



U.S. General Service Administration (GSA)

## **GSA Order: Procedures for Historic Properties**

ADM 1020.3A

PBS

### **Purpose**

This order transmits procedures for complying with Federal laws, regulations, orders, and directives for the use, protection and enhancement of historic and cultural properties under the jurisdiction, custody, or control of the U.S. General Services Administration (GSA).

### **Background**

The National Historic Preservation Act of 1966, as amended (54 U.S.C. § 300101 *et seq.*), Executive Order 11593, Executive Order 12072, Executive Order 13006, and Executive Order 13287 direct all Federal agencies to:

- a. Administer the cultural properties under their custody and control in a spirit of stewardship, trusteeship and sustainability for future generations;
- b. Initiate measures necessary to direct their policies, plans and programs in such a way that sites, structures and objects of historical, architectural or archeological significance under Federal jurisdiction, custody and control are preserved, restored and maintained for the inspiration and benefit of the people;
- c. Establish programs for the identification, evaluation, protection, and nomination to the National Register of Historic Places of historic properties under agency custody or control;
- d. Initiate procedures to promote the use of historic properties available to the agency, encourage location of Federal agencies in historic buildings and historic districts in central business areas, and overcome barriers to the use of historic properties;
- e. Exercise caution during the interim period until inventories and evaluations required by subsection 3.c, above, are completed so that any federally owned property that might qualify for nomination is not inadvertently transferred, sold, demolished, or substantially altered without the benefit of appropriate consideration and procedures for external review and public participation provided under Federal law.
- f. Initiate measures and procedures to provide for the continued utility, appropriate care and enhanced sustainability of federally owned historic properties and non-federally owned historic properties that agencies have an opportunity to lease or acquire, in accordance with the professional standards prescribed by the Secretary of the Interior; and

- g. Establish procedures to monitor and report on the condition and use of historic properties under agency jurisdiction, custody and control, including archeological resources associated with Federal construction projects.

## **Applicability**

This order applies to all GSA programs, activities and actions that could affect historic and cultural properties. This order is for guidance of Regional Historic Preservation Officers and all other GSA personnel engaged in activities affecting historic properties.

## **Cancellation**

ADM 1020.3, *Procedures for Historic Properties*, dated September 6, 2016, is canceled.

## **Summary of Changes**

- a. Updated list of Federal laws and directives reflecting changes since 2016.
- b. Added technical clarifications and updates regarding NHPA compliance agreements, compliance alternatives, and GSA resources supporting compliance.
- c. Expanded guidance reflecting the collaborative and complementary roles of GSA's preservation and disposition programs in meeting compliance responsibilities for disposal of PBS and non-PBS real property.
- d. Added regulatory citations clarify the basis of GSA requirements regarding historic property identification, nomination of properties to the National Register, and resolution of adverse effects.
- e. Referenced compliance resources now include GSA's Historic Building Document Repository, providing centralized online access to building preservation plans, historic structure reports, National Register nominations, and other documents.
- f. Added guidance concerning commemorative objects, site-specific art, and protection of vulnerable historic building materials.
- g. Expanded guidance promoting tribal engagement, diversity, and sustainability.

## **Implementation**

The GSA Federal Preservation Officer is responsible for coordinating with the Public Buildings Service (PBS) Assistant Commissioners and Chief Architect and their staffs, the PBS regional offices and, when historic personal property is involved, the Federal Acquisition Service Office of Personal Property Management to develop plans and procedures for implementing this order, including measurements and assessment



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# PROCEDURES FOR HISTORIC PROPERTIES

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## CHAPTER 1. INTRODUCTION

### 1. Purpose

- a. The U.S. General Services Administration (GSA), as a real and personal property manager for the Federal Government, is entrusted with the care of many Federal public buildings, their contents and associated grounds. In this capacity, GSA is responsible for acquiring, operating, maintaining, repairing, rehabilitating, altering, and expanding Federal properties to meet a variety of Federal space needs, and disposing of property when no longer needed to meet such needs. GSA also is responsible for providing space for the Federal Government in non-Federal properties and for constructing new Federal buildings, as agency space needs change.
- b. GSA manages both real property, such as Federal buildings, and personal property, such as custom-designed furnishings, fine arts objects, vessels of cultural significance, underwater artifacts, and archeological resources.
- c. Many properties under GSA's jurisdiction, custody or control are listed in or are eligible for listing in the National Register of Historic Places (National Register) and many other properties are potentially eligible for listing in the National Register.
- d. GSA has a responsibility in the search for new space for its customer agencies to give priority to the use of historic buildings. Priority is given to reuse of available federally owned historic buildings, then to non-Federal historic buildings, especially those located in historic districts within central business areas.
- e. Because of the importance of these properties in America's history and culture, GSA has the further obligation to manage, maintain, use, repair, and improve these properties in a manner that will preserve their character-defining features and other qualities that make them eligible for listing in the National Register. This order directs that each property under GSA's jurisdiction, custody or control be evaluated for its historical and cultural significance, and that GSA consider the significant qualities of each property in planning and conducting its activities. This order also provides guidance for carrying out GSA actions potentially affecting non-Federal historic properties in a manner that, to the greatest extent possible, preserves their significant features and qualities. The order further describes the statutory basis for GSA's agencywide stewardship vision and outlines a framework for integrating these stewardship goals with GSA's portfolio strategy and within a cost-conscious, customer-focused business environment.

## **2. Objectives**

Objectives of this order are to:

- a. Define GSA's historic preservation program and its direction.
- b. Summarize laws, regulations, orders, and directives guiding GSA's preservation policy and program structure.
- c. Summarize compliance responsibilities under the National Historic Preservation Act of 1966, as amended (NHPA), and other historic preservation laws and related authorities that apply to GSA's programs, activities and actions affecting historic and cultural properties.
- d. Define professional standards required of GSA personnel responsible for GSA's national and regional preservation programs, as well GSA employees, contract staff, design teams, specialist consultants, construction technicians, and others engaged in activities affecting historic buildings.
- e. Outline processes, standards and approaches for effectively integrating Federal stewardship goals into specific GSA business activities.

## **3. Scope**

This order provides guidance for the program operations of GSA that have direct or indirect responsibility for or control over any action, activity or program that entails:

- a. Acquiring real and personal property;
- b. Consolidating and relocating Federal agencies;
- c. Leasing real property for Federal use;
- d. Directing Federal construction and the lease construction of space;
- e. Maintaining federally owned or administered real and related personal property;
- f. Repairing, altering and improving federally owned and leased property;
- g. Assigning space;
- h. Disposing of real and personal property;
- i. Requesting authorization and appropriations from Congress for undertakings that could affect National Register or National Register-Eligible Property (defined in subsection 4.m, below); and



- j. Granting entitlements and permissions, including leases, easements, licenses, permits, and other approvals.

#### 4. Definitions

- a. **Advisory Council on Historic Preservation.** The Advisory Council on Historic Preservation (the Council) is an independent Federal agency created by NHPA to advise the President, Congress and other Federal agencies on historic preservation matters. GSA is a voting member of the Council. For consulting purposes, the Council retains staff in Washington, DC, for review and compliance.
- b. **Area of Potential Effect.** The Area of Potential Effect (APE) is the geographical area within which direct and indirect environmental effects could be expected to occur and, thus, create the potential to change the historical, architectural, archeological, or cultural qualities possessed by a historic or cultural property. The APE is often larger than the project construction site because projects may have visual and other effects on surrounding properties.
- c. **Building Preservation Plan.** The Building Preservation Plan (BPP) is a document that provides a standardized format for the analysis, management and treatment of individual buildings, groups of buildings and the overall GSA inventory. Individual BPPs include images and descriptions of significant spaces and materials and preservation zoning to establish the relative significance of exterior areas and interior spaces and recommendations for future treatment. BPPs are housed in the Historic Building Documentation Resource (HBDR), a component in GSA's Electronic Data Management System, and accessible through the PBS portal.
- d. **Consultation.** The act of formally seeking advice or conferring with the appropriate State Historic Preservation Officer (defined in subsection 4.aa, below), the Council and any other interested parties as provided for in the Council's regulations.
- e. **Consulting parties.** The State and Tribal Historic Preservation Officers, the Regional Historic Preservation Officer (defined in subsection 4.x, below), GSA's Federal Preservation Officer (defined in subsection 4.n, below), the Council staff representatives, the customer agency, and other organization(s) directly involved in the project, if applicable, and any other interested parties as provided for in the Council's regulations.
- f. **Contributing feature.** A building, object or structure, material, element, assembly, or space that contributes to the significance and eligibility of a property for the National Register.

- g. **Criteria of Effect.** Criteria established by the Council to determine the extent to which an agency undertaking or group of undertakings will affect the qualities that may qualify a building, site or district for listing in the National Register (36 C.F.R. § 800.3).
- h. **Criteria for Evaluation.** The criteria established by the Secretary of the Interior to evaluate properties to determine whether they are eligible for inclusion in the National Register (36 C.F.R. § 60.4).
- i. **Cultural items.** Human remains, funerary objects, sacred objects, and objects of cultural patrimony (25 U.S.C. § 3001(3)).
- j. **Cultural resources.** Physical evidence or place of past human activity. Examples of cultural resources include buildings, structures, districts, archeological sites, historic landscapes, cemeteries, resources of interest to Native American Tribes or Native Hawaiian organizations, and objects of significance in history, architecture, archeology, engineering, or culture. The term also includes associated documents and records.
- k. **Discovery during implementation.** An unanticipated discovery of a historic or cultural property during the implementation of an undertaking that has already complied with section 106 of NHPA, Executive Order (E.O.) 11593 and 36 C.F.R. part 800. How these resources are to be handled is detailed in the Council's regulations (36 C.F.R. § 800.6(c)(6)), the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation* (48 FR 44716) and the National Park Service's regulations (36 C.F.R. part 79).
- l. **Effect.** The extent of an undertaking's impact on a historic or cultural property as determined in accordance with the Council's Criteria of Effect (36 C.F.R. § 800.3).
- m. **Eligible property.** Any district, site, building, structure, or object that meets the National Register's Criteria for Evaluation. Properties that have been determined eligible are accorded the same protections as properties listed in the National Register, in accordance with the process outlined in 36 C.F.R. part 63.
- n. **Federal Preservation Officer.** Required for all Federal agencies under NHPA, the Federal Preservation Officer (FPO) is the qualified employee responsible for overseeing agency compliance with NHPA and related laws, regulations, orders, and directives.
- o. **Historic and cultural property.** Any building, site, district, structure, or object that has historical, architectural, archeological, or cultural importance. These classes of properties and their definitions are as follows:

- 1) **District.** A geographically definable area, urban or rural, possessing a concentration, linkage or continuity of sites, buildings, structures, landscape features, or objects that are united by past events or aesthetically by plan or physical development. A district also may be composed of individual elements that are separated geographically but are linked by associations of history or architectural style.
  - 2) **Site.** The location of a significant event, a prehistoric or historic occupation or activity, a building or structure, or a landscape, whether standing, ruined, vanished, or represented only by subsurface remains, where the location itself maintains historical or archeological value regardless of the value of any existing structures.
  - 3) **Building.** A structure created to shelter any form of human activity, such as a house, barn, religious facility, hotel, or similar structure. "Buildings" may refer to a historically related complex, such as a courthouse and jail or a house and barn.
  - 4) **Structure.** An edifice, usually an engineering project, designed to aid human activities, such as a bridge, canal or aqueduct.
  - 5) **Object.** Material thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.
- p. **Historic Building Documentation Resource (HBDR).** GSA central repository for visual and narrative building documentation, including individual Building Preservation Plans, Historic Structure Reports and related studies.
- q. **Historic Structure Report (HSR).** A detailed planning document for the long-term care of historic properties, including a comprehensive survey and analysis of existing spaces and conditions; preservation zoning to establish the relative significance of exterior areas and interior spaces; and detailed recommendations for restoration, repair, maintenance, and rehabilitation. Similar to a BPP, with a higher level of detail and analysis. The BPP was developed for GSA to address its historic building project-planning and facility maintenance needs.
- r. **Indian Tribe.** Any Tribe, band, nation, rancheria, pueblo, or other organized community, including any Alaska Native village or regional or village corporation as defined in or established under the Alaska Native Claims Settlement Act, 85 Stat. 688, 43 U.S.C. § 1601 *et seq.*, which is recognized by the Secretary of the Interior as eligible for the special programs and services provided by the United States to Native Americans because of their status as Native Americans.

- s. **Keeper of the National Register.** The Keeper of the National Register (Keeper) is the individual who has been delegated the authority by the National Park Service to list properties and determine their eligibility for the National Register.
- t. **National Register.** The National Register of Historic Places is a listing of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture maintained by the Secretary of the Interior under authority of section 2(b) of the Historic Sites Act of 1935, 49 Stat. 666, 54 U.S.C. § 320102, and section 101(a)(1) of NHPA, 54 U.S.C. §§ 302101 - 302108.
- u. **Native American.** The term Native American means of, or relating to, a Tribe, people or culture that is indigenous to the United States, including Alaska and Hawaii (25 U.S.C. § 3001(9); 43 C.F.R. § 10.2(d)).
- v. **Native Hawaiian Organization.** The term Native Hawaiian Organization (NHO) means any organization that (1) serves and represents the interests of Native Hawaiians, (2) has as a primary and stated purpose the provision of services to Native Hawaiians and (3) has demonstrated expertise in aspects of historic preservation that are culturally significant to Native Hawaiians. The term includes 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.
- w. **Professional Qualifications Standards.** The Secretary of the Interior's *Historic Preservation Professional Qualifications Standards* define minimum education and experience requirements for professionals practicing in the field of historic preservation. The format provides a framework for establishing sound professionalism in the twelve disciplines of archeology, architectural history, conservation, cultural anthropology, curation, engineering, folklore, historic architecture, historic landscape architecture, historic preservation planning, historic preservation, and history. GSA may have additional, project-specific qualifications requirements that exceed the minimum Professional Qualifications Standards.
- x. **Regional Historic Preservation Officer.** The Regional Historic Preservation Officer (RHPO) is the GSA employee responsible for overseeing compliance of regional projects and decisions with Federal preservation laws, regulations, orders, and directives.
- y. **Responsible official.** The Head of Service or Staff Office, the Regional Commissioner or the PBS Commissioner's or the Regional Commissioner's designee, as applicable, under whose jurisdiction an action is being planned.

- z. **Secretary's Standards.** Recommended approaches set forth in the Secretary of the Interior's *Standards for the Treatment of Historic Properties and Illustrated Guidelines for Rehabilitating Historic Buildings* (U.S. Department of the Interior, National Park Service, 1992), as such standards and guidelines may be amended from time to time by the United States Department of the Interior, National Park Service, or its successor.
  
- aa. **State Historic Preservation Officer.** The State Historic Preservation Officer (SHPO) is the official, designated pursuant to 36 C.F.R. part 61, responsible for liaison with Federal agencies for implementation of NHPA, for the coordination of the statewide survey of historic and cultural properties and the development of a comprehensive State historic preservation plan.
  
- bb. **Tribal Historic Preservation Officer.** The Tribal Historic Preservation Officer (THPO) is the official, designated pursuant to 36 C.F.R. part 61, responsible for liaison with Federal agencies for implementation of NHPA and for the coordination of surveys and consultation concerning historic and cultural properties under the sovereignty of Native American Tribes and objects in which Native American Tribes have an interest.
  
- cc. **Undertaking.** 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; those requiring a Federal permit, license or approval; and those subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency (36 C.F.R. § 800.16(y)).

## 5. List of acronyms

ABA: Architectural Barriers Act of 1968, as amended

ABAAS: Architectural Barriers Act Accessibility Standard

ADA: Americans with Disabilities Act of 1990, as amended

AIRFA: American Indian Religious Freedom Act of 1978, as amended

APE: Area of Potential Effect

ARPA: Archeological Resources Protection Act of 1979, as amended

ASA: Abandoned Shipwreck Act of 1987

BPP: Building Preservation Plan

CO: Contracting Officer

EA: Environmental Assessment

EIS: Environmental Impact Statement

FAS: Federal Acquisition Service

FPO: Federal Preservation Officer

GSA: U.S. General Services Administration

HABS: Historic American Buildings Survey

HADPA: Archeological and Historic Preservation Act, also known as the Archeological Data Preservation Act of 1974, as amended

HAER: Historic American Engineering Record

HALS: Historic American Landscapes Survey

HSA: Historic Sites Act of 1935, as amended

HSR: Historic Structure Report

MOA: Memorandum of Agreement (under section 106 of NHPA)

NAGPRA: The Native American Graves Protection and Repatriation Act of 1990, as amended

NEPA: The National Environmental Policy Act of 1969, as amended

NHL: National Historic Landmark

NHO: Native Hawaiian Organization

NHPA: National Historic Preservation Act of 1966, as amended

NHLPA: The National Historic Lighthouse Preservation Act of 2000, as amended

PA: Programmatic Agreement (under section 106 of NHPA)

PBCUA: Public Buildings Cooperative Use Act of 1976, as amended

PBS: Public Buildings Service, GSA

RC: Regional Commissioner, GSA

RHPO: Regional Historic Preservation Officer

SHPO: State Historic Preservation Officer

THPO: Tribal Historic Preservation Officer

## CHAPTER 2. STATUTORY REQUIREMENTS, REGULATIONS AND GUIDELINES

This order implements the following laws, Presidential directives and regulations:

### 1. Laws

- a. **Antiquities Act of 1906, as amended, Pub. L. 59-209, 34 Stat. 225, 54 U.S.C. §§ 320301-320303.** The earliest legislation enacted to protect historic properties, the Antiquities Act of 1906, as amended, provides for protection of historic or prehistoric remains or any object of antiquity on Federal lands; establishes criminal sanctions for unauthorized destruction or appropriation of antiquities; and authorizes scientific investigation of antiquities on Federal land. Antiquities include archeological sites and artifacts, other historic properties, Native American cultural objects as defined by the Native American Graves Protection and Repatriation Act of 1990 (see below), and paleontological resources.
- b. **Historic Sites Act of 1935, as amended, Pub. L. 74-292, 49 Stat. 666, 54 U.S.C. §§ 320101-320106.** The Historic Sites Act of 1935, as amended (HSA), declares as national policy the preservation of prehistoric and historic sites, buildings and objects of significance in the interpretation and commemoration of the Nation's history. The HSA provides for protection of historic or prehistoric remains or any object of antiquity on Federal lands; establishes criminal sanctions for unauthorized destruction or appropriation of antiquities; and authorizes scientific investigation of antiquities on Federal lands, subject to permit and regulations. The HSA directs the National Park Service to establish a mechanism for cataloging and identifying historical archeological properties, leading to the establishment of the Historic American Buildings Survey (HABS), the Historic American Engineering Record (HAER) and the National Historic Landmarks (NHL) program.
- c. **Reservoir Salvage Act of 1960, as amended, Pub. L. 86-523, 74 Stat. 220, 54 U.S.C. §§ 312501-312508.** The Reservoir Salvage Act of 1960, as amended, provides for the recovery and preservation of historical and archeological data, including relics and specimens, which might be lost or destroyed as a result of the construction of dams, reservoirs and attendant facilities and activities.
- d. **Secretary of the Treasury - Function, 1965, as amended, Pub. L. 89-30, 79 Stat. 119, 40 U.S.C. § 1309, Preservation, sale or collection of wrecked, abandoned or derelict property.** This law authorizes the Administrator of General Services to make such contracts and provisions for the preservation, sale or collection of any property, or the proceeds thereof, which may have been wrecked, abandoned or become derelict, if the Administrator considers the contracts and provisions to be in the interest of the Federal Government and the property is within the jurisdiction of the United States and should come to the United States. Contracts and provisions must contain language that provides for



the protection and preservation of all properties that are potentially protected under NHPA. Certain Confederate and Imperial Japanese properties transferred to the Federal Government under the terms of surrender are covered under this law.

