

Department of the Interior Departmental Manual

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Series: Environmental Quality Programs

Part 519: Protection of the Cultural Environment

Chapter 1: Preservation of Historic Property

Originating Office: National Park Service

This chapter has been given a new release number.* No text changes were made.

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1.1 Purpose. These instructions concern the policy and requirements of the National Historic Preservation Act (NHPA) of 1966, as amended, the Archeological and Historic Preservation Act of 1974 (AHPA), the Archaeological Resources Protection Act (ARPA) of 1979, as amended, and the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA).

1.2 Policy. The Federal Government shall provide leadership in the appropriate treatment and preservation of the prehistoric and historic resources of the United States and of the international community of nations.

1.3 Authority. Under the Acts, the Secretary of the Interior is vested with major preservation responsibilities consistent with the policy stated in 1.2, above.

1.4 Responsibilities.

A. The Assistant Secretary for Fish and Wildlife and Parks will:

(1) be responsible for Federal government-wide overview of the responsibilities of the Secretary of the Interior under the Acts; and

(2) coordinate the activities of the Department under the Acts and maintain an overview of the Department's compliance with the Acts.

B. The Director, National Park Service, will serve as the agent of the Secretary of the Interior in:

(1) accomplishing the Secretary's responsibilities under the NHPA and providing advice and assistance to Federal agencies in meeting their responsibilities under Section 110 of the NHPA;

(2) advising the heads of bureaus and offices of the Department in implementing their

responsibilities under Sections 106 and 110 of the NHPA enumerated in 1.4(D), below;

(3) reviewing and approving plans for transfer of surplus federally owned historic properties to ensure that the prehistoric, historic, architectural, or culturally significant values will be preserved or enhanced; and,

(4) making recommendations to Federal agency heads pursuant to 36 CFR 78, Waiver of Federal Agency Responsibilities Under Section 110 of the National Historic Preservation Act.

C. The Departmental Consulting Archeologist, National Park Service, will serve as the agent of the Secretary in:

(1) accomplishing the Secretary's responsibilities under AHPA and providing advice and assistance to Federal agencies in meeting their responsibilities under AHPA and its implementing regulations;

(2) advising the Bureau Heads and Departmental Offices in implementing their responsibilities under AHPA, ARPA, and NAGPRA and the implementing regulations;

(3) accomplishing the Secretary's responsibilities under ARPA and providing advice and assistance to Federal agencies in meeting their responsibilities under ARPA and its implementing regulations;

(4) accomplishing the Secretary's responsibilities under NAGPRA and providing advice and assistance to Federal agencies, Indian tribes, Native Hawaiian organizations, and museums that receive Federal funds in meeting their responsibilities under NAGPRA and its implementing regulations; and

(5) serving as the Designated Federal Officer for the Native American Graves Protection and Repatriation Review Committee.

D. Bureau and Office Heads will:

(1) take into account the effects of any Federal, federally-assisted, or federally-licensed undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register of Historic Places;

(2) afford the Advisory Council on Historic Preservation a reasonable opportunity to comment with regard to any Federal, federally-assisted, or federally-licensed undertaking and its effect on any district, site, building, structure, or object that is eligible for inclusion in the National Register of Historic Places;

(3) use, to the maximum extent feasible, historic properties available to the agency prior to acquiring, constructing, or leasing buildings for purposes of carrying out agency responsibilities;

(4) in cooperation with the appropriate State Historic Preservation Officer, establish a

program to locate, inventory and nominate to the National Register of Historic Places all properties under the agency's ownership or control that appear to qualify for inclusion in the National Register;

(5) exercise caution to assure that any property that appears to qualify for inclusion in the National Register is not inadvertently transferred, sold, demolished, substantially altered, or allowed to deteriorate significantly;

(6) initiate measures to assure that where, as a result of Federal action or assistance, a historic property is to be substantially altered or demolished, timely steps are taken to make or have made appropriate records, and that such records are then deposited in the Library of Congress or with such other appropriate agency as may be designated by the Secretary;

(7) designate a qualified official to be known as the agency's "preservation officer" who shall be responsible for coordinating the agency's activities under NHPA;

(8) consistent with the agency's mission and mandates, carry out agency programs and projects in accordance with the purposes of NHPA, and give consideration to programs and projects which will further the purposes of NHPA;

(9) submit to the Secretary for review and approval plans for the transfer of surplus federally owned historic properties to ensure that the prehistoric, historic, architecturally or culturally significant values will be preserved or enhanced; and

(10) prior to the approval of any Federal undertaking which may directly and adversely affect any National Historic Landmark, and to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to such landmark, and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking.

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