
TECHNICAL HANDBOOK
FOR ENVIRONMENTAL HEALTH AND ENGINEERING
VOLUME IV – FACILITIES ENGINEERING
PART 31 – STEWARDSHIP

CHAPTER 31-11 HISTORIC PRESERVATION

31-11.1	INTRODUCTION.....	1
A.	PURPOSE.....	1
B.	REFERENCES.....	1
C.	BACKGROUND.....	2
D.	Guidance.....	3
31-11.2	RESPONSIBILITIES.....	5
A.	DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS), OFFICE OF FACILITIES MANAGEMENT AND POLICY (OFMP).....	5
B.	THE IHS, OFFICE OF ENVIRONMENTAL HEALTH AND ENGINEERING (OEHE), DIVISION OF FACILITIES OPERATIONS (DFO).....	5
C.	AREA OFFICES.....	5
D.	SERVICE UNITS/INSTALLATIONS.....	6
31-11.3	PROCEDURES.....	6
A.	BASELINE STUDY OF POTENTIALLY-ELIGIBLE HISTORIC OR CULTURALLY-SIGNIFICANT RESOURCES.....	6
B.	DETAILED ASSESSMENTS.....	7
C.	NOMINATION OF ELIGIBLE PROPERTIES.....	8
D.	RESURVEY OF POTENTIALLY-ELIGIBLE PROPERTIES.....	8
E.	HISTORIC PRESERVATION PLANS.....	8
F.	HISTORIC/CULTURAL REVIEW OF PLANNED ACTIONS.....	9
G.	EXCESS FEDERAL HISTORIC PROPERTIES.....	9
H.	RECORDS MANAGEMENT.....	11
I.	TRAINING.....	11
J.	REPORTING.....	11

31-11.1 INTRODUCTION

A. PURPOSE

This chapter provides guidelines to be used to ensure that the Indian Health Service (IHS) complies with the National Historic Preservation Act regarding its responsibilities for identifying, using, and disposing of historic properties.

B. REFERENCES.

- (1) National Historic Preservation Act (NHPA) of 1966
- (2) Executive Order 13287, Preserve America
- (3) The Secretary of the Interior's Standards and Guidelines for Federal Agency Historic Preservation Programs
- (4) Code of Federal Regulations, Title 36, Part 68, The Secretary of the Interior's Standards for the Treatment of Historic Properties (36 CFR 68)

TECHNICAL HANDBOOK
FOR ENVIRONMENTAL HEALTH AND ENGINEERING
VOLUME IV - FACILITIES ENGINEERING
PART 31 - STEWARDSHIP

- (5) Code of Federal Regulations, Title 36, Part 60, National Register of Historic Places (36 CFR 60)
- (6) Code of Federal Regulations, Title 36, Part 63, Determination of Eligibility for inclusion in the National Register of Historic Places (36 CFR 63)
- (7) Code of Federal Regulations, Title 36, Part 800, Protection of Historic and Cultural Properties (36 CFR 800)

C. BACKGROUND.

The National Historic Preservation Act was originally enacted by Congress in 1966 with the most recent amendments occurring in 2000. The Act promotes the use of historic properties to meet the contemporary needs of society. It directs the Federal Government, in cooperation with State and local governments, Native Americans, and the public, to take a leadership role in preservation. The National Historic Preservation Act and other preservation statutes, as well as Executive Orders, have clarified and refined the duties and responsibilities of Federal agencies with regard to the protection of America's cultural heritage. Most significantly, the act requires Federal agencies to consider historic resources in their planning and decision-making.

The NHPA authorizes the Secretary of the Interior to maintain a National Register of Historic Places. The National Register is the nation's inventory of historic places and the national repository of documentation on the variety of historic property types, significance, abundance, condition, ownership, needs, and other information. To qualify for the National Register, a property must be significant; that is, it must represent a significant part of the history, architecture, archeology, engineering, or culture of an area, and it must have the characteristics that make it a good representative of properties associated with that aspect of the past. The property must also have integrity. The National Register Criteria for Evaluation define the scope of the National Register of Historic Places and identify the range of resources and kinds of significance that will qualify properties for listing in the National Register. The Criteria are written broadly to recognize the wide variety of historic properties associated with our prehistory and history.