- e. **National Historic Preservation Act of 1966, as amended, Pub. L. 89-665, 80 Stat. 915, 54 U.S.C. § 300101 et seq.** The NHPA establishes national policy for the preservation of the cultural environment and sets forth a mandate for protection in section 106, 54 U.S.C. § 306108 (Section 106). Section 106 requires agencies to consider the effects of their proposed undertaking on properties listed or eligible for listing in the National Register and to provide the Council, the SHPO and other consulting parties a reasonable opportunity to comment on the undertaking. Properties are listed or declared eligible for listing in the National Register by the agency, in consultation with the SHPO or the Secretary of the Interior. As developed by the Council's regulations, Section 106 establishes a public interest process in which the Federal agency proposing an undertaking, the SHPO, the Council, and interested organizations and individuals participate to assist the agency in reaching an informed decision or approach. There are several other provisions of note in NHPA, including sections 110 and 111. Section 110, 54 U.S.C. §§ 306101-306107 and 306109-306114 (collectively, Section 110), establishes preservation programs through which Federal agencies identify, evaluate, protect, and document historic properties that may be affected by their activities. Section 111, 54 U.S.C. §§ 306121 and 306122 (collectively, Section 111), authorizes any Federal agency to lease or exchange historic property not needed for current or projected agency purposes to non-Federal entities, provided that the lease or exchange will adequately ensure the preservation of the historic property.
- f. **The Architectural Barriers Act of 1968, as amended, Pub. L. 90-480, 82 Stat. 718, 42 U.S.C. §§ 4151-4157, and the Americans with Disabilities Act of 1990, as amended, Pub. L. 101-336, 104 Stat. 328, 42 U.S.C. § 12101.** The Architectural Barriers Act of 1968, as amended (ABA), and the Americans with Disabilities Act of 1990, as amended (ADA), are designed to guarantee that public buildings and places of public accommodations are accessible to individuals with disabilities. GSA has adopted appendices C and D to 36 C.F.R. part 1191 (ABA chapters 1 and 2, and chapters 3 through 10) as the Architectural Barriers Act Accessibility Standard (ABAAS). For more information on the ABA, see 41 C.F.R. part 102-76, subpart C – Architectural Barriers Act. ABAAS includes provisions allowing alternative approaches to preserve significant architectural features contributing to a building's National Register eligibility.
- g. **The National Environmental Policy Act of 1969, as amended, Pub. L. 91-190, 83 Stat. 852, 42 U.S.C. § 4321 et seq.** The National Environmental Policy Act of 1969, as amended (NEPA), and its implementing regulations (40 C.F.R. §§ 1500-1508), establish policy regarding environmental protection and specifically require agencies to consider the environmental impacts of their

actions, including impacts on historic properties and other cultural resources, before making decisions. Potential effects on such resources are to be considered in determining whether an action is, under NEPA, a major Federal action significantly affecting the environment, thereby requiring the agency to prepare a detailed Environmental Impact Statement (EIS). The potential effects also are to be considered in any such impact statement and in making a final decision about the action. Compliance with NEPA should be coordinated with compliance activities under Section 106 of NHPA.

- h. **An Act to Facilitate the Preservation of Historic Monuments, and For Other Purposes, as amended, Pub. L. 92-362, 86 Stat. 503, 40 U.S.C. § 550(h).** This law authorizes the Administrator of General Services to convey to State and local public bodies, at no cost, National Register properties deemed appropriate by the Secretary of the Interior for historic monument purposes.
- i. **Archeological and Historic Preservation Act, also known as the Archeological Data Preservation Act of 1974, as amended, Pub. L. 93-291, 88 Stat. 174, 16 U.S.C. § 469 and 54 U.S.C. §§ 312501-312508.** The Archeological and Historic Preservation Act, also known as the Archeological Data Preservation Act of 1974, as amended (HADPA), amends the Reservoir Salvage Act of 1960 to extend its provisions to any alteration of the terrain caused as a result of any federally funded or federally assisted construction project or federally licensed activity or program. In addition, HADPA provides a mechanism to fund mitigation for the protection of historical and archeological data.
- j. **Public Buildings Cooperative Use Act of 1976, as amended, Pub. L. 94-541, 90 Stat. 2505, 40 U.S.C. § 3306.** The Public Buildings Cooperative Use Act of 1976, as amended (PBCUA), encourages use of historic buildings as administrative facilities for Federal agencies and activities and requires GSA to give preferential treatment to important historic and cultural properties in the management of space needs.
- k. **American Indian Religious Freedom Act of 1978, as amended, Pub. L. 95-341, 92 Stat. 469, 42 U.S.C. § 1996.** The American Indian Religious Freedom Act of 1978, as amended (AIRFA), declares it to be the policy of the United States to protect and preserve for indigenous peoples their inherent right of freedom to believe, express and exercise their traditional religions. AIRFA applies to Native Americans, including Alaska Natives and Native Hawaiians.
- l. **Archaeological Resources Protection Act of 1979, as amended, Pub. L. 96-95, 93 Stat. 721, 16 U.S.C. §§ 470aa-470mm and 54 U.S.C. § 320302.** The Archaeological Resources Protection Act of 1979, as amended (ARPA), provides protection for archeological resources found on public lands and Tribal lands of the United States. ARPA prohibits the removal of archeological resources on public lands and Tribal lands without first obtaining a permit from the affected

Federal land managing agency or Native American Tribe. ARPA provides civil and criminal penalties for those who remove or damage archeological resources in violation of the act. The implementing regulations for ARPA are set forth at 43 C.F.R. part 7.

- m. **National Museum for the Building Arts, Pub. L. 89-665, title III, sec. 306, as added Pub. L. 96-515, title V, sec. 501, Dec. 12, 1980, 94 Stat. 3002, 54 U.S.C. §§ 305501-305505.** This law amends the Public Buildings Act of 1959, and directs GSA, the Department of the Interior and 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, to enter into a cooperative agreement for the operation of a National Museum for the Building Arts in the Pension Building, an NHL building in Washington, DC, under the jurisdiction, custody and control of GSA, to commemorate and promote the building arts.
- n. **Abandoned Shipwreck Act of 1987, Pub. L. 100-298, April 28, 1988, 43 U.S.C. §§ 2101-2106.** The Abandoned Shipwreck Act of 1987 (ASA) protects underwater archeological treasures in State waters by claiming Federal ownership of historic shipwrecks and transfers title to these wrecks to the States for administration, management and regulation.
- o. **The Native American Graves Protection and Repatriation Act of 1990, as amended, Pub. L. 101-601, 104 Stat. 3048-58, 25 U.S.C. §§ 3001-13.** The Native American Graves Protection and Repatriation Act of 1990, as amended (NAGPRA), requires that Federal agencies and federally assisted museums inventory their collections for Native American Cultural Items, including human remains, associated funerary objects, unassociated funerary objects, sacred objects, and objects of cultural patrimony; and work with lineal descendants, Native American Tribes and NHOs to repatriate such items. Subsection 3(c) permits the excavation of such items on Federal and Tribal land with an ARPA permit, provided the lineal descendants, Native American Tribes and NHOs are consulted, as appropriate, and recovered items disposed of in accordance with NAGPRA requirements. Subsection 3(d) establishes procedures that must be followed if a Native American cultural item is discovered on Federal or Tribal land. The implementing regulations for NAGPRA are set forth at 43 C.F.R. part 10.
- p. **The National Historic Lighthouse Preservation Act of 2000, as amended, 54 U.S.C. §§ 305101-305106.** The National Historic Lighthouse Preservation Act of 2000, as amended (NHLPA), amends NHPA and establishes specific provisions for historic light stations. It authorizes historic light stations no longer needed by the Federal Government to be transferred, at no cost, to State or local governments or nonprofit corporations, including educational and community development organizations, that can preserve, maintain and provide public access to the properties. The National Park Service administers the NHLPA

application process and GSA oversees conveyance in coordination with the U.S. Coast Guard. If there is no approved applicant, GSA is authorized to proceed with a public sale of the light station.

- q. **Sunken Military Craft Act of 2004, Pub. L. 108-375, 10 U.S.C. § 113 note and 118 Stat. 2094-2098.** Enacted as division A, title XIV of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, the Sunken Military Craft Act of 2004 protects sunken warships, naval auxiliary vessels and aircraft owned or operated by a government on military service when sunk, from damage, disturbance or loss resulting from activity not authorized by the Federal Government. The statute prohibits individuals from claiming any right, title or interest in such craft or its associated contents without divestiture by the Federal Government. It further authorizes the Secretary of the Navy to issue permits allowing access to sunken craft for archeological, historical or educational purposes in accordance with applicable laws and regulations.

## 2. Presidential Directives

- a. **Executive Order 11593, “Protection and Enhancement of the Cultural Environment” (36 FR 8921, May 13, 1971).** This directive gives the Federal Government responsibility for stewardship of our Nation's historic and cultural properties. It requires each Federal agency to identify all historic and cultural properties under its jurisdiction or control and to nominate all such properties that meet the National Register's Criteria for Evaluation for listing in the National Register. Until these activities have been completed, agencies are directed to exercise caution to assure that its historic and cultural properties are not inadvertently transferred, sold, demolished, or substantially altered.
- b. **Executive Order 12072, “Federal Space Management” (43 FR 36869, August 18, 1978).** This directive requires that, when meeting Federal space needs in an urban area, first consideration be given to a centralized community business area and adjacent areas of similar character. Federal facilities and Federal use of space in urban areas must serve to strengthen the Nation's cities and make them attractive places to live and work. Procedures for meeting space needs in urban areas must give serious consideration to the impact a site selection will have on improving the social, economic, environmental, and cultural conditions of the communities in the urban area. To that end, procedures for meeting space needs in urban areas must include consideration of, among other things, utilization of buildings of historic, architectural or cultural significance.
- c. **Executive Order 13006, “Locating Federal facilities on Historic Properties in Our Nation's Central Cities” (61 FR 26071, May 24, 1996).** This directive requires that first consideration be given to locating Federal facilities in historic buildings and districts within central business areas. It also directs Federal agencies to remove regulatory barriers that are obstacles to using historic buildings in older central business area locations.

- d. **Executive Order 13287, “Preserve America” (68 FR 10635, March 5, 2003).** This directive calls on Federal agencies to build partnerships with State and local governments, Indian Tribes and the private sector to use and promote historic buildings while contributing to community economic revitalization efforts, including heritage tourism. It mandates periodic reporting on the condition of federally owned historic properties to increase agency accountability for their maintenance, protection and use.
- e. **Executive Order 13990, Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis” (86 FR 7037, January 25, 2021).** Directs Federal agencies to protect public health and the environment, guided by science and a commitment to advance environmental justice, and to conserve, restore and expand national treasures and monuments as places that secure our national memory.
- f. **Executive Order 14057, “Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability” (86 FR 70935, December 13, 2021).** Section 208, Sustainable Acquisition and Procurement, among other things, encourages agencies to promote environmental stewardship by prioritizing products that can be reused, refurbished or recycled and to maximize environmental benefits and cost savings through the use of full lifecycle cost methodologies.
- g. **Executive Order 14091, “Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government” (88 FR 10825, February 22, 2023).** Subsection 6(c) of the order directs agencies, when planning for new facilities and leases, to consider neighborhoods and locations that are near existing employment centers and accessible to a broad range of the region’s workforce and population by public transit (where it exists), consistent with E.O. 12072. It further directs agencies to identify displacement risks associated with federal facility siting and development and to engage with any community that may be affected, along with appropriate regional and local officials, to mitigate those displacement risks.

### 3. Regulations

- a. **36 C.F.R. part 800, Protection of Historic Properties.** These regulations, issued by the Council and binding on all Federal agencies, establish procedures for agency compliance with Section 106 of NHPA.
- b. **36 C.F.R. part 79, Curation of Federally Owned and Administered Archeological Collections.** These regulations, issued by the Secretary of the Interior and binding on all Federal agencies, prescribe how archeological materials and records produced by surveys and excavations under ARPA, NHPA and other authorities are to be managed.
- c. **41 C.F.R. part 102-73, Real Estate Acquisition.** These regulations, issued by GSA, require agencies having a mission requirement to locate in an urban area

to give first consideration to space in historic buildings and districts inside central business areas. Agencies may give a price preference of up to 10% for space in historic buildings and districts.

- d. **41 C.F.R. part 102-75, Real Property Disposal.** These regulations, issued by GSA, specify the process by which GSA transfers or conveys real property reported excess to GSA under title 40 of the United States Code. Pursuant to this authority, GSA makes available (i) excess properties to landholding agencies for continued Federal use, (ii) surplus properties for certain statutorily prescribed public benefit uses and (iii) surplus properties, if not claimed for public benefit use, for public sale. The needs of the homeless have priority over other public benefit uses and, under subsection 102-75.1200(b)(7), where applicable, representatives of the homeless submitting applications must provide information that will enable the U.S. Department of Health and Human Services to comply with Federal historic preservation requirements.
- e. **41 C.F.R. part 102-78, Real Property, Historic Preservation.** These regulations, issued by GSA, provide guidance in furtherance of GSA's preservation program under Section 110 of NHPA for properties under the jurisdiction, custody or control of GSA or Federal agencies operating or maintaining such properties under a delegation of authority from GSA. The regulations outline Federal agency responsibilities to nominate eligible properties to the National Register and to consult with the SHPOs, the THPOs, Native American groups, and the Council to minimize adverse effects of Federal activities on historic properties. The regulations also describe historic preservation services that Federal agencies must provide, including preparing BPPs for National Register and National Register-Eligible Property under agency control and investigating proposed sites for Federal and leased construction to identify historic or culturally significant property.
- f. **41 C.F.R. part 102-79, Assignment and Utilization of Space.** Section 102-79.60 requires that agencies use, to the maximum extent feasible, historic properties already owned or leased by the Federal Government prior to acquiring, constructing or leasing buildings. Many of these properties are in older city centers near existing community transportation and infrastructure, enabling agencies, in so doing, to fulfill the locational objectives of E.O.s 11593, 12072, 13006, and 13287. In addition, section 102-79.55 requires agencies to give consideration to available space in properties under the control of the U.S. Postal Service, many of which are historic, if space is not available in Federal Government-owned or leased buildings, prior to acquiring, constructing or leasing buildings.
- g. **41 C.F.R. part 102-83, Location of Space.** These regulations direct agencies that have a mission requirement to locate in an urban area to give first consideration to locating Federal facilities in historic buildings and districts within central business areas. The regulations reiterate the goals of conserving existing

resources, encouraging redevelopment that makes downtowns attractive places to work, building new partnerships that promote historic preservation, and encouraging opportunities for locating cultural, educational, recreational, or commercial activities within Federal facilities.

## CHAPTER 3. GSA'S HISTORIC PRESERVATION PROGRAM

### 1. Mission

#### a. Public Buildings Service mission

The Public Buildings Service (PBS) provides workspace for Federal employees in both Federal Government-owned and leased buildings. PBS real estate management activities include acquisition of sites and buildings, construction, leasing, repair, alteration, and maintenance. Within GSA's real estate inventory are many properties significant in American history, architecture, archeology, engineering, and culture. GSA planning, design, construction, and disposal processes have the potential to affect the integrity of historic properties, including both those under Federal jurisdiction, custody and control as well as other properties. Common cultural property affected by GSA activity includes archeological artifacts and other resources discovered during GSA construction projects, significant properties controlled, leased or acquired by GSA, and historic districts, sites and buildings adjoining GSA activity.

#### b. Agencywide coordination

GSA's national historic preservation program serves as a focal point for the development of strategies to facilitate agencywide compliance with the spirit and substance of preservation laws and directives. The office of the FPO, located in the GSA headquarters of PBS, Office of Architecture and Engineering, Center for Historic Buildings, is responsible for providing agencywide access to preservation-related information and support. This requires establishing cross-business and cross-regional lines of communication and determining which types of communication will most effectively convey different types of information.

#### c. Agencywide knowledge building

Providing employees with access to information on historic buildings, preservation procedures and guidance requires close coordination between GSA's national and regional preservation programs and its Service and Staff Offices. Establishing information management standards for data uniformity, accuracy and continuity requires structured regional and national office interaction and procedures to facilitate quality control. Incorporating Federal stewardship goals into GSA's business mission requires integrating preservation-related information systems and business-related information systems, such as GSA real estate, asset business planning, engineering evaluation, project information, and other databases.



**d. Promoting efficient use of agency resources**

Supporting GSA's business goal of cost effectively providing quality workspace requires a nationally coordinated effort to promote knowledge exchange, to develop, document and disseminate best practices, and to eliminate redundant effort.

**e. Promoting public benefit from Federal efforts**

GSA strives, while meeting its mission, to create opportunities for public benefit from efforts and investments in which GSA plays a role. To the greatest extent possible, GSA's preservation program makes its historic building documentation, guidance and publications available to researchers and the general public through GSA's preservation program website and partnering arrangements with other Federal agencies and nonprofit organizations. GSA's national and regional preservation programs cooperate to facilitate public access to culturally significant property and public spaces important to the community.

**2. Responsibilities**

**a. Agency responsibilities under NHPA**

It is GSA's responsibility to determine whether real property that it manages or that may be affected by GSA action may be eligible for listing in the National Register and to seek alternatives that avoid, minimize or mitigate adverse effects upon the qualities that may qualify such properties for listing in the National Register in accordance with applicable regulations (36 C.F.R. §§ 800.4 and 800.6, respectively). Many GSA-managed buildings are included in the National Register. The definition of historic property under NHPA also includes properties that are eligible for the National Register, whether or not they have been nominated for inclusion. Federal agencies are responsible for evaluating properties that may be eligible for listing in the National Register and determining the effect that agency actions may have on them.

**b. Agency responsibility outside of NHPA**

GSA has responsibilities with respect to certain kinds of historic and cultural resources, even if they are not eligible for listing in the National Register. Consideration of historic properties under NHPA does not necessarily satisfy all of GSA's legal responsibilities, such as compliance with NEPA. While most obligations relate to GSA's responsibilities under NHPA and E.O.s 11593, 12072, 13006, and 13287, others relate to statutes governing specific types of resources, such as underwater artifacts or human remains.

**c. Public Buildings Service National and Regional Program Offices**

- 1) All affected PBS national and regional program offices must develop plans, in coordination with the FPO, to implement this order. PBS Assistant Commissioners, Regional Commissioners and regional business line directors must take immediate steps to implement the provisions of this order.
- 2) It is the responsibility of each region within GSA to identify, evaluate, protect, and enhance districts, sites, structures, buildings, and objects significant in American history, architecture, archeology, and culture. These properties include those that are listed in, determined to be eligible for listing in or that may be eligible for listing in the National Register.
- 3) GSA must consider the needs of Native Americans, Alaska Natives and Native Hawaiians in the practice of their traditional religions. To protect Native American religious cultural rites and practices, religious leaders or other native leaders (or their representatives) must be consulted concerning areas of potential conflict arising from the management of properties under GSA's jurisdiction, custody or control, and efforts must be made to eliminate or reduce such conflicts.
- 4) Avoidance of adverse effects to historic and cultural properties must always be attempted. When avoidance of adverse effects is not economically feasible or technically prudent, or when factors related to an undertaking from the standpoint of overall public benefit warrant alternatives that may result in adverse effects, such effects must be minimized to the extent possible. If the adverse effects cannot be avoided or minimized, then the adverse effects must be mitigated. See chapter 4, "Regulatory Compliance Procedures."
- 5) Compliance with Section 106 of NHPA, E.O.s 11593, 12072, 13006, 13287, 13990, 14057, and 14091, implementing regulations set forth at 36 C.F.R. part 800, and related laws and directives must be integrated with other environmental considerations under NEPA and 40 C.F.R. § 1502.25(a) of the Council on Environmental Quality's regulations implementing NEPA. All Services and Staff Offices are responsible for timely Section 106 compliance for each National Register or National Register-Eligible Property that may be affected by its undertakings, even if an EIS or an Environmental Assessment (EA) is not required by NEPA. Activities meeting NEPA Categorical Exclusion criteria must also be evaluated for potential effects that may trigger Section 106 compliance requirements.

