outlined have been broadened over time to foster a higher degree of agency activity. Five years after NHPA, for example, Richard Nixon issued Executive Order 11593, "Protection and Enhancement of Cultural Properties," which re-conceptualized the historic preservation role of Federal agencies and changed the emphasis of agency efforts from protection to enhancement, a proactive as opposed to a reactive mode.

A 1972 amendment to the Federal Property and Administrative Services Act of 1949 permitted the General Services Administration (GSA), the government's facilities manager, to transfer historic properties to State and local governments at no cost, providing an alternative to empty Federal buildings or federally sponsored demolition. Similarly, the Public Buildings Cooperative Use Act of 1976 encouraged GSA to acquire and use buildings of historical or architectural significance for Federal office space; rehabilitation or adaptive reuse of existing buildings was officially recognized as a viable alternative to new construction. In 1976 and again in 1980, NHPA itself was amended and a revised and expanded version of E.O. 11593 incorporated directly into the statute as Section 110. Section 110, which speaks directly to the appropriate use and management of historic buildings, among other property management concerns, entails requirements in addition to Section 106 (see Figure 9, Section 110).

**Limited funding support**

**These additional** responsibilities, however, have not been supported by appropriate staff increases or funding levels; the legal potential for the enhancement of historic properties has received limited congressional guidance or spending. Section 110, for example, directed agencies to identify, inventory, and nominate the resources under their control to the National Register of Historic Places but did not give them the financial wherewithal to accomplish the task. It ordered them to bring existing policies and procedures in line with historic preservation law but did not specify how existing responsibilities were to mesh with these new obligations. Neither did Section 110 set forth a
Executive Order 11593, "Protection and Enhancement of the Cultural Environment"—This order directs Federal agencies to take a leadership role in preserving, restoring, and maintaining the historic and cultural environment of the Nation. Federal agencies must locate, inventory, and nominate to the National Register all historic resources under their jurisdiction or control. Until these processes are completed, agency heads must exercise caution to ensure that potentially qualified Federal property is not inadvertently transferred, sold, demolished, or substantially altered.

1972 Amendment to the Federal Property and Administrative Services Act of 1949—This amendment authorizes the General Services Administration to convey approved surplus Federal property to any State agency or municipality free of charge, provided that the property is used as a historic monument for the benefit of the public. This act is also applicable to revenue-producing properties if the income in excess of rehabilitation or maintenance costs is used for public historic preservation, park, or recreation purposes and the proposed income-producing use of the structure is compatible with historic monument purposes, as approved by the Secretary of the Interior.

Public Buildings Cooperative Use Act of 1976—Under this act, the General Services Administration must acquire and use structures of historic, architectural, or cultural significance for Federal office buildings, unless the use of such space is infeasible and imprudent compared with available alternatives.

1980 Amendments to the National Historic Preservation Act of 1966—These amendments brought most of the responsibilities given Federal agencies under E.O. 11593, such as the responsibility to identify historic properties and nominate them to the National Register, into the statute. They also expanded on national historic preservation policy, articulated the duties of State Historic Preservation Officers, provided for the certification of local government preservation programs to participate in the benefits of the act, and provided for local government involvement in nominations to National Register.

Section 4(f) of the Department of Transportation Act of 1966—These sections specify that the Secretary of Transportation may approve any program or project that requires the use of land from a historic site of national, State, or local significance, as determined by Federal, State, or local officials having jurisdiction thereof, only if (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such historic property. The term "historic site" is not limited to properties listed in or eligible for listing in the National Register of Historic Places.
time frame for completion of these additional obligations with the result that eleven years after its implementation, many Federal agencies are just beginning to locate and inventory their historic resources and draft intra-agency guidance to assist with subsequent property-management decisions.

**Additional Federal responsibilities have not been adequately supported.**

This is not to say that it is impossible for Federal agencies to exert strong leadership through management of their historic resources. On the contrary, many agencies can and do accomplish much even under these constraints. For example, the Department of the Army's recognition of the importance of historic preservation has resulted in issuance of Army Regulation 420-40 which requires among other things installation-specific historic preservation plans, archeological overviews and historic building inventories, the development of a computerized cultural resources database, and personnel training. USPS has worked with some States to nominate historic properties to the National Register of Historic Places and to provide the Advisory Council on Historic Preservation a reasonable opportunity to comment. But Section 110 was more than a restatement of E.O. 11593. Section 110 (a) (1) speaks directly to the appropriate use and management of historic buildings, Section 110 (b) refers explicitly to projects assisted by Federal agencies, Section 110 (d) refers to licenses and permits, and Section 110 (f) spells out the treatment for National Historic Landmarks (NHLs). These stipulations addressed many of E.O. 11593's shortcomings, including the perception that it was primarily applicable to land-managing agencies as opposed to all Federal agencies managing historic properties.