TECHNICAL HANDBOOK
FOR ENVIRONMENTAL HEALTH AND ENGINEERING
VOLUME IV - FACILITIES ENGINEERING
PART 31 - STEWARDSHIP

D. Guidance.

The NHPA requires that the Indian Health Service (IHS) advance the protection, enhancement, and use of IHS-owned historic or culturally-significant properties. IHS-owned historic or culturally-significant properties include properties that are "Listed Properties" on the National Register of Historic Places, "Contributing Elements" in National Registered Landmarks or Historic Districts, and properties nominated or eligible to be nominated to the National Register. To meet this policy, the IHS must comply with the NHPA, Executive Order 13287, and associated executive orders, regulations and guidance relative to historic and cultural resources. Requirements of selected key provisions are summarized below:

- (1) Section 106 of the NHPA requires that the IHS take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register.
- (2) Section 110 of the NHPA requires that:
 - (a) The IHS shall assume responsibility for the preservation of historic properties that it owns or for which it otherwise has responsibility.
 - (b) Prior to acquiring, constructing, or leasing buildings for purposes of carrying out agency responsibilities, the IHS shall use, to the maximum extent feasible, available historic properties.
 - (c) The IHS shall establish a preservation program for the identification, evaluation, and nomination to the National Register of Historic Places, and protection of historic properties.
 - (d) The IHS shall initiate measures to ensure that, where a historic property is to be substantially altered or demolished, timely steps are taken to make appropriate records to document the historic property.
 - (e) Prior to any transfer of surplus federally-owned historic properties, the IHS shall seek the Secretary of Interior review and approval to ensure that the prehistorical, historical, architectural, or

TECHNICAL HANDBOOK
FOR ENVIRONMENTAL HEALTH AND ENGINEERING
VOLUME IV - FACILITIES ENGINEERING
PART 31 - STEWARDSHIP

culturally-significant values will be preserved or enhanced.

- (f) The IHS shall ensure that the agency will not grant a loan, loan guarantee, permit, license, or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the assistance would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the agency, after consultation with the Advisory Council on Historic Preservation, determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant.
- (3) Section 111 of the NHPA requires that the IHS, to the extent practicable, establish and implement alternatives for historic properties that are not needed for our current or projected programs. This may include adaptive use, lease, or exchange of a historic property. For the IHS the primary, but not the only, alternative for disposition of unneeded historic properties is through transfer to Tribes
- (4) Executive Order 13287, Preserve America, established Federal policy to provide leadership in preserving America's heritage by actively advancing the protection, enhancement, and contemporary use of the historic properties owned by the Federal Government. The Executive Order directs the IHS to improve its knowledge about, and management of, historic resources in our care. It also encourages the IHS to seek partnerships with State, tribal, and local governments and the private sector to make more efficient and informed use of these resources for economic development and other recognized public benefits.
- (5) The Secretary of the Interior's Standards and Guidelines for Federal Agency Historic Preservation Programs provides guidelines for the IHS to meet the requirements of the NHPA.

TECHNICAL HANDBOOK
FOR ENVIRONMENTAL HEALTH AND ENGINEERING
VOLUME IV - FACILITIES ENGINEERING
PART 31 - STEWARDSHIP

31-11.2 RESPONSIBILITIES

A. DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS), OFFICE OF FACILITIES MANAGEMENT AND POLICY (OFMP).

- (1) The Deputy Assistant Secretary for Facilities Management and Policy is designated as the senior policy level official to have oversight responsibility for the IHS historic preservation program.
- (2) The Deputy Assistant Secretary for Facilities Management and Policy is appointed as the IHS Federal Preservation Officer in accordance with Section 110(c) of the NHPA.