**d. Commissioner, Public Buildings Service**

The Commissioner of Public Buildings acts for the Administrator in all agencywide historic preservation matters to the extent such authority has been delegated by the Administrator and represents GSA on the Council and in

connection with major agreements concerning GSA preservation-related activities and programs of national significance.

**e. Regional Commissioner, Public Buildings Service**

The PBS Regional Commissioner (RC) acts for the Commissioner in historic preservation matters within a region to the extent that such authority has been delegated by the PBS Deputy Commissioner. Signature authority for region-specific NHPA-related agreements, termination of consultations, correspondence, or other official matters generally has been delegated to the RC. The FPO must concur in such agreements prior to regional submission to the RC for signature.

**f. Federal Preservation Officer**

Agencywide coordination of cultural resource management and compliance with NHPA and related laws, directives and statutes is vested in the FPO, who serves as director of GSA's national preservation program and policies. The FPO reports to the PBS Commissioner regarding preservation issues of national concern and on GSA activities presenting substantial legal exposure and risk of public controversy. The FPO serves as the Commissioner's delegate to the Council in Council meetings and related activities that neither the Administrator nor the PBS Commissioner can attend. The FPO is responsible for overseeing compliance with ARPA, NAGPRA, HADPA, 36 C.F.R. parts 79 and 800, AIRFA, HSA, and the historic preservation aspects of the ABA, ADA, PBCUA, NEPA, E.O.s 11593, 12072, 13006, 13287, 13990, 14057, and 14091, and related laws and directives. The FPO is responsible for:

- 1) Articulating GSA's stewardship vision;
- 2) Guiding regional and headquarters offices on the relationship between preservation and other agency goals;
- 3) Developing and implementing, in coordination with the RHPOs and appropriate PBS offices, GSA's national strategies to promote the use and viability of historic buildings;
- 4) Working with GSA portfolio management, capital investment and disposition programs to integrate and jointly implement GSA's national portfolio and stewardship strategies. Complying with 36 C.F.R. §§ 800.6(c) or 800.7, as applicable, for all GSA projects, procedures and decisions, and reviewing and concurring on NHPA agreements and actions of national concern;
- 5) Developing, in coordination with relevant PBS program offices, information gathering and management systems to fulfill Federal

documentation, records management and reporting requirements concerning historic buildings, archeological activity and preservation matters in compliance with NHPA, E.O. 13287, and related laws and directives; and

- 6) Determining whether a property meets the Criteria for Evaluation (36 C.F.R. § 63.2) and submitting GSA nominations to the Keeper (36 C.F.R. § 60.9).

**g. Regional Historic Preservation Officer**

The RHPO directs GSA's historic preservation program at the regional level and is responsible for coordinating day-to-day regional compliance with relevant historic preservation laws, regulations, orders, and directives. The RHPO acts as the liaison between the RC and the FPO and the SHPO, the THPO, the Council, and related local organizations. The RHPO, at a minimum, must meet the applicable Secretary of the Interior's *Historic Preservation Professional Qualification Standards*. The RHPO also must have expert technical knowledge of architectural conservation and rehabilitation principles and practices and demonstrated skill in building interpersonal relations to guide GSA project teams effectively, articulate complex positions persuasively and influence Section 106 consultation outcomes positively. The RHPO must be organizationally positioned and given authority to lead and manage actively the regional preservation program and implement national preservation policies and initiatives. Unless it can be demonstrated, with the concurrence of the PBS Commissioner and the FPO, that the RHPO is able to fulfill all required duties of the position in a part-time capacity, the position requires a full-time specialist functioning in a senior staff capacity. In carrying out these duties, the RHPO is responsible for:

- 1) Initiating consultation with the appropriate SHPO and THPO at the earliest appropriate stage in planning or consideration of an undertaking, prior to any action that may limit consideration of alternatives or mitigation measures. Copies of all correspondence sent by the RHPO to the SHPO and THPO or the Council, or any combination of the foregoing, must be simultaneously sent to the FPO, including relevant correspondence from the SHPO and THPO or the Council;
- 2) Consulting with the Council and other interested parties under 36 C.F.R. §§ 800.3, 800.4, 800.5, 800.6, and 800.7 on regional activities and actions;
- 3) Developing appropriate plans for public participation under 36 C.F.R. §§ 800.3, 800.4, 800.5, 800.6, and 800.7, and for effective management of communications and publicity on complex or controversial actions, in coordination with GSA communications,

congressional and intergovernmental affairs programs, as applicable;

- 4) Making preliminary determinations of eligibility and effect. Determinations of National Register eligibility and draft nominations prepared by the region must be forwarded to the FPO for review and concurrence prior to forwarding eligibility determinations or nominations to the SHPO for comment;
- 5) Participating in the development of regional portfolio strategies, including alternatives for remedying financially troubled historic assets, reprogramming historically significant spaces or buildings to serve new uses and creative real estate transactions, such as historic building exchanges, outleases and public-private partnerships;
- 6) Guiding regional housing and investment decisions with the goal of positioning GSA's historically significant buildings to be strong financial performers;
- 7) Providing Section 106 technical support to GSA's real property disposition program and legal counsel for excess and surplus property that is not in GSA's inventory and, for excess and surplus property that is in GSA's inventory, developing, in consultation with GSA real property disposition staff, legal counsel and the SHPO and THPO, transfer conditions and associated documents, such as covenants and design guidelines, to protect architecturally significant materials, features and qualities that may contribute to a GSA property's eligibility for listing in or inclusion in the National Register. Such documents may include agreements executed in compliance with Section 106 of NHPA outlining planned protective covenants and special procedures or provisions guiding the property transfer, redevelopment and oversight of alterations after conveyance. The RHPO and FPO also assist GSA disposal program staff with NHPA compliance for excess and surplus property that is not in GSA's inventory when it involves a complex, controversial or high-risk conveyance, such as with an NHL.
- 8) Reviewing all undertakings of Services and Staff Offices that may affect historic and cultural property and educating regional staff, through training programs and other means, about GSA compliance responsibilities and successful approaches for solving preservation challenges;
- 9) Reviewing design and construction project development documents for repairs, alterations and new construction affecting historic buildings, such as solicitations for design and construction services, scopes of work, specialist qualifications, design documents, site solicitations, construction documents, and contractor qualification submissions;

- 10) Providing technical assistance to project teams concerning appropriate materials, methods, design approaches, operational solutions, and resources;
- 11) Monitoring and guiding real estate transactions, such as site solicitations, leases, initial space alterations, and other activities, affecting historic buildings not owned by the Federal Government to avoid, minimize or mitigate harm to historic buildings and explore opportunities to use available historic buildings;
- 12) Coordinating regional compliance with Federal reporting requirements related to historic buildings, archeological activity and preservation matters, in accordance with NHPA, ARPA, E.O. 13287, and related laws, orders and directives;
- 13) Reviewing customer agency compliance with Section 106 and Section 110 to verify that it is completed and consistent with the requirements established by this order. Examples include review of customer agency-initiated alterations in historic buildings operated and maintained by a customer agency under a delegation of authority from GSA and, as requested by GSA disposition staff, review of customer agency documentation prepared in connection with a report of excess to confirm that agencies reporting property excess to GSA have completed the required Section 110 due diligence, including preparing required documentation, prior to GSA acceptance of excess Federal property;
- 14) Developing and negotiating compliance agreements and cooperative agreements between GSA and other organizations to further GSA stewardship goals;
- 15) Advising the RC and program directors concerning major preservation issues that may raise a high level of public interest, controversy or legal exposure and alternative solutions for resolving these challenges and managing risk;
- 16) Assessing, on an annual basis, regional success implementing GSA stewardship policies and programs in support of Federal stewardship goals. This assessment must include recommendations for improvement and a prioritized plan for addressing deficiencies;
- 17) Developing budgets and administrative procedures to facilitate regional compliance with preservation laws, regulations, orders, and directives, including survey and evaluation of buildings approaching or exceeding 50 years of age, preparation of historic building documentation, preservation plans and studies supporting planned repairs, alterations,

reprogramming, expansion, and other activities that may affect historic buildings, preservation-compliant design and construction, and related mitigation costs and expenses; and

- 18) Developing training, recognition programs and other initiatives to improve regional staff understanding of and ability to further Federal stewardship goals.

#### **h. Sharing of responsibility**

All GSA actions that have the potential to affect historic or cultural resources must comply with all applicable historic preservation laws, regulations, orders, and directives. Consequently, all GSA personnel need to be aware of and satisfy these legal requirements. It also is vital that all staff that may become involved in activities triggering compliance procedures are trained and informed so that the requirements are properly met. To minimize and manage risk, program directors must require program staff to request RHPO technical assistance and compliance coordination at the earliest planning stages of the proposed undertaking.

### **3. Qualification standards for GSA personnel and contractors**

#### **a. Preservation staff**

Full-time preservation staff, including the FPO, the RHPOs and individuals representing the FPO or the RHPO, must be preservation specialists or historical architects meeting the applicable Professional Qualifications Standards for historic preservation professionals promulgated by the Secretary of the Interior and have sufficient knowledge of Federal and GSA preservation policy and procedures to carry out the requirements of this order effectively.

- 1) The FPO, at a minimum, must meet the applicable Secretary of the Interior's Professional Qualifications Standards for historic preservation professionals, have applicable experience with historic building repair and alteration projects and a demonstrated understanding of preservation theory and design principles as embodied in the Secretary's Standards. This fulfills the requirement under section 110(c) of NHPA, 54 U.S.C. § 306104, that each Federal agency have a qualified FPO.
- 2) The RHPOs must meet the qualifications described in GSA's standard position description for RHPOs, series 808 and 1001, copies of which are attached hereto as Appendix A and incorporated herein by reference, as such standards may be revised from time to time. In addition, the RHPOs must have leadership and technical skills to establish credibility with GSA project staff and preservation review

organizations to solve complex project challenges and to guide GSA decisions affecting historic property. The RHPOs should receive training in negotiation and conflict management to resolve conflicts in a manner that builds GSA's rapport with GSA clients, project teams, external organizations, and the public.

- a) The RHPO must have a working knowledge of:
  - 1) Architectural history, historic building materials, and traditional building systems;
  - 2) The philosophies and techniques of historic preservation;
  - 3) American cultural development and urban history, as needed to analyze, evaluate and develop programs, projects and documentation regarding surveys of and planning for the management of regional GSA historic properties;
  - 4) Technical and logistical requirements of field surveys for the purpose of resource identification and documentation, including technical skills in research and editing;
  - 5) Technical literature (both standard and recent) in preservation and related fields;
  - 6) Codified procedures, published rules, regulations and policies of Federal preservation programs, and an understanding of private and non-Federal programs and policies that may serve the objectives of historic preservation;
  - 7) Existing and currently developing legislation on the Federal, State and local levels that relates directly or indirectly to historic preservation; and
  - 8) Presentation, negotiation and conflict management techniques to represent GSA interests while serving as an effective advocate for Federal stewardship.
- b) The RHPO should be dedicated exclusively to the RHPO function and define it broadly to extend beyond perfunctory oversight of Section 106 compliance submissions to guiding the region's portfolio stewardship strategy and actively promoting a stewardship outlook in all PBS programs affecting historic buildings. Where this is not possible, the



RHPO should be supplemented with preservation specialist staff, on-site preservation contract specialist support, specialists on detail, or other means so that these skills are readily available to GSA staff and contract project teams to accomplish the program workload.

- c) To make a meaningful contribution to GSA's regional stewardship strategy and practice, the RHPOs must have a fluent understanding of how the region is organized and how major business decisions are made. The RHPOs must be positioned organizationally and functionally at a level that enables them to coordinate effectively with all business lines and management levels.
- 3) Preservation staff serving a support role in GSA national or regional preservation programs also may include student interns in an accredited preservation degree program or related academic discipline, graduates of such programs and individuals trained in affiliated disciplines, such as engineering and architecture, having appropriate training and experience to understand and support GSA preservation philosophy, policy and programs. Only individuals meeting the applicable Secretary of the Interior's Professional Qualifications Standards for historic preservation professionals may be permanently appointed to positions as the FPO, the RHPO or official representatives of the FPO or the RHPO.

**b. PBS staff**

1. PBS staff must be given regular training and guidance, as necessary, so that all individuals responsible for activities potentially affecting cultural property understand GSA's stewardship philosophy, legal responsibilities and procedural implications, such as expertise that must be procured or studies that must be performed to consider alternatives and avoid, minimize or mitigate adverse effects, as well as the time that must be allowed in project development so that compliance tasks can be completed within the project schedule.
2. Project teams should understand how to incorporate preservation compliance requirements into design scopes of work; to evaluate or obtain the necessary assistance to evaluate the competency of preservation professionals proposed for project design teams and specialist firms and technicians performing work on historic materials; to oversee the execution of design projects involving architecturally significant spaces and materials; and to take appropriate action in the event of discoveries or unanticipated conditions affecting a historic building project in progress.

3. Building Managers should be able to identify significant spaces within historic buildings they oversee and distinguish between historic and non-historic materials and features. They should understand and be able to apply the Secretary's Standards applicable to historic building repairs and alterations. They should understand which types of work require external compliance review and which types must be performed by firms specializing in historic buildings. Facilities staff should be trained to incorporate preservation requirements into design and construction scopes of work and to oversee construction contractors to guard against inadvertent damage to historic materials.

**b. Architect/Engineering design teams and consultants**

- 1) Preservation architects, architectural conservators and other specialists involved in the preparation of BPPs, the study of project alternatives, the diagnosis and treatment of material deficiencies, or development of designs for repair, restoration, rehabilitation, and other work affecting historic buildings must meet the applicable Secretary of the Interior's Professional Qualifications Standards for historic preservation professionals and be able to demonstrate successful experience completing similar projects in historic buildings of comparable complexity.
- 2) Detailed qualifying standards and procedures for evaluating contract preservation specialists are outlined in GSA's *Qualification Requirements for Preservation Architects and Other Specialists*, which is available on GSA's preservation program website.

**c. Construction contractors and technicians**

Construction firms and individual technicians performing work on historic building materials must have successful experience performing comparable work in accordance with the recommended approaches set forth in the Secretary's Standards. Such firms and individuals also must satisfy qualitative evaluation criteria associated with the specific trades and skills involved, as described in GSA's *Restoration Competency Requirements for Construction Contracts*, which is available on GSA's preservation program website.

**4. Training and education**

**a. National and regional training programs**

- 1) The FPO, in cooperation with the RHPOs, establishes training priorities and methods so that all GSA staff involved in decisions that may affect historic properties understand GSA's stewardship goals, compliance responsibilities and practices. The national preservation program, under the guidance of the FPO, serves as a clearinghouse for resources concerning Federal

preservation regulations and procedures; GSA preservation policy; best preservation practices; real estate business decisions involving cultural property; and repair and alteration project planning.

- 2) Training for PBS headquarters and regional staff will include both formal instruction and written guidance to provide for maximum staff access, including online resources and advocacy building initiatives to foster stewardship commitment. Critical reference material will be made available through GSA's preservation program website, whenever possible.
- 3) NHPA compliance training will be provided periodically to all GSA staff and management. Executive training will include an overview of current regulatory requirements and GSA's responsibilities under NHPA and related laws and directives. Training for GSA staff will include guidance on initiating consultation and compliance review early in project development to facilitate appropriate consideration of alternatives before GSA is committed to a specific course of action.

**b. Regional training**

Training for regional PBS staff should be tailored to the specific concerns and challenges of each organizational group (e.g., asset management, project development, property acquisition, disposal, and facilities management). Regional preservation programs will provide ready access to basic information required for compliance with GSA policy and Federal preservation law, including:

- 1) A regional preservation homepage describing GSA's stewardship vision and responsibilities, with lists of regional historic buildings, RHPO contact information and a link to the national preservation program homepage.
- 2) Historic building resources, such as BPPs, HSRs, brochures, and preservation-related studies.

**c. Preservation program staff**

Preservation program staff should annually prepare individual development plans to support training required to maintain current knowledge in the areas in which they are advising, educating and interacting with GSA staff, contract project teams and outside review groups.

## **5. Core program activities**

### **a. Supporting Federal preservation laws and policy**

To comply with Section 110 of NHPA and E.O.s 11593, 12072, 13006, 13287, 13990, 14057, and 14091, GSA must identify historic properties under its jurisdiction, custody and control and establish plans for their protection, care and use. The FPO is responsible for developing, in consultation with the RHPOs and appropriate PBS staff, comprehensive strategies and procedures to facilitate GSA compliance with Federal preservation laws. The FPO also is responsible for effectively integrating regional and building-specific planning with national information networks and providing maximum possible access to historic building documentation and preservation guidance by GSA staff and contract project teams to promote consistency. The RHPOs, in cooperation with the FPO, are responsible for preparing and making available to GSA staff and contract project teams detailed building-specific plans to guide the maintenance and alteration of historic buildings GSA controls or uses. Regional BPPs, asset business plans and portfolio community strategies need to reflect national preservation policy to promote consistency and continuity.

### **b. Information management**

- 1) National and regional preservation programs must include provisions for maintaining records, artifacts and other cultural resources as required by law and as necessary to manage effectively the national historic building inventory, including:
  - a. Current list of historic buildings in the GSA inventory, including National Register designation status.
  - b. Current list of historic buildings leased by GSA.
  - c. Current list of completed BPPs and HSRs.
  - d. Schedule for completing BPPs for buildings for which BPPs have not yet been completed or for which BPP content is no longer accurate and current.
  - e. Section 106 compliance correspondence and agreements. Copies of agreements and key decisional correspondence between GSA and the SHPOs and THPOs or the Council, or both, concerning projects that will or may result in adverse effects on historic properties must be provided to the FPO to facilitate GSA's ability to respond promptly to Freedom of Information Act requests, congressional inquiries and future project planning needs.

- f. Current inventory of archeological artifacts and other cultural resources, including type, source, volume, and storage location, as required by 36 C.F.R. part 79.

## 2) Online accessibility

To facilitate efficient access to building information and guidance, provision for online access to available guidance will continue to play an integral role in GSA's preservation program. Development of online applications will be coordinated with relevant PBS offices so that historic building information is linked integrally to appropriate PBS inventory-wide databases.

## c. **Architectural images**

Architectural photographs provide critical information required by project teams, decision makers and others responsible for preserving GSA historic buildings. Appropriately detailed images inform historically accurate restoration and repair in accordance with the Secretary's Standards. Keeping historic buildings occupied and viable often requires targeted marketing that relies on high-quality images, including graphic simulations showing how spaces will appear after reinvestment. Federal risk management and continuous operation directives underscore GSA's responsibility for documenting historic buildings and providing remote access to information needed when buildings are damaged by circumstances out of the Federal Government's control. Reduced physical access to buildings due to enhanced security, travel funding limitations and other reasons increases the need for detailed visual documentation to meet GSA compliance responsibilities within limited time frames.

