

GAO

Fact Sheet for the Chairman,  
Subcommittee on Public Lands,  
Committee on Interior and Insular  
Affairs, House of Representatives

December 1985

# CULTURAL RESOURCES

## Results of Questionnaire on Federal Agency Historic Preservation Activities

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UNITED STATES GENERAL ACCOUNTING OFFICE  
WASHINGTON, D.C. 20548

RESOURCES, COMMUNITY,  
AND ECONOMIC DEVELOPMENT  
DIVISION

December 10, 1985

B-125045

The Honorable John F. Seiberling  
Chairman, Subcommittee on Public Lands  
Committee on Interior and Insular Affairs  
House of Representatives

Dear Mr. Chairman:

As requested in your August 29, 1985, letter and in discussions with your office, this fact sheet describes the responses to the questionnaire you sent to federal departments, agencies, commissions, and other entities (hereafter referred to as "agencies") addressing their historic preservation activities. As you requested, we also looked at the responses of 32 state historic preservation offices (SHPOs) to a separate questionnaire sent to them. We are summarizing the responses to that questionnaire in a separate fact sheet entitled Results of Questionnaire on State Historic Preservation Activities (GAO/RCED-86-60FS).

With respect to the federal agency questionnaire, of the 60 agencies that responded, only 49 provided detailed answers to the questions. The remaining 11 agencies' responses were cursory in nature, i.e., based on limited or no involvement with historic preservation activities. These 11 responses are not reflected in the fact sheet tabulations. Much of the information contained in this fact sheet was provided to your office in an oral briefing on October 3, 1985. The agencies responding to the questionnaire are listed in appendix II.

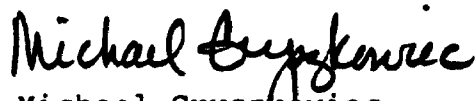
The federal agency questionnaire consisted of 12 sets of questions, many of which called upon agencies to provide narrative descriptions of their activities or explanations of their views on particular subjects. We tabulated the responses to each of the questions and, where appropriate, included examples of the narrative explanations provided. We made no contacts with the agencies to expand upon or clarify the information presented in their responses. Also, since many of the agencies' responses were made in narrative fashion, we categorized the responses on the basis of our best judgment.

The basic message behind many of the agencies' responses was that a fairer balance needs to be struck between complying with historic preservation requirements on the one hand and achieving agency mission objectives on the other. While recognizing the legitimacy and desirability of historic preservation objectives,

many agencies believe that the procedures established to protect historic resources have become cumbersome and an obstacle to agency efforts to achieve their primary mission objectives.

As agreed with your office, unless you publicly announce its contents earlier, we plan no further distribution of this fact sheet until 30 days from its issue date. At that time, we will send copies to each of the agencies that responded to the questionnaire and to the Advisory Council on Historic Preservation. In addition, we will make copies available to other interested parties upon request. If you need further information, please contact me on 275-7756.

Sincerely yours,

A handwritten signature in black ink that reads "Michael Gryszkowiec". The signature is written in a cursive style with a large, prominent initial 'M'.

Michael Gryszkowiec  
Associate Director

RESULTS OF QUESTIONNAIRE ON FEDERAL  
AGENCY HISTORIC PRESERVATION ACTIVITIES

This appendix provides detailed information on the federal agencies' responses to the 12 sets of questions contained in the subcommittee's questionnaire. In addition, the following two paragraphs highlight the responses that dealt with problems or bottlenecks the agencies reported having experienced with the existing historic preservation system and their associated suggestions to improve the system.

With respect to bottlenecks, roughly half of the agencies responding identified problems with the way the historic preservation system currently functions. While their concerns ranged widely, a common theme was that historic preservation requirements are more burdensome than necessary. These agencies believe the procedures established to protect historic resources have become cumbersome and are an obstacle to achieving their primary mission. In particular, several agencies claimed that the requirements imposed by the Advisory Council on Historic Preservation (ACHP) and some state historic preservation offices (SHPOs) to obtain clearances for construction and other projects have contributed to project delays and, as a result, increased project costs unnecessarily.