B. THE IHS, OFFICE OF ENVIRONMENTAL HEALTH AND ENGINEERING (OEHE), DIVISION OF FACILITIES OPERATIONS (DFO).

- (1) The Director, DFO, is delegated as the IHS Historic Preservation Coordinator by DHHS OFMP.
- (2) The Director, DFO coordinates with DHHS OFMP, Area Offices, the IHS NEPA Coordinator, and other parties in the management and oversight of IHS-owned historic or culturally significant properties.
- (3) The DFO maintains the database of all IHS properties that are "Listed Properties" on the National Register of Historic Places, "Contributing Elements" in National Registered Landmarks/Historic Districts, and all properties that are nominated or eligible to be nominated.
- (4) The DFO processes realty and National Environmental Policy Act (NEPA)/environmental compliance documentation as appropriate based on the planned action in coordination with Engineering Services and Area Offices.

C. AREA OFFICES.

Each Area Office is responsible for:

- (1) Implementing the IHS historic preservation program including completing surveys, assessments, preservation plans, nomination of properties, etc. to preserve IHS-owned historic or culturally significant properties.

TECHNICAL HANDBOOK
FOR ENVIRONMENTAL HEALTH AND ENGINEERING
VOLUME IV - FACILITIES ENGINEERING
PART 31 - STEWARDSHIP

- (2) Ensuring that all IHS-owned historic or culturally significant properties are maintained and operated, within budget constraints, to preserve the properties.
- (3) Consulting with the State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO) on the management and oversight of IHS-owned historic or culturally significant properties.
- (4) Preparing realty and NEPA/environmental compliance documentation as appropriate based on the planned action in coordination with Engineering Services and IHS HQ.

D. SERVICE UNITS/INSTALLATIONS.

Each IHS Service Unit and installation is responsible for:

- (1) Coordinating with the SHPO/THPO on the management and oversight of IHS-owned historic or culturally significant properties.
- (2) Maintaining and operating, within budget constraints, all IHS-owned historic or culturally significant properties to preserve the properties.

31-11.3 PROCEDURES

A. BASELINE STUDY OF POTENTIALLY-ELIGIBLE HISTORIC OR CULTURALLY-SIGNIFICANT RESOURCES.

In order for IHS to comply with NHPA, all Area Offices must conduct an initial baseline study to identify historic or culturally-significant resources. Since properties less than 50 years of age are not normally considered eligible for the National Register, the survey should focus on evaluating properties that are least 50 years of age and properties that will turn 50 years of age during the survey period. Code of Federal Regulations, Title 36, Part 60, National Register of Historic Places, and Title 36, Part 63, Determination of Eligibility for inclusion in the National Register of Historic Places, contains the criteria for evaluation. Additional guidance is available from the National Park Service's Technical Preservation Service and the Secretary of the Interior's "Standards for the Treatment of Historic Properties, 1995." The baseline study should produce a detailed listing of potentially eligible historic or culturally-significant properties and clearly indicate the historic/culturally-significant elements of each property.