- 1) GSA's national preservation program maintains a historic building image archive and partnership with the Library of Congress to provide online access to architectural photographs in the public domain that document Federal public buildings. The national preservation program works with regional project teams to document completed preservation projects at buildings of exceptional significance in documentary films that are made available online. The program also provides guidance for documentation of historic buildings, sites, archeological artifacts, and cultural resources.
- 2) GSA regional preservation staff help regional program offices to use and build upon available visual documentation in connection with projects and activities involving historic buildings and to inform future projects. Visual documentation supporting the preservation of GSA historic buildings includes historic photographs and drawings, architectural photographs documenting current conditions, photogrammetric images and laser scan point cloud data for three-dimensional documentation, video, animated renderings, and Building Information Models. GSA national and regional program offices are encouraged to cooperate in

achieving the greatest possible value from GSA documentation efforts by:

- a) Specifying that contracts including architectural photography meet or exceed National Register standards and allow GSA use for agency purposes;
- b) Maintaining images in archival electronic file formats to enable future retrieval and reproduction without loss of quality or information;
- c) Conforming Building Information Model data to open standards for interoperability using nonproprietary file formats; and
- d) Maintaining databases containing architectural images with any documentation required for future migration and retrieval.

**d. Historic Building Documentation Resource**

HBDR serves a larger purpose as GSA's central repository for visual and narrative building documentation, including individual BPPs, HSRs, National Register nominations, and related studies key to maintaining and preserving historic buildings. HBDR provides a standardized system for the analysis, treatment and management of individual buildings, groups of buildings and the overall GSA historic building inventory.

- 1) Building Preservation Plans, Historic Structure Reports and related studies.

GSA uses BPPs and HSRs to identify the qualities and elements that contribute to the historic character of individual buildings and to guide change accordingly. The HSR is the standard document used in Federal and non-Federal preservation to guide changes to, and the care of, historic buildings. HSRs include, at a minimum, a comprehensive survey and analysis of existing spaces and conditions, with detailed recommendations for treatment and maintenance. The BPP was developed to address GSA project team needs and ensure shared access by all PBS employees to basic historic building information.

- 2) Both HSRs and BPPs graphically delineate the architectural hierarchy of spaces in each building to show which areas require special care and which can accommodate greater change without compromising the building's historic integrity. Both documents provide specific recommendations regarding the care and treatment of historic materials and spaces. Data in BPPs and HSRs also can

be used to assist GSA in making decisions regarding investment in and utilization of historic properties.

3) Other technical studies and guidance.

Technical studies concerning repair and alterations for areas potentially affecting historic building exteriors or significant interior spaces must be prepared only by firms and individuals meeting, at a minimum, the applicable Secretary of the Interior's Professional Qualifications Standards for historic preservation professionals. Only individuals meeting or exceeding these professional standards will be authorized to perform internal GSA review of the technical studies. Technical guidance provided in the HBDR and GSA website will be regularly reviewed and updated, as necessary, by qualified staff so that the guidance remains sound and valid.

**e. Developing strategies to promote the use and viability of historic buildings**

GSA national and regional programs must cooperate to develop strategies to promote the use, full occupancy and economic viability of historic buildings, especially monumental or architecturally exceptional historic buildings representing the Federal Government's public building legacy.

**f. Promoting broad-based stewardship**

1) Internal advocacy.

GSA national and regional programs must develop educational programs and material using a variety of media to promote recognition and appreciation of GSA's historic buildings and stewardship efforts. Special attention should be given to historic buildings of exceptional architectural or historic significance and buildings considered focal points of the communities in which they are located.

2) External advocacy.

GSA national and regional preservation programs must include activities for actively developing and maintaining positive relationships with external oversight groups, preservation organizations and the public. GSA preservation homepages should include building documentation commonly requested by the public and up-to-date information on projects and issues of substantial public interest. To the extent possible, GSA will make historic building documentation and preservation guidance it develops for its own historic buildings accessible to the public.

3) Promoting discourse.

GSA's national and regional preservation programs must work together to improve the ability of GSA associates to respond appropriately to customers and external stakeholders on matters concerning historic building projects and historic preservation, to communicate a stewardship outlook effectively and to put GSA in the best possible light.

4) Performance measures.

The FPO and the RHPOs will cooperate in developing national and regional performance measures to assess GSA's success in meeting agency preservation goals while fulfilling its mission. Performance evaluations for individuals and teams having substantial responsibility for activities or actions affecting historic buildings will include assessment of the individual's commitment to and success in meeting GSA's stewardship goals.

5) Employee recognition.

GSA national and regional preservation programs will include provisions for recognizing exceptional projects, practices and individuals who advance GSA's preservation goals.

**g. Promoting best practices**

GSA's national preservation program will coordinate with the RHPOs and regional portfolio and project teams to identify and disseminate model solutions and best preservation practices.



## **CHAPTER 4. REGULATORY COMPLIANCE PROCEDURES**

### **1. Summary of requirements**

NHPA and other Federal laws require all Federal agencies to establish programs for managing historic properties under their jurisdiction, custody or control and to consider the effects of their actions on historic properties regardless of ownership. It is the responsibility of each Service and Staff Office within GSA to identify, evaluate, protect, and enhance buildings, structures, districts, sites, and objects significant in American history, architecture, archeology, engineering, and culture. These historic and cultural properties include those listed in or eligible for listing in the National Register. In managing Federal buildings, leasing non-Federal buildings, constructing new facilities, and disposing of surplus Federal real estate, GSA is responsible for carrying out these requirements.

### **2. General goals**

#### **a. Use of historic buildings**

- 1) In accordance with NHPA provisions and in furtherance of and consistent with E.O.s 11593, 12072, 13006, 13287, 13990, 14057, and 14091, prior to acquiring, constructing or leasing buildings to carry out their missions, each agency must use, to the maximum extent feasible, historic properties available to the agency. E.O. 13006 further directs Federal agencies to use and maintain, wherever operationally appropriate and economically prudent, historic properties and districts, especially those located in the Nation's central business areas. To that end, when locating Federal facilities, Federal agencies must give first consideration to historic properties within historic districts and, if no such property is suitable, to other developed or undeveloped sites within historic districts and, if no suitable site within a district exists, to historic properties outside of historic districts.
- 2) Under E.O. 14057, "Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability," and E.O. 13990, "Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis," Federal agencies also must include in the planning for new buildings or leases cost-effective strategies to consider existing community transportation planning and infrastructure.
- 3) To help keep Federal historic buildings viable, it is GSA's policy, to the extent practicable, to use Government-owned historic buildings first, especially monumental or architecturally exceptional buildings representing the Federal Government's noteworthy public building legacy, giving them greater weight in locational decisions and capital investment.

- 4) GSA also takes into account the relative importance of buildings to their communities, encouraging customer agencies to locate in central business areas where a Federal presence will bolster community efforts to revitalize older urban areas.
- 5) When space requirements cannot be met in Government-owned historic buildings, GSA seeks opportunities to lease space in non-Federal historic buildings and to make use of historic buildings on sites purchased for the construction of new Federal facilities.

**b. Meaningful consultation**

- 1) General.

Consultation with external review groups and interested parties undertaken in compliance with NHPA, NEPA and other applicable laws and regulations must be initiated early enough in project development to provide for an opportunity for meaningful comment and public participation. The goal of compliance consultation is to assist GSA in making decisions that address agency needs and public concerns to the greatest extent possible and to achieve better project outcomes. GSA customer agencies must be informed about these consultation requirements and given realistic expectations concerning project schedules and options.

- 2) Alterations to historic buildings.

Design teams for projects potentially affecting historic building spaces and materials must include qualified preservation professionals with relevant design experience. These preservation professionals must actively participate in the project design and execution. Project design submissions must include preservation reports illustrated with appropriate photographs and drawings, submitted throughout the course of design development, identifying preservation design issues, and showing how they are being addressed.

- 3) Site selection and new construction.

Site selection advertisements must comply with E.O. 13006 by inviting offerors to submit for consideration sites that include potentially usable historic property, especially those that are located near existing community transportation infrastructure and are accessible to public transit. Design scopes of work for new construction on sites containing historic buildings must require GSA project design teams to explore alternatives that reuse historic buildings and include reuse alternatives among the initial concept design options.

#### 4) Public participation.

Projects having a significant impact visible to the public, such as major exterior alterations, new construction, disposal, or change of use, must allow adequate time for public participation, initiating consultation early enough in project planning to allow for consideration of alternatives before decisions are made. Consultation for projects likely to result in demolition of historic properties or generate substantial public controversy must request the participation of the Council to assist GSA in anticipating public response and developing appropriate public participation processes to minimize GSA's legal exposure and the risk of project delay.

#### c. **Cooperation with local commissions**

Although Federal undertakings are not required to comply with local restrictions governing new construction or building alteration, GSA policy is to consult and cooperate with local governments, planning commissions and other appropriate groups to take community development plans into account in GSA decisions involving location, design and construction, expansion, major alteration, or disposition of Federal facilities.

### 3. **Identification and evaluation**

#### a. **Section 110 program requirements**

Section 110 of NHPA requires agencies to identify historic resources under their jurisdiction, custody and control and to establish preservation plans for their long-term care. To prevent inadvertent destruction of historic resources, the Federal process guiding changes to historic properties requires agencies to consider effects of their undertakings on properties that may be eligible for listing in the National Register, even if a formal eligibility determination has not been made.

#### b. **Section 106 compliance requirements**

In accordance with E.O. 11593, NHPA and the Section 106 implementing regulations (36 C.F.R. part 800), GSA must identify, evaluate, nominate, and protect historic and cultural properties under its control that may meet the eligibility criteria for listing in the National Register. BPPs must be prepared and updated for buildings listed in or formally determined eligible for listing in the National Register or determined by the RHPO or the FPO as meeting National Register eligibility criteria. Identification and evaluation of historic and cultural properties that may be acquired by GSA must be performed prior to, or as part of, feasibility, site acquisition or other studies undertaken to assist GSA in comparing agency housing alternatives. The evaluation must be completed

early enough to be taken into account without affecting the schedule, cost or practicality of an alternative.

**c. Eligibility criteria**

The eligibility of such resources is to be assessed according to the Criteria for Evaluation established by the National Park Service. Professional services may be employed, as necessary, to determine under which criteria a property may qualify for inclusion in the National Register and to substantiate GSA's determination.

**d. Nominations**

Each region must have a program to evaluate the eligibility of not yet evaluated properties, work with the FPO to nominate Eligible Properties to the National Register and complete BPPs for National Register and National Register-Eligible Properties over which GSA has jurisdiction, custody and control. Regions also must evaluate leased buildings over 40 years of age that are principally occupied by GSA or undergoing substantial rehabilitation to accommodate GSA customer agencies before alterations are initiated. Completed nominations, developed by regions with FPO review or by GSA's national preservation program with RHPO assistance, must be signed and submitted by the FPO for National Register listing and tracked nationally so that GSA's real property database, updated annually, remains current.

**e. Cost reduction**

Regions must seek opportunities to reduce the cost and effort of evaluating and documenting properties for the National Register by grouping similar, co-located or geographically proximate properties to achieve economies of scale and by preparing nominations in conjunction with BPPs or similar studies.

**f. Age threshold**

National Register eligibility criteria generally require that a building be 50 years old before it can be considered eligible for listing. To take into account the length of GSA's planning, design and construction process, a threshold of 40 years old has been established for assessing the eligibility of a building for listing in the National Register. The intent is to prevent project delays and increased design and construction costs due to new compliance requirements affecting a project already in development.

**g. Buildings under 40 years of age**

Noteworthy buildings under 40 years of age will be assessed according to the National Register criteria of exceptional significance, as detailed in National

Register guidance on determining the eligibility of properties under 50 and GSA studies on Federal public buildings of the modern era.

**h. National Historic Landmarks**

NHL is the highest level of National Register designation. These properties include buildings and structures that are nationally outstanding illustrations of America's historic and architectural heritage, as well as archeological discoveries and sites possessing exceptional interpretive or educational value. The National Park Service monitors the general condition of NHLs and Federal agencies are expected to give them special care. GSA is responsible for identifying, evaluating and protecting its properties that may qualify as NHLs, including properties that may have acquired additional significance since their initial evaluation. GSA closely monitors the physical and financial condition of the NHLs it controls and pays special attention to them when planning any actions that may affect their significant qualities.

**i. Properties of undetermined status**

NHPA affords the same protection to properties of undetermined status that are potentially eligible for the National Register as properties listed in or determined eligible for listing in the National Register. Care will be taken to protect properties that are in the process of being evaluated, whose nomination is pending or may be eligible, but require additional study to substantiate their National Register status.

**j. Identification of properties within areas of potential effect**

Prior to the authorization of any undertaking that may affect historic or cultural property under NHPA or NEPA, the APE must be investigated by a qualified firm or individual to identify potentially significant historic or cultural property. The program office responsible for the project or action must notify the RHPO early in project planning so that an appropriate identification study can be performed. The project schedule and scope of services must allow time for consultation with the SHPO and representatives of affected Native Americans, if any, during the formulation of the study plans, during the study and at the conclusion of the study. Studies concerning property affected, but not already under Federal jurisdiction, custody and control, by the Federal Government must include, at a minimum, the following:

1) Overview.

An investigation of local, State and national inventories and a field examination of the study area by a qualified professional. The overview determines what information already exists on the area under consideration and provides the basis for determining what

additional information may be necessary to inventory historic and cultural properties within the study area adequately. The purpose of the overview is to identify National Register and National Register-Eligible Property within the APE.

2) Evaluation.

An evaluative study is normally required to obtain sufficient documentation to apply the Criteria for Evaluation to previously unidentified historic and cultural properties. An evaluation involves intensive examination of the study area to make a professional evaluation of all historic and cultural properties within the area.

k. **National Register submissions**

1) Nominations to the National Register.

The RHPO or the Center for Historic Buildings oversees preparation of the necessary National Register nomination forms for properties determined eligible for listing by the FPO with SHPO concurrence. The FPO examines nomination forms for completeness, consistency, accuracy, and alignment with National Register documentation standards. The FPO is responsible for certifying that the nomination meets requirements set forth in 36 C.F.R. part 60 before signing and transmitting the materials to the Keeper.

2) Formal determinations by the Keeper.

If the RHPO and the SHPO disagree on the eligibility of a property, or if an interested party raises a question concerning a property's eligibility, the FPO may request a determination of eligibility from the Keeper in accordance with 36 C.F.R. part 63.

3) Protect buildings pending final determination.

When GSA, the SHPO, the Council, the Keeper, or an interested party disagree on the eligibility of a building, GSA will make a reasonable effort, pending a final determination from the Keeper, to protect the building and to preserve its character and architectural-defining features according to the recommended approaches set forth in the Secretary's Standards. The intent is to maintain architectural and historic character that may contribute to the eligibility of the building for listing in the National Register and design cohesiveness that contributes to asset value.

#### **4. Long-term preservation planning - Historic Building Documentation Resources**

##### **a. HBDR Resources**

HBDR is a comprehensive electronic collection of BPPs, HSRs and other building reports developed for the analysis, management and treatment of GSA's historic buildings. BPPs, like HSRs, provide descriptions and images of original and current building conditions, documentation of building alterations over time, color coded floor plans to show the relative significance of interior and exterior spaces, inventories of original materials, and recommended treatments. HSRs provide more detailed analysis of historic material deficiencies and building conditions, likely causes and treatment options to inform anticipated projects of a complex nature.

##### **b. Use of BPPs and HSRs in NHPA compliance**

BPPs and HSRs provide the basis for GSA compliance with Federal preservation standards in the development of architectural and engineering studies, such as Building Engineering Reports, seismic studies, Program Development Studies, feasibility studies, and fire and life-safety reports. Study recommendations must respond to the zoning that has been established in the BPP. All alternatives must be considered that will avoid or minimize adverse effects upon preservation zones.

##### **c. Use of BPPs and HSRs in building management**

BPPs and HSRs help GSA manage its buildings by:

- 1) Encouraging context-sensitive design that respects the architectural merit and material integrity of all buildings;
- 2) Discouraging inappropriate repairs and alterations that may diminish a building's historic integrity and asset value; and
- 3) Promoting employee and customer agency commitment to the proper care of GSA's historic buildings.

##### **d. Obligation to prepare BPPs**

GSA must prepare a BPP for each National Register or National Register-Eligible Property under its jurisdiction, custody and control. BPPs must be prepared in accordance with BPP guidelines, as issued by the Center for Historic Buildings, and professional standards for HSRs and similar building-specific preservation plans and handbooks, as issued by the Department of the Interior, American

Society for Testing and Materials and the Association for Preservation Technology.

e. **Basic Building Preservation Plan**

To facilitate GSA compliance with Federal laws governing alteration of historic property, basic BPPs must include, at a minimum, the following:

- 1) Building names (historic and current), address and GSA building number;
- 2) Real estate data, such as occupiable and gross square footage and construction dates;
- 3) Summary history describing the building's original and subsequent uses, principal owners and occupants, physical evolution, and notable events associated with, or having occurred at, the building;
- 4) Historic and architectural investigation describing original and existing conditions of the site, including the landscape, exterior, interior, site-specific art, and furnishings integral to the original building design;
- 5) Statement of significance assessing the building's architectural merit and integrity, historic significance and eligibility for listing in the National Register, according to the National Register criteria;
- 6) Photographs showing the existing and, to the extent possible, original appearance of the exterior (all facades and associated landscape) and significant interior spaces;
- 7) Preservation zoning delineating the architectural hierarchy of interior and exterior spaces to guide rehabilitation, preservation and restoration; and
- 8) General recommendations for conservation, rehabilitation and restoration, focusing on the locations of greatest visibility and significance.

f. **Comprehensive Building Preservation Plan**

NHLs, architecturally significant buildings and properties in poor condition may warrant a more comprehensive BPP or HSR to guide planning and design for anticipated or ongoing repairs, alterations and reinvestment. Comprehensive BPPs may include, in addition to basic BPP components:

- 1) Materials conservation analysis evaluating existing historic material conditions, diagnosing causes of observed deterioration and damage,



and describing the advantages and disadvantages of alternative treatments, including that of no action;

- 2) Inventory and evaluation of the building's associated landscape;
- 3) Photographs of all exterior facades, associated landscape, courtyards, and significant interior spaces, including circulation, ceremonial space, original executive offices, and special use spaces; detail views of all entrances and all entrance lobbies; and representative views of secondary circulation areas, standard offices and other rehabilitation zone spaces; and
- 4) Detailed recommendations for conservation, restoration, rehabilitation, or reconstruction, or any combination of the foregoing, including technical procedures for the repair and maintenance of historic materials and general guidance for addressing code, engineering and other deficiencies having a significant potential impact on the building's viability or historic integrity.

**g. Building Preservation Plan format**

Building-specific plans and studies may exceed BPP requirements and include additional information needed for a particular building or project but must be created in electronic format so that all relevant documents can be integrated into the HBDR database. Regional Section 110 compliance must include an active program to develop BPPs for all historic buildings and upload them into the HBDR for online access and inventory-wide reporting.

**h. Building Preservation Plan submission and review**

- 1) BPPs must be circulated to the RHPO and the FPO for review and comment. Progress drafts should also be circulated for comment to the Building Manager and others having an intimate knowledge of the building. As internal asset planning documents, BPPs are not subject to external review or approval and recommendations are non-binding, subject to available funds. BPPs being prepared in compliance with a Memorandum of Agreement (MOA) may be provided to the SHPO, the Council and other parties as stipulated in the MOA, provided that controlled unclassified information is removed or redacted.
- 2) Reports that have been approved by the RHPO and the FPO become a management plan for the property. From time to time, it may become necessary to amend an existing approved BPP to reflect changes since completion of the BPP. Such amendments must be developed in accordance with the BPP guidelines.

**i. Data accuracy**

To keep information concerning existing conditions, alterations and recommended treatments accurate and consistent with current professional standards, annual regional programming for building studies must include provisions for periodically updating BPPs so that documentation and guidance remains current. Initial priority will be given to creating BPPs for GSA buildings for which BPPs are not yet available and updating BPPs for buildings for which major alterations are planned.

