Idaho Water Users Association

Historic Preservation and the Operation & Maintenance of Transferred Works

Reclamation Directive & Standard LND 02-03
Jay Leno is a historic preservation expert

- Collection of over 180 cars and 160 motorcycles
- Illustrates a decision-making process about how to operate, maintain, and modify historically significant objects
Common cars are ripe for a “resto-mod”

- 1969 Camaro
- Upgraded engine for increased performance
- Extensive suspension modifications to get the car to handle better
- Subtle bodywork modifications that still retain the original feel
Rare cars require a more delicate touch

- 1934 Duesenberg Walker Coupe
- Leno researches the history of how his cars are linked to specific people
- He often talks about how this kind of historic preservation often relies on a community
Some cars are cool for the technology

- 1967 Citroen 2CV
- Like the Volkswagen Beetle, this car was a post-WWII attempt to provide for transportation
- Innovative suspension that resulted in a smooth ride in a small car
Vehicles can be cool because of who they are associated with

- 2001 Harley Dyna Super Glide
- Owned by Leno
- Signed by celebrities
- Sold for $360k with proceeds donated to the Twin Towers Fund
Leno’s Lessons for Historic Preservation

• Machines can have value through their association with important historical trends, important people, or in their innovative design
• The best preservation is one that keeps the system functioning
• Resto-mods retain historic appearance while upgrading function
• Some things are so rare that they deserve a delicate touch
• Preservation depends on a community
• A compelling story is a part of preservation
Preservation of Reclamation & Irrigation History

• Resto-mod: Boise Diversion Dam Powerplant

Original generators

“Hot rodded” generators
Preservation of Reclamation & Irrigation History

- Delicate touch: Hoover Dam
Preservation of Reclamation & Irrigation History

- Preservation of the innovative: Engelbrecht Farm (Strasburg, CO)
  - Listed on the National Register of Historic Places
  - Place where Frank Zybach invented the center pivot irrigation system in 1948

Farm looking north, c. 1963. The prototype remained in operation until 1967.
Historic Preservation at Reclamation

• National Historic Preservation Act
  ▪ **Purpose:** “the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people” (Public Law 89-665, as amended)
  ▪ **Role of Federal agencies:** “administer federally owned, administered, or controlled historic property in a spirit of stewardship for the inspiration and benefit of present and future generations” (54 USC § 300101)
  ▪ **Nothing gives a person a sense of the past quite like being able to visit a place where visible, tangible remains of that past have been preserved**

• What places are important to the story that the members of the Idaho Water Users Association want to tell?
National Historic Preservation Act (NHPA)

• Proactive – “Section 110” (54 USC §§ 306101, 306102, and 306105)
  ▪ What assets does the federal government have?
  ▪ What is the value of these assets?
  ▪ How should the federal government best manage this value?

• Reactive – “Section 106” (54 USC § 306108)
  ▪ What assets (owned by anyone) are within an area affected by a federally funded or permitted project?
  ▪ What is the value of these assets?
  ▪ How might we avoid, minimize, or mitigate adverse effects to intact, historically significant properties?
NHPA – Proactive 54 USC § 306101

• Assumption of responsibility for preservation of historic property

• “(a) IN GENERAL.—
  ▪ “(1) AGENCY HEAD RESPONSIBILITY.—The head of each Federal agency shall assume responsibility for the preservation of historic property that is owned or controlled by the agency. [emphasis added]
  ▪ “(2) USE OF AVAILABLE HISTORIC PROPERTY.—Prior to acquiring, constructing, or leasing a building for purposes of carrying out agency responsibilities, a Federal agency shall use, to the maximum extent feasible, historic property available to the agency, in accordance with Executive Order No. 13006 (40 U.S.C. 3306 note).
  ▪ “(3) NECESSARY PRESERVATION.—Each Federal agency shall undertake, consistent with the preservation of historic property, the mission of the agency, and the professional standards established pursuant to subsection (c), any preservation as may be necessary to carry out this chapter.”

• Secretary of the Interior Standards for implementation in 48 FR 44716 – 44740 (1983)
NHPA – Reactive 54 USC § 306108

• **Effect of undertaking on historic property**
  
  “The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, shall take into account the effect of the undertaking on any historic property. The head of the Federal agency shall afford the Council a reasonable opportunity to comment with regard to the undertaking.”

• Implementing regulations: 36 CFR 800
Reclamation’s relationship with Operators

- Basic idea: provide Federal financial and technical support for construction of systems, but then reduce the extent of Federal involvement through time, often leading to title transfer after completion of repayment
- During repayment period, substantial operator control of Federal facilities
- Many parties with an interest in historic preservation are not familiar with this unique relationship and history of Federal support of reclamation in the American West
Reclamation Directive & Standard LND 02-03

• “Implementation of Historic Preservation Responsibilities for Operation, Maintenance and Replacement of Project Works”

• Addresses both “proactive” and “reactive” responsibilities of NHPA
  ▪ Need to maintain a list of assets that are historically significant
  ▪ For those that are “historic properties,” work with Operators to manage value

• Key provisions
  ▪ Paragraph 4.C. – notify Operators of historic properties they operate
  ▪ Paragraph 4.K. – “Neither Reclamation nor an Operator shall change or diminish the aspects of the integrity of historic properties unless such change is approved by Reclamation after completion of the section 106 compliance process.”
Columbia-Pacific Northwest Region plans for implementing LND 02-03

• Coming soon – letter to Operators
  ▪ List of the irrigation facilities that are historic properties
  ▪ Request to inform Reclamation about projects that affect these facilities before they move forward
    ✓ The bigger the project, the greater the time that Reclamation would need

• Benefits for districts
  ▪ Streamlines the title transfer process if we maintain a good listing of historic properties under Operator management
  ▪ Streamlines process when it comes to WaterSMART grants
  ▪ Helps to maintain a relationship of trust with the Idaho State Historic Preservation Office (SHPO) and other review parties
Collaborative next steps

- Any long-term planning overviews would be helpful
  - Sharing annual plans would be a good start
- Reclamation should be updating the list of historic properties annually
- Idaho SHPO is in the process of developing a “context statement” that will give structure to the evaluation of historic significance of water conveyances
- Snake River Area Office is leading the development of a Programmatic Agreement that should streamline the process and make it more predictable.
Conclusion: Application of Leno’s Lessons

• Not everything is a Duesenberg
  ▪ Sometimes you need to buy a new car
  ▪ A nicely done resto-mod can be a good way to have both modern performance and traditional appearance

• Let’s be deliberate when we pick those things that are going to get the “Duesenberg Treatment”

• Think about historic preservation as a chance for the members of the IWUA to tell their story

Leno driving a restored Oliver 1755 tractor
Questions?
View of Grand Coulee Dam in the distance looking upstream from the tailrace near Elmer City, Washington