TECHNICAL HANDBOOK
FOR ENVIRONMENTAL HEALTH AND ENGINEERING
VOLUME IV - FACILITIES ENGINEERING
PART 31 - STEWARDSHIP

B. DETAILED ASSESSMENTS.

- (1) Based on the results of the baseline study, Area Offices will conduct a more detailed assessment of potentially eligible historic or culturally significant resources. The detailed assessments should be completed within 12 months of the baseline study for properties with the highest probability of inclusion in the National Register.
- (2) If it has not been initiated earlier, consultation with the SHPO/THPO should be initiated during this phase. The Area Office and SHPO/THPO should review the eligibility for each property in the Area. Based on the review of available information and the advice of the SHPO/THPO, the Area Office, in coordination with IHS HQ, will then decide whether any further information gathering is necessary to identify historic properties; e.g., field surveys. The SHPO/THPO can advise the Area Office on previous identification studies, previously recorded historic properties not listed in the National Register, and the likelihood that undiscovered or unrecorded properties exist in the area. The SHPO/THPO can also provide guidance and recommendations on nominations as well as information on properties being nominated, including their status related to State registers or State inventories.
- (3) The detailed assessment should produce draft nomination packages for all properties that the IHS, in consultation with the SHPO/THPO, preliminarily determines to meet the nomination criteria and that have been recommended for nomination by the SHPO/THPO. Priority should be given to nominating properties with the highest probability of inclusion in the National Register and for their continued active service in carrying out the IHS programs. For guidance on assessing potential properties and preparing nomination packages, the National Park Service, National Register Bulletins provides the following documents:
 - Researching a Historic Property,
 - How to Apply the National Register Criteria for Evaluation, and
 - How to Complete the National Register Registration Form

Another source is the National Park Service National Register of Historic Places website: www.cr.nps.gov/nr.

TECHNICAL HANDBOOK
FOR ENVIRONMENTAL HEALTH AND ENGINEERING
VOLUME IV - FACILITIES ENGINEERING
PART 31 - STEWARDSHIP

C. NOMINATION OF ELIGIBLE PROPERTIES.

Area Offices will forward completed nomination packages to IHS HQ for review, evaluation, and comment. Upon IHS HQ review, the nomination packages will be submitted to DHHS OFMP for nomination to the National Register. Other determinants, such as whether a property is to be managed and interpreted as a site of public interest, are useful in establishing nomination priorities.

Nomination to a State or Tribal Register may also be appropriate as an alternative to the National Register. The Area Office should consult with the local SHPO/THPO on this determination.

D. RESURVEY OF POTENTIALLY-ELIGIBLE PROPERTIES.

Identification of historic properties is an ongoing process. Therefore, even when an Area Office has completed their initial baseline survey for historic properties, follow-on surveys should be conducted on a regular cycle to re-evaluate properties and identify any new properties that may be historic or have cultural significance. At a minimum, Area Offices should reassess properties on a five-year cycle.

E. HISTORIC PRESERVATION PLANS.

- (1) The primary purpose of historic preservation planning is to ensure the protection and preservation of valued historic or cultural resources for future generations. It is a rational, systematic process of gathering and analyzing information and projecting preservation action into the future. As such, detailed budget items for the maintenance and upkeep of the properties, which incorporate preservation considerations, are vital elements of the historic preservation plan.
- (2) To ensure compliance with NHPA, Area Offices must develop and implement a historic preservation plan covering all properties that are:
 - "Listed Properties" on the National Register of Historic Places,
 - "Contributing Elements" in National Register Landmarks or Historic Districts, or
 - Nominated or eligible for the National Register.

Area Offices may submit a single plan with addenda covering each property, or they may submit individual plans covering each site or property. The historic

TECHNICAL HANDBOOK
FOR ENVIRONMENTAL HEALTH AND ENGINEERING
VOLUME IV - FACILITIES ENGINEERING
PART 31 - STEWARDSHIP

preservation plan (or addendum to an existing plan) shall be prepared within 12 months of determination of eligible properties, with priority placed on properties on the National Register of Historic Places and "Contributing Elements" in National Register Landmarks or Historic Districts.

- (3) The Code of Federal Regulations, Title 36, Part 68, The Secretary of the Interior's Standards for the Treatment of Historic Properties, sets forth standards for the treatment of historical properties that may be used as a guide in the preservation of historic properties.