**j. Qualification standards and quality control.**

BPPs and HSRs must be prepared only by individuals or firms meeting the applicable Secretary of the Interior's Professional Qualifications Standards for historic preservation professionals and demonstrating appropriate experience to assess and provide guidance on buildings of the type, scale and complexity being addressed in the BPP or HSR. GSA review team oversight of BPPs, HSRs and other preservation studies must be performed, prior to contract submission acceptance, by individuals who meet applicable Secretary of the Interior's Professional Qualifications Standards.

**k. Building Preservation Plan and HBDR training.**

User guides, training and help programs will be made readily available to GSA staff and contract design teams to facilitate their ability to use and appropriately update information provided in the BPP and larger HBDR.

**5. Promoting the use of historic buildings**

**a. Economic development and heritage tourism**

Under Executive Order 13287, GSA is required to work with State and local governments and the private sector to promote economic development and heritage tourism through the use and interpretation of GSA historic buildings.

**b. Leasing of Federal historic property for non-Federal use (outleasing)**

- 1) GSA is responsible for seeking adaptive use of historic properties not currently needed for Federal agency purposes. See Section 111 of NHPA, 54 U.S.C. §§ 306121 and 306122.
- 2) Solicitation and selection procedures for leasing GSA-controlled historic property for non-Federal use under Section 111 of NHPA must give

preference, among financially and operationally viable alternatives, to uses offering the best possible preservation of the property and to lessees demonstrating financial capability and commitment, based on past experience, to meeting Federal preservation goals. Lessee selection for leases that include architecturally significant spaces originally intended for public use also must take into consideration the extent to which proposed use(s) will provide continued public access to such spaces.

- 3) All leases must contain such terms and conditions as necessary to ensure the use of the property in a manner consistent with Federal preservation standards. Leases must be for the minimum term commensurate with the purpose of the lease, taking into account the financial obligations of the lessee and other appropriate factors, generally not exceeding 60 years, except under unusual circumstances dictated by the stewardship needs of the particular property.
- 4) The RHPO must be consulted in the development of historic building lease solicitations, requests for qualifications and use, marketing strategies, and selection criteria. Any resulting lease will be executed only after review and approval by the RHPO, the Regional Counsel and the Portfolio Manager or Portfolio Manager's designee for consistency with GSA's legal, financial and stewardship goals and responsibilities. If a new use or occupancy will require alterations resulting in adverse effects, the RHPO must coordinate GSA consultation with the SHPO and the Council. Time must be allowed to complete the consultation process (or achieve written consensus on preservation issues) before a leasing commitment is made.
- 5) A sublease, assignment, amendment, or encumbrance of any lease issued under Section 111 authority may be made only with the written approval of the RHPO, the Regional Counsel and the Portfolio Manager or Portfolio Manager's designee. The lease may contain provisions authorizing the lessee to sublease the premises, in whole or in part, provided the uses prescribed in the original lease are not violated. Subleases must not relieve the sublessor or the sublessee from any liability nor diminish GSA's authority provided for under the approved lease.

**c. Property acquisition**

In making decisions concerning the acquisition of buildings, structures, and other real property for Federal use, whether by purchase, lease or exchange, GSA must give priority to the use of historic properties, provided such use is compatible with their preservation. See 54 U.S.C. § 306101, PBCUA and E.O.s 11593, 12072, 13006, 13287, 14057, and 14091. Agency space expansion needs should be met, whenever economically and operationally feasible, through continued use of GSA-controlled historic buildings, supplemented by newly constructed additions or annexes.

**d. Leasing for Federal use**

In compliance with NHPA and E.O. 13006, when space in Government-owned historic buildings is not available, GSA will give first consideration for acquisition of leased space to historic buildings that may be available for Federal use in accordance with the requirements of 41 C.F.R. § 102-78.60.

**e. Declarations of excess**

- 1) Program officials responsible for predisposition studies and other activities leading to agency declaration of excess determinations must notify the RHPO at the earliest opportunity that GSA is initiating excess procedures. GSA real property and personal property excess proposals must be reviewed by the RHPO prior to initiating retention/disposition, adaptive use, public-private partnership, or other studies or actions that may lead to a lease, transfer, exchange, conveyance, or sale. The RHPO must promptly notify the FPO and advise regional staff and management of compliance issues, risks or community interests that should be taken into account in evaluating retention/disposition options.
- 2) During this pre-decisional period, prior to conclusion of studies or actions that might indicate GSA commitment to a specific course of action or decision, the RHPO is encouraged to notify or consult with the SHPO informally so that SHPO comments that may inform GSA's utilization or disposition approach can be incorporated into GSA pre-decisional documents.
- 3) Once a disposition decision is made, GSA must afford the SHPO, and the Council, as applicable, a reasonable opportunity to comment upon the action. GSA will consult with the SHPO regarding conveyance strategies and conditions with a goal of avoiding adverse effects and promoting a positive stewardship outcome. In accordance with joint guidance issued by the FPO and Assistant Commissioner for Real Property Disposition (RPD), RHPOs must coordinate with RPD prior to contacting the SHPO.

**6. Actions affecting historic buildings**

**a. Tenant alterations and delegated buildings**

GSA is responsible for, and cannot delegate, its obligation to comply with applicable laws and regulations relating to the identification and protection of historic properties. GSA must review proposed undertakings in delegated buildings for compliance with NHPA and NEPA. All required determinations and compliance submittals are the responsibility of GSA.

## **b. Project planning**

During planning for any GSA action, including site selection, new construction, repair, and renovation of existing facilities, leasing new facilities, termination of leases, demolition or other modification of facilities, and real estate transactions, GSA must consider the potential effects of the action on historic properties. Programming for required preservation planning documents, studies and recordation must be integrated into regional and national program procedures for capital investment, recurring repairs and alterations, maintenance, project development, site acquisition, and studies leading to declarations of excess and other real estate decisions so that preservation alternatives are not precluded. See Sections 106, 110(a)(2), 110(f), 110(k), 110(l), and 111 of NHPA, 54 U.S.C. §§ 306108, 306102, 306107, 306113, 306114, and 306121 - 306122, respectively, and governmentwide regulations issued by the Council. In addition, NEPA imposes consistent, but independent, project planning requirements.

### 1) Consideration of community interests.

The importance of buildings as cultural and economic resources within the community must be considered. The degree of community interest in a building must play a part in GSA's early and ongoing decision-making process. GSA must collaborate with Federal customer agencies and other entities to promote and maintain public access to significant public buildings and public spaces, especially those containing noteworthy architectural features, federally commissioned art, landscapes, sites, or views. When expanding, reprogramming or adapting historic buildings to serve new uses, GSA will make every effort to maintain historic primary public entrances as such and preserve public access to historic entrance lobbies and architecturally significant spaces.

### 2) Use of Building Preservation Plans and Historic Structure Reports.

BPPs and HSRs will be used in planning all actions potentially affecting GSA-controlled historic properties. BPPs must be completed prior to the start of design development for substantial rehabilitation or capital investment projects at historic buildings and are a condition for capital project funding. Any design and construction work within a historic building must take into account the preservation zoning established in the BPP or HSR. Additions and annexes must respect, to the extent possible, the hierarchy of spaces established in the BPP. Effort also will be made to maintain historic lobbies and other ceremonial spaces in active public use.

3) Protection of National Historic Landmarks.

Section 110(f) of NHPA (54 U.S.C. § 306107) requires that agencies, to the maximum extent possible, minimize harm to any NHL that may be directly and adversely affected by an undertaking. In planning and actions affecting historic buildings, every effort must be made to maintain the viability of NHLs, to keep them in active use and to preserve the qualities that contribute to their significance.

4) Applying Secretary of the Interior's Standards to buildings of unconfirmed or debatable merit.

GSA encourages its staff and contractor project teams to plan all projects, particularly those affecting buildings in which there is substantial public interest, according to the general principles of compatible and well-integrated design contained in the Secretary's Standards, regardless of National Register status. The general intent of these principles is to preserve architectural merit and cohesiveness, principles GSA supports as beneficial in maintaining asset quality and value. The Secretary's Standards complement other GSA and GSA-endorsed design guidelines, such as the *Facilities Standards for the Public Buildings Service* (PBS-P100), the *Whole Building Design Guide* and action-specific guides developed by GSA's Office of Architecture and Engineering.

**c. Coordination of GSA's compliance**

The RHPO will coordinate on behalf of the region GSA's compliance with applicable governmentwide regulations. Depending on the nature of the project or program and its likely effects on historic properties, compliance may involve carrying out one or more of the following actions:

1) No undertaking.

Determining that the project or program is not a Federal undertaking for purposes of Section 106 of NHPA, and documenting this determination;

2) Federal undertaking.

Determining that the project or program is an undertaking, and complying with the requirements of 36 C.F.R. part 800 in a timely and properly documented manner;

3) Implementing agreements.

Implementing the terms of GSA's Routine Maintenance Activities exemption or an MOA or other agreement negotiated pursuant to 36 C.F.R. part 800;

4) Use of historic properties.

Giving priority to the proper use of historic properties for program purposes, in accordance with 54 U.S.C. § 306101, PBCUA and E.O.s 11593, 12072, 13006, 13287, 14057, and 14091, and documenting this prioritization;

5) Documentation of historic properties.

Documenting historic properties subject to destruction or alteration by the project or program in accordance with 54 U.S.C. § 306103, after proper compliance with Section 106 of NHPA has been accomplished;

6) Adaptive use of historic properties.

Pursuant to Section 111 of NHPA, exploring adaptive use alternatives for historic properties under GSA control that are not needed for current or projected agency purposes;

7) Design review.

In compliance with 36 C.F.R. part 800, reviewing project designs for conformance with the recommended approaches set forth in the Secretary's Standards, preserving original materials and designs to the greatest extent possible and, where necessary, pursuing alternatives for historic properties as prescribed in the ABA;

8) Compliance with related laws and regulations.

As applicable, complying with related laws governing cultural resources, such as AIRFA, NAGPRA, ARPA, HADPA, and 36 C.F.R. part 79; and

9) Coordination with NEPA.

Coordinating compliance with historic preservation requirements with review under NEPA and with proper reporting in the NEPA documents.

**d. Compliance procedures for projects and actions affecting historic properties**

All GSA program offices responsible for a proposed project, program or action potentially affecting cultural resources are responsible for GSA staff and contractors' compliance with the procedures described below. Actions potentially affecting historic properties and cultural resources include site selection, new construction, building acquisition, renovation or rehabilitation, leasing, terminating a lease, and disposition of surplus property.

1) Planning stage.

At the initial stage of planning, the responsible program office must notify the RHPO of the proposed action, with sufficient documentation to enable the RHPO to understand the project and its likely effects. Programs and individuals responsible for design and construction projects affecting historic properties must submit all building repair, alteration and rehabilitation proposals for each building to the RHPO for review and comment, including activities, such as historic material cleaning or refinishing, that exceed routine custodial, landscaping and day-to-day operational maintenance. The RHPO or the RHPO's designated representative must be included in all project teams and remain actively involved through completion of design and construction.

2) Implementation of recommendations by the FPO or the RHPO.

Program offices must carry out the recommendations of the FPO or the RHPO regarding any studies, analyses, meetings, or negotiations necessary to achieve compliance.

3) Final project decisions.

Final decisions regarding projects, programs or commitment of funds (other than for planning) involving physical changes to historic properties must not be made until the RHPO has notified the program office that compliance with all pertinent legal requirements has been achieved.

4) Assessment of effects.

When a building is being considered for alterations, a qualified historic architect, architectural conservator or other appropriate specialist must be retained to guide design development, beginning with an assessment of the project's anticipated effects on significant spaces, features and materials listed in the BPP or HSR. If no BPP or HSR exists, the



architect must confer with the RHPO regarding the identification of significant spaces, materials and features.

5) Avoidance of adverse effects.

In planning alterations and selecting alternatives, every effort must be made to avoid, or if unavoidable, to minimize, adverse effects on historic buildings and other cultural resources.

6) Locational planning.

Long-term planning for agency relocation, expansion or other alternatives to fulfill new or changing space requirements must consider available historic properties, giving priority, to the greatest extent feasible, to reuse of federally owned historic properties, particularly NHLs, monumental buildings representing the Federal public building legacy and significant community landmarks. Real property specialists are encouraged, during pre-solicitation marketing research, to seek the assistance of local government, preservation organizations and other appropriate groups to identify historic properties potentially meeting GSA space requirements. Lease and site solicitations must reference the requirements of NHPA and E.O.s 11593, 12072, 13006, 13287, 14057, and 14091, as incorporated in the Federal Management Regulation and the General Services Administration Acquisition Manual, and encourage offers of historic property by providing historic property owners flexibility, to the extent feasible, in meeting GSA's space requirements.

7) Leased and acquired building space alterations.

Consultation regarding initial space alterations and subsequent changes to leased or recently acquired space in historic buildings must be carried out in accordance with the consultation procedures for alterations to federally owned historic property.

8) Relocation of historic structures to another location.

Structures or other historic properties may be moved to another location only if there is no prudent and feasible way to preserve them in place and only after compliance with 36 C.F.R. part 800.

9) Use of qualified professionals.

Only qualified preservation professionals may prepare plans for the maintenance, repair, stabilization, restoration, rehabilitation, reuse, or interpretation of a historic property.

10) Compatibility of new design and alterations to historic properties.

New structures, additions, alterations, landscaping, and other physical changes to historic properties must be designed and constructed to be compatible in form, scale, color, materials, texture, detailing, placement, and orientation with historic properties and their setting(s).

11) Historic building additions and annexes.

Additions must be planned to provide, to the extent feasible, continued public use of and access to historic public entrances, lobbies, and ceremonial spaces.

12) Adaptive use.

Changes undertaken to accommodate new uses must be designed and implemented in a manner that provides, to the greatest extent possible, that historic properties remain occupied, viable and architecturally intact. Changes affecting monumental public buildings or major community landmarks must be planned to provide, to the extent possible, continued public access to significant public spaces.

13) Supervision by professionals during construction.

An archeologist must be on-site or on-call during construction to prevent damage to known archeological resources, to assist in identifying previously unknown archeological resources discovered during construction and to resolve unanticipated challenges associated with archeological discoveries or artifact recovery. A historic architect or architectural conservator must be on-site or on-call during construction to prevent damage to historic materials, to oversee the proper execution of approved preservation design solutions and to resolve challenges raised by unanticipated conditions potentially affecting historic materials and design. These professionals report to the RHPO or RHPO's designee, who coordinates with the Contracting Officer (CO), as appropriate.

14) Contracting Officer responsibilities.

The CO has the responsibility and authority to halt any construction activities should historic, prehistoric, archeological, or paleontological resources; human remains; or Tribal Cultural or sacred objects be exposed or should unanticipated conditions arise that prevent GSA from honoring a commitment under an agreement or from executing a project

as agreed in Section 106 compliance review. Construction activities endangering such resources must remain halted pending investigation, resolution and, as applicable, recovery, in accordance with 36 C.F.R. part 800 and the requirements of NAGPRA.

15) Contractor qualifications.

Program offices responsible for procuring contractors to perform work on or affecting historic building materials or architecturally significant spaces must hire only qualified firms and individuals to perform work requiring specialized preservation skills.

16) Added responsibility of the contractor.

Contractors must be required under the contract document(s) to halt construction activities immediately and notify the CO, the CO's technical representative, the project archeologist, or the project architectural historian, or any combination of the foregoing, if historical, prehistorical, archeological, or paleontological resources are discovered during such construction. The CO must brief the contractor on these provisions prior to the start of construction.

17) Protection of historic properties during construction or vacancy.

Contractors must be required to ensure that historic materials are protected during construction. The contractor must ensure that materials temporarily removed for later reinstallation are properly labeled, transported and stored securely to prevent damage or loss. Historic buildings must be secured and monitored during construction activity to minimize the risk of accidental damage by fire, structural failure or other means. The contractor and responsible GSA oversight staff must minimize the risk of vandalism or theft of historic materials or architectural features during construction or vacancy by instituting appropriate security measures. Historic material protection plans will be specified as contract submittals requiring review by an individual meeting applicable Secretary of the Interior's Professional Qualification Standards.

## **7. Participation by interested parties**

### **a. Participation requirements**

Section 106 of NHPA requires GSA to provide opportunities for interested parties to participate in the consultation process established by 36 C.F.R. part 800. Participation requires, at a minimum, the following:

- 1) Obtaining any information that individuals, organizations, universities, agencies, Tribal governing bodies, and others may have to assist GSA in carrying out its responsibilities under Federal preservation laws and regulations, including indigenous knowledge that may inform GSA efforts to avoid, minimize or mitigate adverse effects; and
- 2) Making documents, materials and other data available, to the extent possible, concerning the undertaking and the nature of its effect on historic and cultural properties.

**b. Early involvement**

Involve interested parties early in the review processes established in this order through the public notification processes provided for in 36 C.F.R. part 800 and, as applicable, NEPA. Sufficient time must be allowed in project development to:

- 1) Involve interested parties early enough in the study of alternatives that comments and information provided by the interested parties can be included in GSA's consideration of alternatives;
- 2) Involve interested parties at appropriate intervals throughout the development of major projects or actions to facilitate their participation in the sequence of decisions or incremental actions that together determine the effect of the undertaking;
- 3) Take into consideration the needs of diverse communities for equitable access to information and opportunities for input; and
- 4) Provide adequate notification time to provide interested parties a reasonable opportunity to participate in and comment upon the proposed undertaking.

**8. Determination of effect**

**a. General**

The RHPO must apply the Council's Criteria of Adverse Effect to determine the effect of an undertaking on National Register or National Register-Eligible Property, in consultation with the SHPO and, as applicable, interested Indian Tribes, NHOs and other interested parties.

**b. Undertakings consistent with BPP or HSR recommendations**

After the RHPO has verified the undertaking's conformance with the BPP or HSR, project documentation must be provided to the SHPO for concurrence review. If the RHPO determines that the project is not consistent with BPP or

HSR recommendations, but can be modified to be so, the RHPO or the RHPO's representative will assist the project team or program office in revising the project proposal to conform to the BPP or HSR recommendations. If a BPP or HSR is not available, the RHPO will apply professional judgment, designating preservation zones to guide design development.

**c. Undertakings not consistent with BPP or HSR recommendations**

- 1) Project development schedules will allow reasonable time for GSA consideration of alternatives, adjusting time frames, as appropriate, when adverse effects on historic property are anticipated. If critical project or mission goals cannot otherwise be met, the RHPO, the RHPO's designee or a qualified preservation project team member will work with GSA's project team, using BPP or HSR zoning and recommendations to guide preservation priorities and tradeoffs. Some projects will require iterative preservation problem solving to achieve outcomes that successfully balance preservation and other project goals. At the conclusion of this collaborative effort, the RHPO, the RHPO's designee or a qualified preservation project team member will prepare a narrative justifying GSA's planned approach as part of GSA's project documentation provided to the SHPO for Section 106 compliance review.
- 2) If the SHPO and, at its discretion, the Council, determine that a proposed undertaking is not in conformance with the Secretary's Standards, GSA must consult with the SHPO, and the Council, as applicable, giving serious consideration to suggested alternatives that may avoid or minimize adverse effects without substantively compromising GSA critical project goals. If such revisions to the proposed undertaking cannot be accomplished, the RHPO must attempt to resolve the adverse effects, in accordance with 36 C.F.R. § 800.6, with the goal of negotiating reasonable and mutually acceptable mitigation measures to conclude the Section 106 consultation for the project with an agreement, as described in section 4.9, Study of Alternatives.