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**Figure 9. Section 110**

Central to the 1980 amendments to NHPA was the incorporation of a revised and expanded version of E.O. 11593 directly into the statute; leadership responsibilities accorded Federal agencies were given the force of law under what became known as Section 110. In brief, the new piece of legislation directed Federal agencies to establish and maintain intensive historic preservation programs. Preservation needs were to be fully integrated into existing agency programs and missions by bringing current operating policies and procedures in line with Federal historic preservation law.

Agencies were to locate, inventory, and nominate their properties that appear eligible for inclusion in the National Register of Historic Places and to maximize their use in a manner consistent with their preservation. If properties must be destroyed or substantially altered, they were to be documented appropriately.

Section 110 thus broadened Federal agency responsibilities assigned in 1966 under Section 106 of NHPA which required Federal agencies to take into account the effects of Federal or federally assisted undertakings on resources included in the National Register of Historic Places and to provide the Advisory Council on Historic Preservation a reasonable opportunity to comment. But Section 110 was more than a restatement of E.O. 11593. Section 110 (a) (1) speaks directly to the appropriate use and management of historic buildings, Section 110 (b) refers explicitly to projects assisted by Federal agencies, Section 110 (d) refers to licenses and permits, and Section 110 (f) spells out the treatment for National Historic Landmarks (NHLs). These stipulations addressed many of E.O. 11593's shortcomings, including the perception that it was primarily applicable to land-managing agencies as opposed to all Federal agencies managing historic properties.
Register through a theme approach; in 1988, it nominated 143 New York State postal facilities to the National Register in this fashion, the largest nomination yet made by a Federal agency. The U.S. Coast Guard has established an impressive role in local communities through its leasing program of historic lighthouses that have been automated.

Citizens may welcome the opportunity to forge a better relationship with the Federal Government.

The question, then, is not whether Federal agencies are capable of demonstrating their commitment to historic preservation through their management of resources within American communities; nor is it which agencies or programs hold the greatest potential for community enhancement. It is rather, how Federal agencies in general can seize the opportunity to positively affect the national community through their historic preservation activities at the local level. These scattered examples suggest local citizens may, in fact, welcome the chance to forge a better relationship with Federal agencies, that the expenditure of additional effort on the part of the
Federal Government to bridge the gap between Federal and local can reconcile—or at least balance—preservation needs that are frequently perceived as antithetical.

Section 106 as a property management tool

The Section 106 review process with its strong emphasis on public participation provides Federal agencies with a proven tool to bridge the gap between Federal needs and local concerns. Correctly invoked, Section 106 consultation can result in lasting compromise; nevertheless, its effectiveness, like the examples previously cited, hinges on informed use which includes the determination of what is truly in the public’s interest. Through its legal recognition of interested parties, use of public meetings to elicit community
opinions, and work with State Historic Preservations Offices, the Council-administered Section 106 review process holds the potential to answer this vital question. Properly initiated in the early planning stages of a Federal project, Section 106 gives Federal property managers an opportunity to move beyond protection to enhancement of federally administered resources within local communities. The public-private partnership NHPA set out so many years ago may indeed be reaffirmed.

Overview

This overview of the issues defining the relationship between Federal property managers and local communities is not intended to be a thorough evaluation and analysis of the status of Federal property management. Rather, it is presented as an observation within a specific context: How can the insight gained from selected Section 106 and Section 110 cases be used to protect and enhance historic resources in communities across the Nation? The Council offers this examination of its work with Federal property-managing agencies whose activities have affected—positively or negatively—the quality of community life. Report to the President and Congress 1991 introduces property-managing issues as the Council encounters them to stimulate thoughtful consideration of this: How can Federal property-managing agencies protect, preserve, and maintain the character-defining elements of America’s historic built environment that are under their direct or indirect control?

Clearly, the direct care and management of historic resources at the local level provides the Federal Government with its best opportunity to demonstrate its commitment to the public in a real and meaningful way; that that opportunity is seldom exploited to its fullest potential is to the detriment of both the Federal Government and local communities. In this year of anniversaries—the 75th for NPS, the 25th for NHPA and the Advisory Council, the 20th for E.O. 11593—it is right and proper to assess the Federal historic preservation legacy. Report to the President and Congress 1991 opens the discussion along these lines with the goal of establishing an intellectual foundation for constructive change.
Founded in 1799, the United States Lighthouse Service built and administered a complex system of navigational aids spanning the country. The reservation at Bass Harbor Head in Maine is now administered by the Lighthouse Service's successor, the U.S. Coast Guard.
Endnotes


4. See, for example, Gerald A. Danzer, Public Places: Exploring Their History (Nashville: American Association for State and Local Hist-


Opposite, the Coast Guard's property management efforts have included making automated light stations available for community use, as in Yaquina Bay, Oregon.

Left, the Fresnel lens, pictured in this historic photograph, revolutionized light houses.