F. HISTORIC/CULTURAL REVIEW OF PLANNED ACTIONS.

The IHS must take into account the possible effects of its actions on properties that are on or eligible for inclusion on the National Register of Historic Places. The IHS Environmental Review Manual and the Code of Federal Regulations, Title 36, Part 800, *Protection of Historic and Cultural Properties*, contain the process for the review of planned actions that includes maintenance, repair, alteration, improvement, new construction, transfer, etc. that could potentially impact historic properties. Area Offices, Service Units, and installations shall not undertake any action until an impact evaluation is made in consultation with the SHPO/THPO. Area Offices, Service Units, and installations may also need to consult with concerned parties outside the IHS about its historic preservation related activities. This consultation should be undertaken early in the planning process.

G. EXCESS FEDERAL HISTORIC PROPERTIES.

The use of historic properties is not mandated where it can be demonstrated to be economically infeasible, or where the historic properties will not serve the IHS requirements. The IHS is responsible to balance the needs of the agency mission, the public interest in protecting historic properties, the costs of preservation, and other relevant public interest factors in making decisions regarding use and non-use of historic properties. The 36 CFR 800, however, lists the following as potentially adverse effect to historic properties:

- neglect of a resource which causes its deterioration
or

TECHNICAL HANDBOOK
FOR ENVIRONMENTAL HEALTH AND ENGINEERING
VOLUME IV - FACILITIES ENGINEERING
PART 31 - STEWARDSHIP

- transfer, lease, or sale of a property without adequate conditions regarding preservation maintenance or use.

Any action causing an adverse effect to historic properties, requires that the IHS prepare documentation containing proposals to avoid or mitigate the adverse effects of the action. Refer to the IHS Environmental Review Manual and the 36 CFR 800 for resolution of adverse effects.

Below are guidelines for use and disposal of historic properties:

- (1) Prior to acquisition of new properties, Area Offices shall use available historic property to the maximum extent possible. The Project Summary Document (PSD) or Program Justification Document (PJD) should document that use of any excess historic properties, as applicable, was considered. In the case of proposed replacement of a historic property, the PDS, PJD, or other planning document must state why the existing property can no longer meet program requirements and why replacement is required.
- (2) Once a historic property is determined to be in excess of the IHS requirements, Area Offices should consider adaptive use of the property. Adaptive use may include the lease of a historic property to a person or organization, or exchange of the property for comparable historic properties. A DHHS determination is required for any proposed lease or exchange action to ensure the continued preservation of the historic property.
- (3) If transfer of excess historic properties is proposed, the IHS shall seek the Secretary of Interior review and approval of the transfer action to ensure that the prehistoric, historic, architectural, or culturally significant values will be preserved or enhanced. Area Offices shall submit the transfer documents with the appropriate justification to IHS HQ in sufficient time to complete this approval process.
- (4) If any historic property is to be substantially altered or demolished, the Area Office shall consult with the SHPO/THPO, IHS HQ, and DHHS OFMP prior to the proposed undertaking to develop a mitigation plan and documentation

TECHNICAL HANDBOOK
FOR ENVIRONMENTAL HEALTH AND ENGINEERING
VOLUME IV - FACILITIES ENGINEERING
PART 31 - STEWARDSHIP

of the property. Until final disposition is made, the historic property shall not be altered or demolished.

H. RECORDS MANAGEMENT.

Records and other data, including data produced by historical research and archaeological surveys and excavations, shall be permanently maintained and made available to potential users. Transfer documents shall include clauses stating that the property recipient has received copies of all available historic preservation records.

I. TRAINING.

Personnel involved in the historic preservation and cultural asset process are encouraged to participate in historic preservation training programs. Such training should advance:

- (1) Improving coordination of Section 106 reviews;
- (2) Evaluating the National Register eligibility of historic properties;
- (3) Applying the Secretary of Interior's Standards;
- (4) Providing technical assistance for routine maintenance and repairs to historic buildings; and
- (5) Integrating historic preservation into ongoing IHS programs.

J. REPORTING.

To ensure compliance with NHPA, IHS Area Offices are required to maintain an accurate inventory of all historic or culturally-significant properties in the Health Facilities Data System (HFDS). As required, IHS HQ may also request the Area Offices to report on their progress in identifying, protecting, and using these properties.