**d. Determination of no effect**

If the RHPO determines that an undertaking will not affect National Register or National Register-Eligible Property, the RHPO must provide documentation to support the finding to the SHPO. Interested Indian Tribes and NHOs must be informed of the effect determination concurrently. Unless the SHPO or other consulting party objects to the finding of "no effect" within 30 days, GSA may proceed with the undertaking.

**e. Determination of no adverse effect**

If the RHPO determines that the effect will not be adverse, the RHPO must send documentation to support this determination to the SHPO and, where required,

interested Indian Tribes and NHOs, in accordance with 36 C.F.R. § 800.11. If the SHPO and interested Indian Tribes and NHOs concur with the RHPO's finding, GSA may proceed with the undertaking without further consultation.

**f. Determination of adverse effect**

If the RHPO determines that an undertaking may have an adverse effect on National Register or National Register-Eligible Property or if the SHPO objects to a GSA finding of "no adverse effect," the RHPO must notify the Council, in accordance with 36 C.F.R. §§ 800.5(a)(3) or 800.6(a), as applicable, and consult with the SHPO, interested Indian Tribes and NHOs, and the Council, at its election, to avoid, minimize or mitigate the adverse effect. The RHPO must coordinate with the FPO regarding the resolution of any disagreement with the SHPO concerning an adverse effect.

**g. Relationship to NEPA review process**

Compliance with the procedures stated in this order does not necessarily constitute compliance with NEPA, which includes a number of procedures and provisions that differ from those set forth in NHPA, such as consideration of traditional Native American sites and land features that do not necessarily meet National Register-eligibility criteria. Project managers must comply with the statutory provisions of NEPA. NHPA regulations encourage agencies to coordinate NEPA and NHPA processes to the extent that duplication of effort can be reduced; however, the inclusion of a section dealing with historic preservation in an EIS does not automatically constitute compliance with this order.

1) Consultation with the Council.

Whenever a GSA undertaking will affect a National Register or National Register-Eligible Property and require NEPA compliance, the RHPO must initiate consultation with the Council as follows:

a) Environmental Assessment or Environmental Impact Statement required.

When a GSA undertaking requires the preparation of an EA or an EIS, the Council may be notified through the draft EA or EIS (see 36 C.F.R. § 800.8). The draft EA or EIS should discuss, to the extent possible at the time of its issuance, the results of historic and cultural surveys concerning the undertaking's APE, the effect of the undertaking on all identified historic and cultural properties and the appropriate documentation necessary to fulfill the requirements set forth in 36 C.F.R. § 800.11. When the draft EA or EIS is to constitute notification to the SHPO and, at the RHPO's discretion, the Council, the transmittal must be sent concurrently to the FPO, and the letter of notification must clearly

state that the draft EA or EIS is being submitted to request the comments of the SHPO and the Council in accordance with the procedures and instructions set forth in 36 C.F.R. §§ 800.3, 800.4, 800.5, and 800.6.

- b) Environmental Assessment or Environmental Impact Statement not required.

When a GSA undertaking does not require the preparation of an EA or an EIS, but the undertaking could affect National Register or National Register-Eligible Property, the notification requirement is met by providing the SHPO and, at the RHPO's discretion, the Council with timely documentation on alternative actions under consideration and their potential effects on historic or cultural property, in accordance with the procedures and instructions set forth in 36 C.F.R. §§ 800.3, 800.4, 800.5, and 800.6.

- 2) Environmental Assessment or Environmental Impact Statement preparation.

Any final EA or EIS prepared pursuant to section 102(2)(c) of NEPA, in addition to identifying the adverse effects, must discuss alternatives considered and describe the mitigation plans developed in consultation with the SHPO, interested Indian Tribes and NHOs, the Council, and other interested parties, as applicable.

## **9. Study of alternatives**

### **a. General**

Whenever it is determined that an undertaking may have an adverse effect on a National Register or National Register-Eligible Property, the RHPO must conduct, in consultation with the SHPO and the Council, if the Council elects to participate, and other consulting parties, if any, a study of alternatives pursuant to 36 C.F.R. § 800.6(b) to avoid, minimize or mitigate the potential adverse effect. Where a property has significance based on Native American religious or cultural rites and practices, GSA must consult with the interested Indian Tribe(s) and NHOs to determine appropriate measures to protect and preserve Native American religious or cultural rites and practices.

- 1) Codes and standards.

Acknowledging that historic buildings cannot always achieve new construction standards without substantial expense and loss of integrity, GSA encourages innovative solutions that reduce the cost and architectural impact of making buildings safe, comfortable and

accessible. Project design teams are encouraged to apply codes flexibly, in consultation with the RHPO, GSA fire safety engineers and

other technical experts, and in accordance with the *Facilities Standards for the Public Buildings Service* (PBS-P100), and to assess actual risk within the building-specific context. Project teams are encouraged to explore appropriate alternative approaches provided in codes, guidelines and standards, such as NFPA 914: Code for Fire Protection of Historic Properties, Department of Housing and Urban Development Guideline on Fire Ratings of Archaic Materials and GSA's Fire-Safety Retrofit Guideline.

2) Architectural barriers.

In making decisions about accessibility for persons with disabilities, GSA must consider whether planned measures may threaten or destroy the significance of a historic property. If so, alternative measures are permitted, as provided in ABAAS F202.5.

**b. Memorandum of Agreement**

When a proposed undertaking has the potential to adversely affect historic and cultural properties, GSA must take no action that could limit the consideration of alternatives and mitigation measures until the consultation process has been concluded. The execution of an MOA by and among the Council, the SHPO and GSA normally concludes the consultation process (36 C.F.R. § 800.6). Alternatives that must be considered include:

1) Alternative locations.

Carrying out the proposed undertaking at a location that will eliminate or substantially reduce the potential to affect historic and cultural properties adversely;

2) Alternative undertakings.

Conducting other undertakings, actions, activities, or programs with similar objectives that could avoid or substantially reduce potential adverse effects on historic and cultural properties, including agreements with non-Federal entities in support of alternative uses and additional reinvestment to keep legacy historic buildings viable for continued or future public use;

3) Alternative designs.



Implementing other plans, designs or concepts with similar objectives that could avoid or substantially reduce the potential to affect historic and cultural properties adversely;

4) No action alternative.

Taking no action; and

5) Avoidance of adverse effects.

To the extent that it is prudent and feasible to do so, avoidance of adverse effects is the preferred option for all GSA undertakings.

**c. Programmatic Agreements**

An alternative to the standard Section 106 process is to execute a Programmatic Agreement (PA) with the SHPO and the Council. In a PA, GSA establishes an alternative, usually streamlined, review process for a particular program, type of activity or group of activities or a specific undertaking. A BPP can be the basis of such an agreement. All PAs must be reviewed and signed by the FPO.

**d. Adverse effect**

GSA must not give assistance to, nor may it collaborate with, any agency or private party with the intent to avoid Section 106 requirements by either intentionally causing an adverse effect or failing to prevent a potential adverse effect, unless and until consultation with the SHPO and the Council, if the Council elects to participate in the consultation, justifies such action.

**e. Anticipatory demolition**

GSA is responsible for discouraging the demolition of historic properties by other agencies and private parties in anticipation of obtaining a GSA lease or other benefit. See 54 U.S.C. § 306113.

**f. Archeological sites**

GSA must regulate the excavation or other disturbance of archeological sites, consult with Native American groups about the treatment of any traditional cultural or religious properties that may be present and protect Native American cultural items. See 54 U.S.C. § 306102, ARPA and its implementing regulations (43 C.F.R. part 7), AIRFA, and NAGPRA and its implementing regulations (43 C.F.R. part 10).

1) Project planning - design.

Design scopes and estimates for repair and alteration projects not large enough to warrant an EA or an EIS, but that will result in ground disturbance, must include appropriate research, as required by NHPA, NEPA and related laws, to determine the likelihood that significant archeological resources are present in the area to be disturbed (Phase I). Projects may need to include provisions for analysis of sample areas to verify the presence of such resources, should Phase I research suggest the need for on-site testing (Phase II). Preliminary consultation with GSA's RHPO, Regional Environmental Officer and the SHPO is recommended to learn what may already be known about a site.

2) Project planning - construction.

Construction scopes of work for projects involving a likely discovery of archeological resources must include provisions stipulating the responsibility of GSA's archeological consultant team to advise GSA on the potential National Register eligibility of any discovered resources. In consultation with the SHPO (and, at the RHPO's discretion, the Council), GSA determines whether the significance of the discovery merits further resource recovery, analysis and curation. The goals and methodology of recovery, interpretation and curation should be laid out in an MOA.

3) Recovery.

All contracts for recovery of archeological resources associated with GSA projects, whether the site is owned or leased by the Federal Government, must include provisions to produce an illustrated report of findings, including narratives describing the findings and their significance, for GSA reporting, publication, training, and public education purposes, as appropriate. Recovery report submittals must include captioned photographs documenting the type, material and size of each resource. Resource photographs must be included in the report of findings and provided as digital high resolution (public domain) images to facilitate research access to the collection. Any use by the contractor overseeing recovery or analysis of such resources or dissemination of information gained as a result of the recovery effort must credit GSA as sponsor of the recovery, the owner and, as applicable, the curator of the resources. Archeological recovery analysis reports must be prepared in accordance with Federal regulations and must describe the significance of the research findings and how they contribute to the body of knowledge on the location and broader historic or cultural themes explored in the study. GSA will coordinate with SHPOs, Tribal representatives and interested parties, as applicable, when security

considerations necessitate withholding location and other recovery details from public access.

4) Public benefit.

Projects involving recovery of archeological, paleontological or prehistoric resources should include provisions for public benefit from research and recovery efforts. Archeologists should be encouraged to publish their findings, provided that GSA is acknowledged and the RHPOs and the FPO are given an opportunity for review and comment prior to publication. Project scopes of work and budgets for recovery should include funding for and consideration of alternative approaches for interpreting research findings and, when possible, provisions for public display of the recovered resources, considering diverse community interests to provide inclusive and accessible educational content. Examples of appropriate interpretation include educational videos, exhibits, interactive websites, and online publications.

5) Transport and storage.

Resources recovered by the Federal Government remain Federal property in perpetuity, except as otherwise required by Federal laws and regulations, such as NAGPRA. Responsibility for the care of certain specialized resources may be transferred to other appropriate Federal agencies, such as the Department of Defense, Navy Department, which specializes in underwater archeology. Project plans and budgets for recovery also should include specific long-term recommendations for curation, whether by GSA or other appropriate entities, such as academic institutions, State historical organizations or non-profit research groups. At a minimum, agreements for long-term curation should provide that the resources will be secure from theft or damage and maintained in a climate-controlled environment in compliance with Department of the Interior standards for storage and curation of archeological artifacts (see 36 C.F.R. part 79).

6) Archeological resources.

Archeological collections in GSA's custody must be managed properly by appropriately equipped institutions, according to the Secretary of the Interior's standards for storage and curation of archeological artifacts, and in compliance with ARPA and HADPA. In addition, GSA must repatriate Native American cultural items in such collections to lineal descendants, Indian Tribes or NHOs (see sections 5-7 of NAGPRA and 43 C.F.R. part 10).

a) Archeological collections.

Archeological collections must be preserved, inventoried, interpreted, and curated in accordance with 36 C.F.R. part 79. The FPO and the appropriate RHPO must maintain current inventories identifying all resources, their current locations and other information as required by Federal regulations. Information regarding GSA's archeological collections and archeological research findings funded under GSA projects must be made readily available to researchers and the public, as appropriate, through the Internet and other appropriate means.

b) Public access to collections.

Provisions must be made to provide access to GSA's archeological collection by researchers and appropriate institutions for public benefit, except as otherwise provided by Federal laws and regulations, such as NAGPRA. Procedures must be established and permanent records maintained to provide for the security and proper care of resources removed from storage for such purposes. The RHPO is responsible for carrying out the recovery, transport, storage, and loaning of archeological resources for research or exhibit purposes in compliance with Federal laws, regulations and GSA policy.

g. **Vessels and underwater artifacts**

GSA is responsible for Section 106 compliance associated with potentially significant Federal underwater artifacts, such as sunken Civil War vessels, which may be affected by Federal undertakings such as coastal dredging. Undertakings that involve historic personal property must be coordinated with the GSA Federal Acquisition Service (FAS) Office of Personal Property Management and FAS must concur on any documents that evidence GSA's compliance with Section 106. Underwater artifacts are typically transferred to the Navy and curated by the Naval History and Heritage Command or other appropriate institutions. MOAs and PAs delineating responsibilities associated with identification, analysis and curation may involve Federal and non-Federal participants, including the agency whose activities resulted in the discovery and is responsible for identification and reclamation, GSA (as the Federal agency with jurisdiction over the artifacts), the Federal agency assuming jurisdiction over the artifacts (if other than GSA), the curating entity, the SHPO, the Council (if involved), and any interested parties, such as local historical groups. Agreements should include provisions for reassigning curatorial responsibilities, should unforeseen events prevent the curating organization from meeting the agreement's requirements.

## **h. Excess property**

### **1) Property declared excess by other agencies.**

As required by 41 C.F.R. § 102-78.70, Federal agencies must satisfy their historic preservation compliance responsibilities concerning property declared excess by them prior to transfer or sale by GSA. To that end, GSA real property disposition program staff work with landholding agencies to verify that Section 110 documentation has been completed or to assist them in completing required Section 110 documentation or making other arrangements acceptable to GSA. In accordance with the requirements of section 2(f) of E.O. 11593, GSA is responsible for incorporating provisions for the protection of the historic property into the transfer or sale of such property. GSA's procedures for handling disposition undertakings involving historic real property must support long-term stewardship, as well as immediate preservation needs.

### **2) Historic property transfers.**

In accordance with Sections 106 and 111 of NHPA and as further provided in 41 C.F.R. § 102-78.65, GSA's procedures governing the transfer of historic properties incorporate all available authorities to support preservation goals for long-term stewardship. In furtherance of Section 111 of NHPA, 41 C.F.R. § 102-78.65 requires that Federal agencies must, to the extent practicable, establish and implement alternatives for historic properties, including adaptive use, that are not needed for current or projected agency purposes. Prior to initiating disposition actions for underutilized or poorly performing historic buildings in GSA's inventory, in accordance with 41 C.F.R. § 102-79.60 and GSA's Portfolio Strategy, GSA must explore appropriate financial remedies, such as targeted reinvestment, return on investment pricing, marketing of vacant space to other Federal agencies, and supplementing a predominantly Federal use with leasing to non-Federal tenants. The FPO maintains primary compliance authority while historic properties remain in GSA custody and control, working with GSA's real property disposition program to minimize risk and address GSA interests while encouraging sound and stable stewardship outcomes. Real property disposition program staff must coordinate with the RHPO to integrate provisions for the protection of historic property into the transfer or sale procedures and documents, in conformance with the requirements of subsection 2(f) of E.O. 11593. Based on site-specific factors, such as the property condition, market, availability of an enforcer, and significance, such considerations may be addressed in preservation covenants referencing architectural features identified within a BPP or HSR, Section 106 agreements guiding post-transfer redevelopment and the choice of the statutory authority that governs the conveyance. Provisions for mitigation of adverse effects to National Register and National

Register-Eligible Property that might occur as a direct or indirect result of the transfer should be proportionate to the extent or degree of such effects.

a) Public benefit conveyance.

The Real Property Disposition Program coordinates with public benefit conveyance sponsoring agencies. These include, among others, the U.S. Department of Education for education-related uses and the U.S. Department of the Interior for historic surplus property public benefit conveyances.

b) Historic Surplus Property Public Benefit Conveyance.

Outreach to the U.S. Department of the Interior regarding historic surplus property public benefit conveyances and disposition of non-GSA NHLs must be coordinated through RPD, in accordance with the real property disposition provisions in title 40 of the United States Code and joint guidance.

c) Monumental properties and iconic public buildings.

Conveyance strategies for monumental properties, architectural icons and other historic buildings of high community interest should encourage compatible reuse approaches that preserve significant spaces and maintain, to the extent feasible and appropriate, continued public access to spaces designed for public use. RPD must work closely with the FPO and RHPO on strategies for best balancing GSA business, stewardship and community goals when conveyances involve NHLs, highly significant property or likely controversy.

d) National Historic Landmarks.

The National Park Service must be notified, in writing, when an NHL will be transferred to another Federal agency or non-Federal entity so that the National Park Service may fulfill its administrative responsibilities under 36 C.F.R. 65.7(a). In accordance with 36 C.F.R. 800.10(c), the FPO or the FPO's RHPO designee must notify the Secretary of the Interior or the Secretary's designee of any consultation involving an NHL and invite the designee to participate in the consultation when there may be an adverse effect that is associated with GSA's disposition action.

e) **Covenant enforcement and unanticipated changes.**

To the extent possible, conveyance documents involving highly significant historic property must include provisions for monitoring and enforcement of preservation conditions. Transfers of highly significant historic property designed for public access should include provisions encouraging continued public access in the unanticipated event of subsequent transfer or change of use.

i. **Abandoned property.**

The Administrator of GSA is authorized to make such contracts and provisions for the preservation, sale or collection of any property, or the proceeds thereof, which may have been wrecked, abandoned or become derelict, if the Administrator considers the contracts and provisions to be in the interest of the Federal Government and the property is within the jurisdiction of the United States and should come to the United States (40 U.S.C. § 1309). This authority, which extends to certain underwater properties, must be exercised in coordination with ARPA, ASA, HADPA, and GSA Order FSS 2800.23, entitled "Treasure Trove Contracts," dated January 15, 1987. For additional information, see section 4 and subsection 6(d) of ASA and its implementing guidelines (55 Fed. Reg. 50116 (1990)).

**10. Development of project compliance documentation**

a. **General**

Solicitations and scopes of work for feasibility studies, site acquisition, lease acquisition, Program Development Studies, design and construction, and other activities governed by Federal preservation laws and directives must include provisions so that appropriate analyses of alternatives and preparation of compliance review submission material is completed in a timely manner by qualified professionals and that preservation considerations are fully integrated into GSA project development processes, decisions and actions potentially affecting historic buildings or material of cultural significance.

b. **Compliance submission requirements**

- 1) Submission materials developed for external review in compliance with Section 106 of NHPA and related laws must be prepared only by individuals meeting the Professional Qualifications Standards who are able to demonstrate successful experience on comparable preservation projects. Documentation prepared internally by GSA may be developed only by or under the supervision of individuals meeting these criteria so that preservation issues are properly identified, and that GSA maintains professional credibility in external reviews.

- 2) Section 106 compliance submission material is to be developed concurrently with project development by individuals actively engaged in all discussions and reviews leading to actions or decisions that may affect historic buildings as defined in 36 C.F.R. part 800. Project managers and team members will be provided guidance by GSA's Center for Historic Buildings for integrating the compliance process and GSA's options analysis so that the process serves to inform GSA decisions, rather than document decisions already made.
- 3) Except under special circumstances warranting otherwise, compliance reports should be submitted to the RHPO as part of each design submission required under the project scope of work. Design submissions for projects in or affecting historic buildings are not complete and acceptable for invoicing until a complete compliance report has been received and accepted by the RHPO.

**c. Compliance submission reports**

Submission reports for Section 106 compliance and other external reviews must be formatted to focus specifically and concisely on relevant preservation issues, options, implications, and GSA's recommended alternatives, balancing preservation goals and GSA mission needs. Submissions must provide all information required for reviewers to identify and understand the potential effects of the project or decisions on historic properties and how GSA proposes to reconcile preservation goals and project mission requirements. Project submissions concerning design, construction, lease development, new construction, and other physical changes to historic buildings must include, at a minimum, the following:

- 1) A narrative identifying all preservation issues and options, justifying GSA's recommended alternatives;
- 2) Relevant research on as-built conditions, building evolution and affected historic properties, as necessary, to explain or justify the proposed project approach;
- 3) Photographs of existing conditions at each affected location, or representative locations, if conditions are identical or similar;
- 4) Elevations, plans and detail drawings or visual simulations showing the appearance of proposed preservation design solutions; and
- 5) A statement, signed by the qualified individual preparing the report, certifying that the report fulfills the Section 106 compliance submission requirements, including, for rehabilitation projects, that the proposed



design is consistent with the recommended approaches set forth in the Secretary's Standards.