The agencies made a number of suggestions to correct these problems. One action frequently called for was a basic streamlining of the comment process currently used to ensure that historic preservation interests are protected when agencies undertake projects. Under existing procedures, agencies often must obtain comments and guidance from SHPOs, ACHP, and the Department of the Interior before proceeding with a planned

action. The agencies said that the procedures allow SHPOs, ACHP, and Interior to take an unlimited period of time to provide their comments; request extensive supporting documentation; and suggest that time-consuming archeological surveys be undertaken to develop additional data. In this context, the agencies believed that federal historic preservation legislation should be amended to streamline the review process and to establish fixed time periods during which reviewing agencies would have to provide their comments.

We have rephrased the questions contained in the questionnaire to facilitate the categorization of the agencies' responses. For each question in which we provide examples of agency comments, we have identified the agencies making the comments. The agency abbreviations used in these examples are explained in appendix II.

Question 1: Has the agency developed a procedure for implementing historic preservation requirements?

Answer 1:	<u>Yes</u>	<u>No</u>
	40	9

Question 2: Was a schematic provided which shows how the historic preservation process works in the agency?

Answer 2:	<u>Yes</u>	<u>No</u>
	27	22

Question 3: Has the agency experienced problems or bottlenecks in implementing historic preservation programs?

Answer 3:	<u>Yes</u>	<u>No</u>
	23	26

Examples of problems and bottlenecks cited by the agencies:

- Legislated historic preservation requirements hinder the agencies from carrying out their primary missions (FWS, BIA, HUD, Coast Guard, and PADC).
- Sections of the National Historic Preservation Act (NHPA), and Section 110(a)(2) in particular, do not establish compliance time frames. As a result, the agency is not encouraged to comply with the law to inventory and nominate agency-owned properties to the National Register (COE).
- ACHP has exceeded its statutory authority by making its procedural guidelines mandatory rather than advisory (COE, HUD). ACHP also has delayed agency projects by requesting excessive amounts of information and not providing responses in a timely manner (FHWA, EDA, COE, and HUD).
- SHPOs have delayed projects by (1) not performing their reviews in a timely manner, (2) requiring surveys when no need exists, and (3) not adequately considering agency program needs (FWS, HUD, Education, Energy, EDA, Navy, FmHA, and FDIC).

--Interior's criteria for determining whether properties are eligible for the National Register are excessively broad, allowing too many properties to qualify. As a result, agencies are experiencing project delays and increased costs related to these properties (FHWA, DOT).

--Agency officials either do not understand the historic preservation program requirements or they do not agree with them and resist implementing them (FWS, UMTA, EPA, and BIA).

--Agencies have insufficient personnel or funds to properly carry out historic preservation activities (UMTA, Coast Guard, BuRec, HUD, PADC, and GSA).

Question 4: Is the agency facing any conflicting legal mandates or other directives in attempting to fulfill its historic preservation responsibilities?

Answer 4:	<u>Yes</u>	<u>No</u>
	16	33

Examples of conflicting legal mandates or other directives cited by the agencies:

--Building, fire, seismic, and safety code requirements often dictate building and bridge structure requirements that are inconsistent with historic preservation requirements (VA, Coast Guard, USPS, and FHWA).



- Building modifications needed to achieve energy conservation objectives often conflict with historic preservation requirements (VA, Army).
- Requirements for barrier-free access for the handicapped sometimes conflict with historic preservation requirements (VA, GSA).
- NHPA's requirement for archeological investigations violates tribal sovereignty and does not consider the American Indian's religious/spiritual belief that certain sites should not be disturbed (BIA).
- Many highly qualified consultants at major universities are being disqualified from consideration for archeological surveys because of the small business set aside program (VA).
- The Staggers Rail Act of 1980 requirement that ICC act quickly on railroad abandonment applications does not permit enough time to deal with historic preservation requirements (ICC).
- Congressional requirement that the Army demolish an equal amount of square footage of existing buildings for every square foot constructed brings it into conflict with the requirement to preserve historic structures (Army).

Question 5: Does the agency have any suggested changes that would make the historic preservation system work better?