**d. Compliance submission package**

Submissions to the SHPO, the Council and other external review organizations must include a cover letter, signed by the RHPO, stating GSA's determination of effect, with a brief rationale summarizing key preservation issues, solutions and approaches.

**11. Mitigation measures**

**a. Development**

When alternatives to avoid or minimize adverse effects to historic and cultural properties are determined by the consulting parties not to be prudent and feasible, GSA must develop measures to mitigate the potentially adverse effect. Measures to mitigate adverse effects to National Register or National Register-Eligible Property must be developed in consultation with the SHPO, the Council, if the Council elects to participate, and other consulting parties, if any. Where a property has significance based on Native American religious and cultural rites and practices, the RHPO must confer with the affected Indian Tribe or NHO to determine appropriate measures to protect and preserve Native American religious or cultural rites and practices. Such measures may include:

- 1) Modifying the proposed undertaking through redesign, reorientation of the project site and other changes;
- 2) Limiting the magnitude or extent of the proposed undertaking or identified alternatives;
- 3) Rehabilitating, repairing or restoring historic site elements and affected historic buildings for continued Federal use;
- 4) Compensating for the potentially adverse effects through, for example, the recovery and interpretation of scientific, prehistoric, historic, and archeological data; and
- 5) Minimizing potential adverse effects over time through preservation procedures occurring throughout or subsequent to the undertaking.

**b. Appropriateness**

Mitigation measures must be appropriate to the nature and importance of the historic and cultural properties in question. It is GSA policy to avoid or minimize

adverse effects to historic properties and mitigation should be considered only when avoidance or minimization is neither prudent nor feasible.

**c. Required documentation**

Whenever a GSA action may result in destruction or alteration of a historic property, GSA is responsible for documenting the property prior to its alteration. When the property is an archeological site, GSA also is responsible for notifying the National Park Service (see 54 U.S.C. § 306103 and HADPA).

**d. Implementation**

GSA capital planning, design and construction, leasing, disposition, facilities management, and other program offices affecting historic property must cooperate with preservation program staff to fund fully, implement and document all required mitigation measures in the agency's Section 106 agreements. Schedules and budgets for capital construction, repair and alteration, leasing, and disposition projects must incorporate agreed upon mitigation measures so that GSA can meet its consultation commitments in a timely manner. GSA must not take any action that will prevent or unreasonably delay implementation of the mitigation measures without first reopening the consultation to seek an amendment of the agreement.

**12. Architectural artifact salvage**

**a. Preservation of historic architectural features**

Historic architectural features in significant areas as defined in the BPP or HSR, or in guidelines promulgated by the Department of the Interior, must be preserved and retained in place. When removal of original materials is unavoidable, and future reuse of such materials is feasible and likely, they must be appropriately labeled, protected, recorded, transported, and placed into secure storage. When reuse at the building from which they were removed is unlikely, salvageable historic materials will be made available for use at other GSA historic buildings, then non-GSA historic buildings, to the extent feasible. Consideration must be given to salvageability of materials as well as foreseeable prospects for reinstallation.

**b. Specifications for removal and storage**

Specifications for removal and storage should include stipulations requiring that care be taken during removal, crating, transport, and placement into storage to avoid damaging the salvaged artifacts. Unless exceptional size or other unusual material considerations warrant, all salvaged materials must be packed and crated during transport and storage, and labeled both inside and outside the crate in such a manner that the labels can be easily viewed when crates are

placed in storage and removed without damaging the object. Crates should be labeled on sides likely to be exposed when crates are stacked. Packing materials for artifacts designated for storage beyond the duration of the project must be of archival quality to prevent damage to artifacts during storage. Appropriate means should be employed to secure objects being stored in earthquake zones.

**c. Transmittal records.**

Transmittal records identifying all items, their materials, size, weight, and the specific location(s) from which they were removed and to which they are being placed into storage must be included as a requirement under the construction contract and submitted by the contractor to the RHPO and the FPO prior to transport and delivery of the items. A permanent record of all such items and their storage or reinstallation locations must be maintained by the RHPO, with a current copy provided to the FPO as the inventory is updated.

**d. Inventory record**

The inventory record must identify the items and specific locations from which they were removed; the age (design and fabrication dates) of the items, if known; date of removal and storage or reinstallation location; and contact information identifying program offices and individuals having direct responsibility for the security and care of the items.

**e. Future reinstallation**

If future reinstallation within the space for which the features were designed is impossible or unlikely, an effort will be made to install the salvaged architectural artifacts in an appropriate location elsewhere in the building or in another, comparable GSA historic building, provided that such installation is consistent with the recommended approaches set forth in the Secretary's Standards.

**13. Discoveries**

Should historic or cultural properties be discovered after compliance with this order and 36 C.F.R. § 800.6 is complete, and during the implementation of an undertaking, then GSA must notify the SHPO, the THPO, if applicable, any Indian Tribe or NHO that might attach religious and cultural significance to the affected property, and the Council, within 48 hours of discovery. The notification must describe GSA's assessment of the National Register eligibility of the property and proposed actions to resolve the adverse effects. If the SHPO, the THPO, if applicable, and any Indian Tribe or NHO 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, GSA may instead comply with the procedures for notifying, reporting and consulting with the Secretary of the

Interior in accordance with section 3(a) of HADPA (54 U.S.C. § 312502) and concurrently notify the Council, the SHPO, and, if applicable, the THPO and the Indian Tribe or NHO, and provide them with a report on the actions within a reasonable time after they are completed.

#### **14. Disaster management and emergency response**

The FPO, in cooperation with the RHPOs and appropriate regional program officials, must establish procedures to prevent, to the extent possible, and minimize harm to historic buildings and cultural artifacts as a result of natural disasters, human error and deliberate acts of destruction. These procedures must include emergency communication, identifying national, regional and back-up contacts; emergency recovery of architectural materials and artifacts in the event of fire or other property damage; accelerated review and compliance procedures for emergency stabilization and repair; and standard contract clauses to require that emergency repairs preserve historic materials, features and design, to the extent possible. Disaster Management and Emergency Response procedures must be consistent with Federal security standards and the salvage and protection measures recommended by the Heritage Emergency National Task Force. GSA facilities management staff and project teams must be provided emergency contacts, online assistance and written guidance, including specific procedures for GSA properties and appropriate instructional material, such as the *Emergency Response and Salvage Wheel* distributed by the Federal Emergency Management Agency, Heritage Preservation Program, in the U.S. Department of Homeland Security.

#### **15. Cultural property other than real property**

Cultural resources other than real property include furnishings, artwork integral with the building's original architectural design and historic function(s), archeological artifacts, and underwater artifacts.

##### **a. Identification and evaluation report**

A report must be prepared for each item or group of items under GSA's control that contributes to the significance of National Register and National Register-Eligible Property, or any other cultural resource independently eligible for listing in the National Register. Cultural resource reports must be prepared in accordance with current professional standards and applicable Federal directives for the class of objects or materials affected and must contain, at a minimum, the following:

- 1) Property inventory and evaluation of merit and historic integrity;
- 2) Summary of existing condition(s); and

### 3) Recommendations for short- and long-term care.

#### b. **SHPO notification**

Whenever a cultural resource will be affected by GSA activity, GSA must notify the SHPO, through the RHPO, of the undertaking and propose ways to avoid or minimize adverse effects upon the resource.

#### c. **Furnishings**

Historic furnishings designed as an integral architectural element or embodying historical importance in significant spaces must be preserved, protected and retained in place. Such furnishings within GSA-controlled property are considered property of the Federal Government, under GSA jurisdiction, custody and control, and must not be removed should a change of occupancy or use occur, unless GSA, in consultation with the SHPO, determines that removal is necessary to preserve furnishings due to changes in program or other requirements or the extreme fragility or advanced deterioration of the item. Furnishings so removed must be appropriately labeled, protected, recorded, and placed into secure storage. A permanent record of all such furnishings and their storage or reinstallation locations must be maintained by the RHPO, with a current copy provided to the FPO as the inventory is updated. The inventory record must describe and date the design or fabrication, or both, of the item, identify the building and specific location from which it was removed, specify the date of removal and storage or reinstallation location, and provide contact information identifying program offices and individuals having direct responsibility for the security and care of the item. If future reinstallation within the space for which the furnishings were designed is impossible or unlikely, an effort will be made to install the item in an appropriate location elsewhere in the building or in another, comparable historic building controlled by GSA, provided that such installation is consistent with the recommended approaches set forth in the Secretary's Standards.

#### d. **Site-specific art and commemorative objects**

Site-specific art that is a Contributing Feature in a historic property must be preserved, protected and maintained in its original location. Conservation or removal of artwork at historic properties must be carried out in accordance with GSA policy, as directed in the *GSA Fine Arts Desk Guide* and authorized, in writing, by GSA's Fine Arts Officer and the FPO. Removal of artwork or commemorative objects at historic buildings must also be approved, in writing, by the FPO. Interpretation and appropriate education must be provided to educate building

occupants and visitors concerning architecturally integral or site-specific art threatened as a result of changing building use, social or political concerns, separation between the artwork and the audience for whom it was designed, deterioration or damage not easily rectified, or for other reasons.

## **16. National treasures**

Properties of exceptional significance engendering a high level of public interest must be given special consideration in devising strategies for reinvestment, reuse and long-term stewardship, including property-specific operational arrangements and leases or other agreements with non-Federal entities supporting documentation, interpretation, educational programs, and compatible uses allowing public access. GSA will cooperate with public and private entities to fulfill legislated stewardship mandates and will initiate appropriate and fiscally responsible preservation agreements in keeping with GSA's mission. Examples of such arrangements include:

### **a. The National Building Museum**

Through a statutorily mandated Memorandum of Understanding with GSA, the National Building Museum creates exhibits and educational programs promoting the building arts within the Pension Building, an NHL in Washington, DC. The museum provides daily public access to the building's 75-foot tall, 316-foot long, sky-lit Great Hall.

### **b. Clara Barton's Missing Soldiers Office Museum**

Following the conveyance of real property formerly held by the Pennsylvania Avenue Development Corporation in Washington, DC, GSA retained a preservation easement over spaces where Clara Barton lived and worked during and after the Civil War. Through a management agreement with GSA, the National Museum of Civil War Medicine develops educational programs and displays about GSA's discovery and preservation, Clara Barton's contributions and 19th-century boarding house life. The museum also collaborates with GSA in providing occasional public tours.

### **c. St. Elizabeths campus**

Through collaborations, GSA has offered public tours of the NHL, brochures, ongoing archeological research and recovery, a museum exhibit, and a richly illustrated online book detailing the history of the pioneering psychiatric hospital in Washington, DC.

d. **General Post Office on 7<sup>th</sup> Street, Washington, DC**

Through a ground lease redevelopment agreement between GSA, a private developer and the National Park Service, the first monumental post office in Washington, DC, was rehabilitated for hotel use with public access to the courtyard restaurant.

e. **Old Post Office Building on Pennsylvania Avenue**

Through a ground lease redevelopment agreement between GSA, a private developer and the National Park Service, the iconic building in Washington, DC, was rehabilitated for hotel use with public access to the pavilion atrium and observation tower.

## APPENDIX A

### RHPO POSITION DESCRIPTIONS

#### Historical Architect GS 808-13

Position serves as the Regional Historic Preservation Officer, with responsibility for administering the regionwide historic preservation program, providing authoritative counsel to agency management, professional colleagues, State officials, private industry, and others responsible for facilities management in government-owned and leased buildings. With wide latitude for the exercise of independent judgment, performs functions to ensure regional compliance with the National Historic Preservation Act of 1966, as amended, and related regulatory guidance throughout the Public Buildings Service (PBS), as well as conveying GSA's stewardship vision and educating PBS staff, management and customer agencies to build strategic support. Assignments often involve working directly with the Center for Historic Buildings in Central Office for the development and application of new or significantly revised program methods and approaches, with the employee's conclusions, recommendations or determinations resulting in revised operating procedures or allocation of program resources. Work performed requires extended specialized training and experience that demonstrates leadership and marked attainments in the area of historic preservation and restoration.

#### **MAJOR DUTIES**

1. Individually, or in conjunction with program directors at the Central Office level, develops or significantly contributes to the development of agencywide policy on a variety of diverse and complex technical, professional or administrative issues related to historic preservation and restoration. Provides administrative and technical expertise to GSA personnel; as a recognized expert in the historic preservation field, is called upon to review and assess problematic or potentially controversial situations that are either out of the ordinary, unique or otherwise unusual in nature. Examples include highly sensitive projects impacting historic properties where negotiations with directors of customer agencies and national and State representatives in the historic preservation profession are required to comply with the laws and serve the customers' needs.

Provides technical expertise and actively guides GSA design, construction, site acquisition, and other activities affecting historic buildings. Serves as designated regional virtual employee and liaison to the Center for Historic Buildings, keeping them informed regarding regional preservation issues and project milestones. Makes final determinations on key programmatic decisions related to regional historic preservation activities. Exercises specific responsibility for ensuring implementation of and compliance with mandated legal, regulatory and agency requirements and guidance. Monitors regional agency operations and studies national developments in restoration techniques to ensure that GSA functional requirements and architectural needs are reflected in current design policies and standards affecting restoration and preservation of the region's Federal building inventory. On a recurring basis, interacts with GSA



compliance review agencies, professional historians, other architects, archeologists, planners, and lawyers to ensure that project proposals maintain the property's historic integrity. Develops project approaches that are fiscally prudent and realistic and develops creative strategies to keep historic buildings occupied and a viable part of the inventory. Participates with the highest-level management officials in formulating decisions regarding changing responsibilities or business needs, as well as in the design/development and evaluation of ongoing and new program issues. As a technical authority, acts as a troubleshooter for Heads of Services and Staff Offices and other key management officials on a diverse range of historic preservation issues, projects or concerns requiring an overview of the total regional operation with respect to resolving significant, controversial or otherwise highly sensitive situations.

2. Serves as the PBS Regional Commissioner's principal liaison for historic preservation with other Federal agencies, and conducts briefings, discussions and negotiations with high-level agency representatives of facility management organizations. Assures that historic preservation activities are carried out in a consistent and cost-effective manner, and in compliance with applicable design, construction, contracting, buildings management, and fire-safety policies and objectives prescribed by GSA and the Office of Management and Budget. Represents the agency during the design and construction of major regional building renovations and exercises technical responsibility for authorizing changes resulting from functional changes, construction requirements and the overall scope of the renovation project. In this capacity, serves as an expert advisor to construction engineers and architect-engineer firms on design and renovation matters, and participates in technical discussions to resolve any design problems and questions of interpretation that may arise. As project manager for work affecting historic properties, develops the scope of work required, negotiates architect-engineer (A-E) contracts, develops government cost estimates, and administers work performed under contract, and reviews all technical contract proposals involving the region's inventory of historic properties.

As required by recurring workload, serves on regional A-E selection panels to assure that the qualifications and experience of the proposed team involve sufficient program knowledge, technical expertise and sensitivity to the integrity of the historic structures and preservation issues involved. Reviews specific project goals and objectives; monitors the sequence and timing of key program events and milestones and evaluates overall program accomplishment and significant contributions in terms of regional goals. Relative to these functions, also considers the relationship of the organizational component with other programs and key administrative support functions within GSA or in other agencies. Provides input and recommendations regarding projected operations, significant trends, recurring problems, and similar management-level concerns to organizations(s) impacted.

3. Continually monitors Federal agency operations and studies worldwide design developments to avail GSA of the best available technology and design prototypes related to functional requirements and architectural/historic preservation parameters. Maintains ongoing liaison with the Regional Commissioner, project managers and other

Federal agency, private industry and contractor personnel for the purpose of exchanging current data regarding historic preservation projects and proposed changes in policies and goals. Interprets laws, such as the National Historic Preservation Act of 1966, as amended, policies, regulations, and other operating guidelines established by Central Office personnel and provides expert advice and guidance to regional personnel. Coordinates with regional programs concerned with property acquisition, leasing, facilities management, repair and alteration, property development, design and construction, portfolio management, and real property disposition to assure conformity of procedures and interpretation, and in resolving conflicts and other technical issues related to the administration of the program.

Evaluates new or modified historic preservation legislation, proposed regulations or agency guidance for projected impact upon the organization's programs, services and resources. Coordinates with other program areas and offices to determine the impact of the changes. Develops or modifies historic preservation program operating guidelines, policies and long-range plans that apply to employees or operations, or both, throughout the regional organization.

4. In conjunction or coordination with the Central Office, personally prepares agency directives and policy guidance for issuance by the PBS Regional Commissioner. Writes position papers and develops educational material directed towards GSA managers, employees and PBS customer agencies; prepares annual reports, briefings and publicity material profiling regional/national preservation activities. Ensures the availability of technical information, preservation guidelines and information on historic buildings to regional staff. Responds to GSA Central Office and external requests for information required in connection with agency reporting requirements and to support national initiatives. Coordinates public outreach activities and conducts briefings, discussions and negotiations with high-level agency representatives, GSA managers and supervisors, contract A-E and construction firms, and other external organizations, such as preservation advocacy groups and local governmental entities, to resolve controversies and negative perceptions regarding specific initiatives and individual projects. Overall, promotes program goals and innovative preservation approaches and develops consensus with all affected parties and organizations, with a view towards optimizing GSA's public relations and furthering the agency's preservation and urban reinvestment goals.

5. Personally or through the efforts of other PBS personnel, manages and accomplishes the most complex work assignments of the historic preservation program areas, which involve extremely difficult or controversial projects that require highly specialized experience or broad policy interpretation. Projects regularly require the identification and resolution of precedent-setting or highly controversial operational problems, or both. Makes authoritative decisions regarding technical matters, and typically serves as the team leader of other technical specialists assigned to assist in the work. In this capacity, defines the assignments, evaluates findings, advises on questions, directs further inquiry, and coordinates all assignments toward effecting resolution of the matter. Directs team studies and work assignments, and negotiates

effectively with management to mediate conflicts and to accept and implement recommendations.

Actively studies, initiates and promotes opportunities for renting unoccupied space in historic properties when Federal agencies are unavailable or in instances where the property needs to be temporarily held vacant for future occupancy. From a programmatic perspective, monitors and tracks project and financial data related to section 111 of the National Historic Preservation Act of 1966, as amended (Section 111), leasing activities and provides technical advice and interpretation on issues involving revenue generated and spent in connection with such activities. Provides guidance in cases involving difficult or unusual historic buildings or blocks of space available for outlease, generally requiring special lease terms and conditions. Identifies and prioritizes ongoing and programmed building projects to ensure that improvement and restoration of historic elements and building viability are emphasized, that Department of the Interior rehabilitation standards are met and that funds are obligated and spent in a timely fashion. Depending on the specific space to be outleased, proposed transactions often draw the attention of State and local governments and congressional interest, and negotiations with prospective customers require the exercise of sensitive judgment and the ability to weigh alternatives and make decisions at the negotiating table on matters having widespread impact, including resolving any adverse opinion that may be involved.

## **KNOWLEDGE REQUIRED BY THE POSITION**

- Mastery of professional architectural principles, concepts and practices related to historic preservation and restoration required to serve as a technical expert for major historic building renovation projects. A bachelor's degree in architecture, supplemented by progressively responsible experience on increasingly complex architectural conservation/restoration projects, is required.
- Knowledge and skill to adapt unconventional design and construction practices and techniques to establish design parameters and prepare project justifications and specifications for plans and designs for unique new construction and major renovation projects that integrate state of the art historic preservation and renovation concepts into the design or construction considerations.
- Knowledge of related engineering fields (outside the incumbent's specialty area) to ensure that areas of overlapping technical responsibilities receive proper consideration.
- Expert knowledge of Federal laws and regulations, executive orders and agency directives and guidelines pertaining to historic preservation requirements and GSA compliance provisions. Ability to assess GSA's potential liability resulting from proposed projects, and to provide sound and authoritative technical guidance on all issues related to historic preservation.

- Comprehensive analytical skills to apply a wide range of qualitative and quantitative techniques required for the assessment and improvement of the effectiveness and efficiency of historic preservation and related programs; ability to identify problem areas, conduct research, select and evaluate technical data, and make decisions or recommendations for action based on consideration of all programmatic requirements and aspects of a problem.

- Expert technical knowledge of architectural conservation and the principles and practices applicable to a full range of duties concerned with the preservation, restoration, rehabilitation, and adaptive use of historic buildings. Ability to apply unusual and unique preservation techniques to resolve issues regarding conflicting building systems integration and enhanced utilization of Federal properties.

- Knowledge of the principles and methods used in conducting public affairs duties for regional preservation issues involving internal agency and public information and community relations activities. Skill in interpersonal relations and in written and oral communications required to explain and negotiate the requirements and implementation of historic preservation initiatives and Section 111 leasing activities; to present sensitive recommendations to higher authority; to obtain compliance with policies from local activities; to articulate positions/policy of vast technical complexity; and to represent the region and agency on task forces.

- Knowledge of the mission, functions and program goals of GSA and PBS for assigned areas of responsibility, including a specific knowledge of the agency's project development objectives related to design and construction, repair and alterations, building management, and fire-safety issues.

- Thorough knowledge of PBS program and funding authorities related to Section 111 leasing of historic properties to non-Federal entities, encompassing regulatory requirements and selection criteria, outleasing policies and regulations, and accepted preservation practices and priorities; ability to outline these policies effectively to prospective customers, State and local government representatives, and contract brokers in negotiating outlease terms and resolving problem situations.

- Knowledge of Federal contracting and procurement practices as related to the administration of personal and professional services contracts, including the ability to develop and negotiate research contracts for restoration studies, and to review contract drawings.

- Technical knowledge and ability to lead other team personnel effectively in accomplishing major project tasks and milestones.

## **SUPERVISORY CONTROLS**

Works under the general supervision of a designated manager, who sets the overall objectives and resources available. The incumbent develops the deadlines, projects

and work to be done with minimal consultation with the supervisor. The incumbent, having developed expertise in the line of work, is responsible for planning and carrying out the assignment; resolving majority of the conflicts that arise; coordinating the work with others, as necessary; and interpreting policy on own initiative in terms of established objectives. In the majority of assignments, the incumbent also determines the approach to be taken and the methodology to be used. The incumbent keeps the supervisor informed of progress, potentially controversial matters or far-reaching implications. The majority of completed work is reviewed only from an overall standpoint in terms of feasibility, compatibility with other work or effectiveness in meeting requirements or expected results. Technical supervision and review rarely occurs and is usually limited to only the most sensitive issues, accompanied by alternative solutions, or policy problems that may change the scope of an assignment and resources needed.

## **GUIDELINES**

The incumbent operates within broad program guidelines, including general administrative policies, Federal and agency regulations and procedures, and public law and precedents. The available guidelines provide general direction, but do not have specific applicability to the wide variety of situations encountered. The incumbent uses initiative and resourcefulness in deviating from traditional methods or researching trends and patterns to develop new methods, criteria or proposed new policies. Serves as a regional authority to interpret and provide advice on policies, regulations and other operating guidelines for compliance with historic preservation and related art/architectural standards.

## **COMPLEXITY**

Assignments include planning, implementing and evaluation of the regional historic preservation program and compliance initiatives. The work includes various duties requiring many different and unrelated processes and methods applied to a broad range of activities and requires significant departures from standard practices and procedures to resolve widespread or critical problems; develop and evaluate new policies, methods, techniques, or criteria; and advise on the interpretation and implementation of new or revised procedures. The incumbent performs advanced work in relation to critical historic preservation problems and may lead teams carrying out broad assignments in this area. Decisions regarding what needs to be done include major areas of uncertainty in approach, methodology or interpretation and evaluation processes resulting from such elements as continuing changes in program, technological developments or conflicting requirements. The employee's actions constitute initial and, in many cases, the final agency recommendation or decision concerning the technical adequacy of a project's design; duties are further complicated by the requirement to serve as a technical expert in analyzing proposed construction and renovation plans and formulating solutions to difficult or persistent historic preservation problems.

## **SCOPE AND EFFECT**

The purpose of the work is to provide program direction and expert technical advice regarding GSA historic preservation efforts. Work performed involves establishing criteria; formulating projects; assessing program effectiveness; or investigating or analyzing a variety of unusual conditions, problems or questions. The work affects a wide range of agency activities with regard to ensuring that such activities are mutually supportive and conform to historic preservation program requirements.

## **PERSONAL CONTACTS**

Personal contacts are with employees, supervisors and managers within the agency, as well as individuals or groups from outside the agency, such as heads and staff members of other Federal agencies, attorneys, judges, congressional staff, local and State government officials, contractors, representatives of professional organizations, news media, and members of the general public. Additional contacts include professionals in the fields of architectural history, architecture, engineering, material culture, community planning, and archeology, and with comparable professional and administrative personnel.

## **PURPOSE OF CONTACTS**

The purpose of contacts is to influence and motivate persons or groups to promote historic preservation and restoration program initiatives, and to ensure compliance with appropriate public laws, legal decisions and agency directives. The persons contacted may be fearful, skeptical or uncooperative. The incumbent may encounter resistance due to such issues as organizational conflict, competing objectives or resource problems. The incumbent must be skillful in approaching individuals or groups to obtain the desired effect, such as influencing managers or other officials to accept and implement findings and recommendations.

## **PHYSICAL DEMANDS AND WORK ENVIRONMENT**

The work is primarily sedentary and is generally performed in an office setting, although there may be a significant amount of travel to communities for which project plans are being developed.

## Historic Preservation Specialist GS 1001-13

Position serves as the Regional Historic Preservation Officer, with responsibility for administering the regionwide historic preservation program, providing authoritative counsel to agency management, professional colleagues, State officials, private industry, and others responsible for facilities management in government-owned and leased buildings. With wide latitude for the exercise of independent judgment, performs functions to ensure regional compliance with the National Historic Preservation Act of 1966, as amended, and related regulatory guidance throughout the Public Buildings Service (PBS), as well as conveying GSA's stewardship vision and educating PBS staff, management and customer agencies to build strategic support. Assignments often involve working directly with the Center for Historic Buildings in Central Office for the development and application of new or significantly revised program methods and approaches, with the employee's conclusions, recommendations or determinations resulting in revised operating procedures or allocation of program resources. Work performed requires extended specialized training and experience that demonstrates leadership and marked attainments in the area of historic preservation and restoration.

### **MAJOR DUTIES**

1. Individually, or in conjunction with program directors at the Central Office level, develops or significantly contributes to the development of agencywide policy on a variety of diverse and complex technical, professional or administrative issues related to historic preservation and restoration. Provides administrative and technical expertise to GSA personnel; as a recognized expert in the historic preservation field, is called upon to review and assess problematic or potentially controversial situations that are either out of the ordinary, unique or otherwise unusual in nature. Examples include highly sensitive projects impacting historic properties where negotiations with directors of customer agencies and national and State representatives in the historic preservation profession are required to comply with the laws and serve the customers' needs.

2. Provides technical expertise and actively guides GSA design, construction, site acquisition, and other activities affecting historic buildings. Serves as designated regional virtual employee and liaison to the Center for Historic Buildings, keeping them informed regarding regional preservation issues and project milestones. Makes final determinations on key programmatic decisions related to regional historic preservation activities. Exercises specific responsibility for ensuring implementation of and compliance with mandated legal, regulatory and agency requirements and guidance. On a recurring basis, interacts with GSA compliance review agencies, professional historians, architects, archeologists, planners, and lawyers to ensure that project proposals maintain the property's historic integrity. Develops project approaches that are fiscally prudent and realistic and develops creative strategies to keep historic buildings occupied and a viable part of the inventory. Participates with the highest-level management officials in formulating decisions regarding changing responsibilities or business needs, as well as in the design/development and evaluation of ongoing and new program issues. As a technical authority, acts as a troubleshooter for Heads of

Services and Staff Offices and other key management officials on a diverse range of historic preservation issues, projects or concerns requiring an overview of the total regional operation with respect to resolving significant, controversial or otherwise highly sensitive situations.

Serves as the PBS Regional Commissioner's principal liaison for historic preservation with other Federal agencies, and conducts briefings, discussions and negotiations with high-level agency representatives of facility management organizations. Applies a wide range of qualitative and quantitative methods to assess and improve the historic preservation program's effectiveness and management processes, projects and systems. Acts as project manager for work affecting historic properties, developing scope of work, negotiating architect-engineer (A-E) contracts and reviewing submissions for studies and design and construction contracts involving regional historic properties. Represents the agency during the design and construction of major building renovations, considering such issues as changes required as the result of functional changes, new construction requirements, budget cuts, and the overall parameters of the renovation project. Participates as liaison between the customer and contractor A-E firms in high-level, complex negotiations and serves as an expert technical advisor to construction engineers-in-charge on design and renovation issues. Also serves on regional A-E selection panels for historic preservation projects to assure that the qualifications of the proposed team include sufficient program knowledge and technical expertise. Reviews specific project goals and objectives, monitors the sequence and timing of key program events and milestones and evaluates overall program accomplishment and significant contributions in terms of regional goals. Relative to these functions, also considers the relationship of the organizational component with other programs and key administrative support functions within GSA or in other agencies. Provides input and recommendations regarding projected operations, significant trends, recurring problems, and similar management level concerns to organizations(s) impacted.

3. Continually monitors Federal agency operations and studies worldwide design developments to avail GSA of the best available technology and design prototypes related to functional requirements and architectural/historic preservation parameters. Maintains ongoing liaison with the PBS Regional Commissioner, project managers and other Federal agency, private industry, and contractor personnel for the purpose of exchanging current data regarding historic preservation projects and proposed changes in policies and goals. Interprets laws, such as the National Historic Preservation Act of 1966, as amended, policies, regulations, and other operating guidelines established by Central Office personnel and provides expert advice and guidance to regional personnel. Coordinates with other regional programs involved in property acquisition, leasing, facilities management, repair and alteration, property development, design and construction, portfolio management, and real property disposition to assure conformity of procedures and interpretation, and in resolving conflicts and other technical issues related to the administration of the program.



Evaluates new or modified historic preservation legislation, proposed regulations or agency guidance for projected impact upon the organization's programs, services and resources. Coordinates with other program areas and offices to determine the impact of the changes. Develops or modifies historic preservation program operating guidelines, policies and long-range plans that apply to employees or operations, or both, throughout the regional organization.

4. In conjunction or coordination with the Central Office, personally prepares agency directives and policy guidance for issuance by the PBS Regional Commissioner. Writes position papers and develops educational material directed towards GSA managers, employees and PBS customer agencies; prepares annual reports, briefings and publicity material profiling regional/national preservation activities. Ensures the availability of technical information, preservation guidelines and information on historic buildings to regional staff. Responds to GSA Central Office and external requests for information required in connection with agency reporting requirements and to support national initiatives. Coordinates public outreach activities and conducts briefings, discussions and negotiations with high-level agency representatives, GSA managers and supervisors, contract A-E and construction firms, and other external organizations, such as preservation advocacy groups and local governmental entities, to resolve controversies and negative perceptions regarding specific initiatives and individual projects. Overall, promotes program goals and innovative preservation approaches and develops consensus with all affected parties and organizations, with a view towards optimizing GSA's public relations and furthering the agency's preservation and urban reinvestment goals.

5. Personally or through the efforts of other PBS personnel, manages and accomplishes the most complex work assignments of the historic preservation program areas, which involve extremely difficult or controversial projects that require highly specialized experience or broad policy interpretation. Projects regularly require the identification and resolution of precedent-setting or highly controversial operational problems, or both. Makes authoritative decisions regarding technical matters, and typically serves as the team leader of other technical specialists assigned to assist in the work. In this capacity, defines the assignments, evaluates findings, advises on questions, directs further inquiry, and coordinates all assignments toward effecting resolution of the matter. Directs team studies and work assignments, and negotiates effectively with management to mediate conflicts and to accept and implement recommendations.

Actively studies, initiates and promotes opportunities for renting unoccupied space in historic properties when Federal agencies are unavailable or in instances where the property needs to be temporarily held vacant for future occupancy. From a programmatic perspective, monitors and tracks project and financial data related to section 111 of the National Historic Preservation Act of 1966, as amended (Section 111), leasing activities and provides technical advice and interpretation on issues involving revenue generated and spent in connection with such activities. Provides guidance in cases involving difficult or unusual historic buildings or blocks of space available for

outlease, generally requiring special lease terms and conditions. Identifies and prioritizes ongoing and programmed building projects to ensure that improvement and restoration of historic elements and building viability are emphasized, that Department of the Interior rehabilitation standards are met and that funds are obligated and spent in a timely fashion. Depending on the specific space to be outleased, proposed transactions often draw the attention of State and local governments and congressional interest, and negotiations with prospective customers require the exercise of sensitive judgment and the ability to weigh alternatives and make decisions at the negotiating table on matters having widespread impact, including resolving any adverse opinion that may be involved.

## **KNOWLEDGE REQUIRED BY THE POSITION**

- Mastery of the field of historic preservation and restoration to apply experimental theories and new developments to problems not treatable by accepted methods and to make decisions or recommendations that require significant changes, interpretation or development of important public policies or programs.

- Expert knowledge of Federal laws and regulations, executive orders and agency directives and guidelines pertaining to historic preservation requirements and GSA compliance provisions. Ability to assess GSA's potential liability resulting from proposed projects, and to provide sound and authoritative technical guidance on all issues related to historic preservation.

- Comprehensive analytical skills to apply a wide range of qualitative and quantitative techniques required for the assessment and improvement of the effectiveness and efficiency of historic preservation and related programs; ability to identify problem areas, conduct research, select and evaluate technical data, and make decisions or recommendations for action based on consideration of all programmatic requirements and aspects of a problem.

- Expert technical knowledge of architectural conservation and the principles and practices applicable to a full range of duties concerned with the preservation, restoration, rehabilitation, and adaptive use of historic buildings. Ability to apply unusual and unique preservation techniques to resolve issues regarding conflicting building systems integration and enhanced utilization of Federal properties.

- Knowledge of the principles and methods used in conducting public affairs duties for regional preservation issues involving internal agency and public information and community relations activities. Skill in interpersonal relations and in written and oral communications required to explain and negotiate the requirements and implementation of historic preservation initiatives and Section 111 leasing activities; to present sensitive recommendations to higher authority; to obtain compliance with policies from local activities; to articulate positions/policy of vast technical complexity; and to represent the region and agency on task forces.

- Knowledge of the mission, functions and program goals of GSA and PBS for assigned areas of responsibility, including a specific knowledge of the agency's project development objectives related to design and construction, repair and alterations, building management, and fire-safety issues.

- Thorough knowledge of PBS program and funding authorities related to Section 111 leasing of historic properties to non-Federal entities, encompassing regulatory requirements and selection criteria, outleasing policies and regulations, and accepted preservation practices and priorities; ability to outline these policies effectively to prospective customers, State and local government representatives, and contract brokers in negotiating outlease terms and resolving problem situations.

- Knowledge of Federal contracting and procurement practices as related to the administration of personal and professional services contracts, including the ability to develop and negotiate research contracts for restoration studies, and to review contract drawings.

- Technical knowledge and ability to lead other team personnel effectively in accomplishing major project tasks and milestones.

## **SUPERVISORY CONTROLS**

Works under the general supervision of a designated manager, who sets the overall objectives and resources available. The incumbent develops the deadlines, projects and work to be done with minimal consultation with the supervisor. The incumbent, having developed expertise in the line of work, is responsible for planning and carrying out the assignment; resolving majority of the conflicts that arise; coordinating the work with others, as necessary; and interpreting policy on own initiative in terms of established objectives. In most assignments, the incumbent also determines the approach to be taken and the methodology to be used. The incumbent keeps the supervisor informed of progress, potentially controversial matters or far-reaching implications. The majority of completed work is reviewed only from an overall standpoint in terms of feasibility, compatibility with other work or effectiveness in meeting requirements or expected results. Technical supervision and review rarely occurs and is usually limited to only the most sensitive issues, accompanied by alternative solutions, or policy problems that may change the scope of an assignment and resources needed.

## **GUIDELINES**

The incumbent operates within broad program guidelines, including general administrative policies, Federal and agency regulations and procedures, and public law and precedents. The available guidelines provide general direction, but do not have specific applicability to the wide variety of situations encountered. The incumbent uses initiative and resourcefulness in deviating from traditional methods or researching trends and patterns to develop new methods, criteria or proposed new policies. Serves as a

regional authority to interpret and provide advice on policies, regulations and other operating guidelines for compliance with historic preservation and related art/architectural standards.

## **COMPLEXITY**

Assignments include planning, implementing and evaluation of the regional historic preservation program and compliance initiatives. The work includes various duties requiring many different and unrelated processes and methods applied to a broad range of activities and requires significant departures from standard practices and procedures to resolve widespread or critical problems; develop and evaluate new policies, methods, techniques, or criteria; and advise on the interpretation and implementation of new or revised procedures. The incumbent performs advanced work in relation to critical historic preservation problems and may lead teams carrying out broad assignments in this area. Decisions regarding what needs to be done include major areas of uncertainty in approach, methodology or interpretation and evaluation processes resulting from such elements as continuing changes in program, technological developments or conflicting requirements. Duties are further complicated by the requirement to serve as a technical expert in performing assigned duties, *e.g.*, analyzing proposed construction and renovation plans and formulating solutions to difficult or persistent historic preservation compliance problems.

## **SCOPE AND EFFECT**

The purpose of the work is to provide program direction and expert technical advice regarding GSA historic preservation efforts. Work performed involves establishing criteria; formulating projects; assessing program effectiveness; or investigating or analyzing a variety of unusual conditions, problems or questions. The work affects a wide range of agency activities with regard to ensuring that such activities are mutually supportive and conform to historic preservation program requirements.

## **PERSONAL CONTACTS**

Personal contacts are with employees, supervisors and managers within the agency, as well as individuals or groups from outside the agency, such as heads and staff members of other Federal agencies, attorneys, judges, congressional staff, local and State government officials, contractors, representatives of professional organizations, news media, and members of the general public. Additional contacts include professionals in the fields of architectural history, architecture, engineering, material culture, community planning, and archeology, and with comparable professional and administrative personnel.

## **PURPOSE OF CONTACTS**

The purpose of contacts is to influence and motivate persons or groups to promote historic preservation and restoration program initiatives, and to ensure compliance with

appropriate public laws, legal decisions and agency directives. The persons contacted may be fearful, skeptical or uncooperative. The incumbent may encounter resistance due to such issues as organizational conflict, competing objectives or resource problems. The incumbent must be skillful in approaching individuals or groups to obtain the desired effect, such as influencing managers or other officials to accept and implement findings and recommendations.

## **PHYSICAL DEMANDS AND WORK ENVIRONMENT**

The work is primarily sedentary and is generally performed in an office setting, although there may be a significant amount of travel to communities for which project plans are being developed.