Answer 5:	<u>Yes</u>	<u>No</u>
	30	19

Examples of agency-suggested changes to make the historic preservation system work better:

- Streamline the ACHP process by establishing allowable time frames within which comments must be provided and by eliminating redundant reviews (COE, FRA, UMTA, DOT, FHWA, REA, and Army).
- Make the criteria for inclusion of properties in the National Register more strict and specific (UMTA, FHWA, BuRec, FDIC, HUD, and NASA).
- Have the Congress define the expected level of federal agency commitment to historic preservation through the authorization and appropriations process and the establishment of a special account for funding historic preservation (VA, Coast Guard).
- All historic and archeological laws should be codified and clarified in a revised National Historic Preservation Act (HUD, FS, and SCS).
- Authorize interagency inservice fellowships or exchanges between historic preservation

and operating agencies to provide sensitization to one another's requirements (VA).

- Develop and utilize predictive models and broad area surveys, and identify classes of projects that can be categorically excluded from historic preservation reviews to replace the existing site-by-site survey system now being used (VA, REA).
- Exempt federal undertakings on Indian lands from section 106 requirements (BIA).
- Increase training programs for agency preservation staffs and SHPOs (Army, FWS).

Question 6: How many staff years are presently being devoted to fulfilling agency historic preservation responsibilities?

Answer 6: Only 26 agencies could provide such a staff-year estimate. Accordingly, no accurate and complete total of staff years expended can be prepared. However, for those 26 agencies that did provide estimates, resource expenditures for both National Environmental Policy Act (NEPA) and historical preservation activities totalled about 3,600 staff years. A number of agencies could not distinguish between time spent on NEPA and historical preservation requirements. Those agencies that did make the distinction identified a total of about 1,400 staff years for historic preservation activities alone. The largest

staff-year expenditures for combined NEPA/historic preservation responsibilities were made by the National Park Service, Soil Conservation Service, Federal Highway Administration, and the Department of the Army. These four agencies accounted for more than 80 percent of all such expenditures.

Question 7. Did the agency receive guidance from Interior or the ACHP?

		<u>Yes</u>	<u>No</u>
Answer 7:	Interior	42	7
	ACHP	45	4

Question 8: Did the agency identify problems with the assistance provided by Interior?

	<u>Yes</u>	<u>No</u>	<u>Agency received no guidance from Interior</u>
Answer 8:	7	35	7

Examples of problems cited by the agencies:

--Guidance on the curation of federally owned archeological collections is not adequate (COE).<sup>1</sup>

--Interior standards and guidelines for archeology and historic preservation are

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<sup>1</sup>In the spring of 1985, Interior drafted a proposed rule (36 CFR Part 79) on curation of federally owned archeological collections. The rule is presently being reviewed within Interior and is expected to go out for public comment during fiscal year 1986. Final publication is expected during fiscal year 1987.

inadequate because they state general objectives, which agency personnel cannot readily apply or determine whether they have been met (HUD).

--Interior has not provided needed assistance (staff and funds) on unexpected discoveries and data recovery efforts since 1980. Such assistance is authorized under the Archeological and Historic Preservation Act of 1974 (SCS).

--Interior's standards and guidelines for archeology and historic preservation do not provide standards for archeological research (SCS).

--Criteria for determining property eligible for the National Register are insufficient, unclear, or inappropriate (HUD, UMTA, SCS, and REA).

Question 9:

Did the agency identify problems with the guidance provided by the ACHP?

Answer 9:

<u>Yes</u>	<u>No</u>	<u>Agency received no guidance from ACHP</u>
7	38	4

Examples of problems cited by the agencies:

--Comments on proposed projects appear to reflect personal preferences as opposed to the application of consistent standards (FRA).

- The ACHP regulatory process needs to be streamlined. The process also needs to provide greater flexibility for dealing with less significant properties where impacts are moderate (UMTA).
  
- ACHP sometimes objects to the agency's and SHPO's findings of "no effect" when either it does not have knowledge of localized needs or is based on a third party's objections (COE, HUD).
  
- Sometimes, ACHP seeks to reopen the comment process after a project has been approved or is underway (HUD).
  
- ACHP frequently requests actions, surveys, or documentation not related to an undertaking and not easily justified under its regulations (HUD).
  
- ACHP-supplied information does not contain enough technical information (USPS).
  
- Guidance from ACHP's eastern office has been great, but is lacking from ACHP's western office. The western office also requires excessive documentation (different from the eastern office), even when the SHPO has concurred with the agency's position (SCS).

Question 10a: Does the agency have a qualified preservation officer?

Answer 10a:     Yes         No  
                   35             14

Question 10b: Does the agency's preservation officer have a position description for the position?

Answer 10b:     Yes         No  
                   10             39

Question 11a: Does the agency's budget include a line item for historic preservation costs?

	<u>Yes</u>	<u>No</u>	<u>Partially identified</u>	<u>Agency did not respond to question</u>
Answer 11a:	3	42	2	2

Question 11b: What is the total estimated cost of historic preservation activities?

Answer 11b: No accurate and complete cost total can be prepared because only 21 of the 49 agencies prepared an estimate of these costs. For these 21 agencies, estimated costs totaled about \$198 million in fiscal year 1984.

Question 11c: Does the agency charge for historic preservation costs when processing applications for permits and licenses?

	<u>Yes</u>	<u>No</u>	Agency does not process such <u>applications</u>	Agency did not respond <u>to question</u>
Answer 11c:	9	8	31	1

Question 12a: Is the agency's historic preservation responsibility centralized or decentralized?

	<u>Centralized</u>	<u>Decentralized</u>	Not applicable <sup>2</sup>	Agency did not respond <u>to question</u>
Answer 12a:	12	32	4	1

Question 12b: Does the agency have a written policy to guide implementation of its historic preservation responsibilities?

	<u>Yes</u>	<u>No</u>	Agency did not respond <u>to question</u>
Answer 12b:	34	11	4

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<sup>2</sup>These agencies have only one office.



AGENCIES RESPONDING TO HISTORIC  
PRESERVATION QUESTIONNAIRE

AGENCIES PROVIDING DETAILED RESPONSESABBREVIATION

Department of Agriculture:	
Farmers Home Administration	FmHA
Forest Service	FS
Rural Electrification Administration	REA
Soil Conservation Service	SCS
Department of the Air Force	USAF
Department of the Army	Army
Department of Commerce:	
Assistant Secretary for Administration	Commerce
Economic Development Administration	EDA
Corps of Engineers, Department of the Army	COE
Department of Education	Education
Department of Energy:	
Assistant Secretary for Environment	Energy
Alaska Power Administration	APA
Environmental Protection Agency	EPA
Federal Communications Commission	FCC
Federal Deposit Insurance Corporation	FDIC
Federal Emergency Management Agency	FEMA
Federal Energy Regulatory Commission	FERC
General Service Administration	GSA
Department of Health and Human Services	HHS
Department of Housing and Urban Development	HUD
Department of the Interior:	
Bureau of Indian Affairs	BIA
Bureau of Land Management	BLM
Bureau of Reclamation	BuRec
Fish and Wildlife Service	FWS
Minerals Management Service	MMS
National Park Service	NPS
Office of Territorial and International Affairs	OTIA
U.S. Geological Survey	USGS
Institute of Museum Services	IMS
Interstate Commerce Commission	ICC
Department of Justice	Justice
National Aeronautics and Space Administration	NASA
National Capital Planning Commission	NCPC
National Endowment for the Humanities	NEH
National Science Foundation	NSF
Department of the Navy	Navy
Nuclear Regulatory Commission	NRC

Pennsylvania Avenue Development Corporation  
 Department of State  
 Tennessee Valley Authority

PADC  
 State  
 TVA

Department of Transportation:  
 Office of the Secretary  
 Federal Aviation Administration  
 Federal Highway Administration  
 Federal Railroad Administration  
 Urban Mass Transit Administration  
 U.S. Coast Guard

DOT  
 FAA  
 FHWA  
 FRA  
 UMTA  
 Coast  
 Guard

Department of the Treasury  
 U.S. Postal Service  
 Veterans Administration

Treasury  
 USPS  
 VA

AGENCIES NOT PROVIDING DETAILED RESPONSES

AMTRAK  
 Appalachian Regional Commission  
 Comptroller of the Currency  
 Delaware River Basin Commission

Department of Energy:  
 Southeastern Power Administration  
 Southwestern Power Administration

Federal Home Loan Bank Board  
 Department of Labor  
 Marine Corps, Department of the Navy  
 National Endowment for the Arts  
 Small Business Administration

AGENCY NOT RESPONDING

National Oceanic and Atmospheric Administration

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