

The National Historic Preservation Act at Fifty

How a Wide-Ranging Federal-State Partnership Made its Mark in Oregon

ELISABETH WALTON POTTER

THIS YEAR, the National Park Service (NPS) celebrates its centenary as a federal bureau charged with preserving for public use the nation’s natural and historical places of distinction. A high point was reached midway in the bureau’s annals to date when the National Historic Preservation Act (NHPA) was signed into law by President Lyndon B. Johnson on October 15, 1966.¹ From that point forward, under varied organizational configurations, the NPS was responsible for implementing provisions of the NHPA in partnership with fifty states, participating territories, and Tribal governments, through a program that was external to management of the National Park system. Once put in place by its founding officials, the well-guided program survived political swings and funding curtailments to prosper in the bureau. The benefit to the nation has been far-reaching.

What is impressive about the NHPA and its regulatory underpinnings as developed over five decades is how it has linked federal, state, local, and Tribal governments in a well-ordered pattern of collaboration for the protection and broader appreciation of cultural resources. The object of this overview and the timeline at the end of this section is to show, broadly, how incentives for historic preservation engendered by the NHPA were adopted in Oregon and how the state, in turn, advanced the cause of preservation with bold measures, astute leadership, and a motivated constituency.

The National Historic Preservation Act of 1966, also referred to as Public Law 89-665, as amended, was recently removed from Title 16 U.S. Code and reenacted in U.S. Code Title 45.² Originating in Johnson’s Great Society environmental protection agenda, it drew on prior legislation related to cultural resource protection and on the informed advocacy of the National Trust for Historic Preservation. A breakthrough initiative was offered by the U.S. Con-



Rebecca Ossa photo, courtesy of David Pinyerd

THE PETE FRENCH ROUND BARN in Harney County became one of the first Oregon properties to be listed in the National Register of Historic Places after the National Historic Preservation Act was passed in 1966. The barn was the setting of the University of Oregon’s 1995 inaugural field school for students of the graduate program in historic preservation. Program director Don Peting (at top) and his assistant, Dave Pinyerd, record measurements of the barn’s main mast and umbrella truss.



BUILT IN OREGON CITY in 1846 for retired Chief Factor of the Hudson's Bay Company Columbia District, the John McLoughlin House was saved from encroaching industrial development in 1909 by local citizens. It was restored with public and private funds in the New Deal era and was declared a National Historic Site in 1941. This photograph of the east elevation was taken in about 1930 by Portland photographer Walter Boychuk.

ference of Mayors when, early in 1966, its special committee published *With Heritage So Rich*, a persuasive argument for ending massive clearance of old but character-giving sections of American inner cities for public housing and highway projects that typified urban development in the post-World War II boom. *With Heritage So Rich* is a defining declaration because it recommended a comprehensive, national program of historic preservation, key elements of which were incorporated in the NHPA.³ An essential feature of the vision was an expanded register of the nation's significant historic sites, buildings, structures, districts, and objects meeting carefully prepared criteria. The criteria for evaluation are based on four potential areas of significance: an association with events that have made significant contributions to broad patterns of history; an association with significant people; an embodiment of distinctive artistic or architectural characteristics; or producing (or the potential to produce) historically significant information.⁴

Identifying properties eligible for the National Register, it was envisioned, would be based on evaluation of systematic survey and inventory work undertaken by jurisdictions across the country. Registered properties would then become eligible for grants for restoration or rehabilitation. Investment in such preservation projects could be promoted by federal income tax credits and other incentives. Another of the essential recommendations was creation of an Advisory Council on Historic Preservation to advise the executive branch and Congress on preservation matters and promote improved coordination among the federal agencies on preservation policy.

NPS Director George B. Hartzog, Jr. assembled a team of advisors to plan the fitting of new responsibilities under the act alongside core responsibility for the park system. The advisors were Ronald F. Lee, former NPS Chief Historian, John Otis Brew, distinguished archeologist and past member of the National Parks Advisory Board, and Ernest Allen Connally, architect and Professor of Architectural History at the University of Illinois who had worked with NPS on projects for the Historic American Buildings Survey.⁵ The bureaucratic subdivision originally known as the Office of Archeology and Historic Preservation (OAHP) was organized in the bureau's headquarters in Washington, D.C., in 1967, and Connally was named director.⁶

Staff of the OAHP was organized in three basic divisions. Robert M. Utlej, Park Service Chief Historian, headed the Division of History; John M. Corbett directed the Division of Archeology; and Joseph Watterson supervised the Division of Historic Architecture. To take charge of the branch administering the new National Register of Historic Places, William J. Murtagh, an architectural historian, was recruited from the National Trust for Historic Preservation, where he had been program director, and was given the title of Keeper of the National Register.⁷ Robert R. Garvey, Jr., former executive director of the National Trust for Historic Preservation, in which capacity he had advocated for passage of the enabling legislation, was enlisted to become executive director of the Advisory Council on Historic Preservation (ACHP). He and his staff operated within the OAHP until 1976, when the ACHP was made an independent agency of the federal government.⁸

These founding figures, along with their associates and successors, devised a durable framework for implementing the NHPA. Their accomplishment took into account decades of experience in buildings and sites evaluation within the bureau as well as the earlier work of scholarly professionals.⁹ Their policies, criteria, standards, and guidelines have stood the test of fifty years' use, regularly strengthened by guidance for application, yet without alteration of fundamental philosophy.

To complete the setup of administrative apparatus for the partnership, NPS officials traveled the country to introduce the new program to their coun-

terparts in each state. Oregon was the exception in having had administrative responsibility for provisions of the NHPA assigned by the statehouse to the state's highway department. Here, the state parks had developed from the 1920s onward as an integral part of the highway system. The simple logic of assigning responsibility for the new federal-aid program to the highway department for day-to-day management by its Parks and Recreation Division was that, in 1965, the agency had been given state-level oversight of a kindred Great Society program for outdoor recreation development that was authorized by the Land and Water Conservation Fund Act.¹⁰

The Oregon State Historic Preservation Office (SHPO) operated during the first few years with a park historian (the author of this essay), staff clerical support, and several volunteer advisors fulfilling requirements for interdisciplinary expertise in archeology, historical architecture, and history.¹¹ Staff worked under supervision of the State Parks Superintendent who, in turn, reported to the Assistant State Highway Engineer. The first additional full-time staff member was hired in 1972, and the first comprehensive survey to significantly expand the scope of the statewide inventory of historic properties was conducted under contract in 1976 by Dr. Stephen Dow Beckham, then Professor of History at Linfield College who was shortly to join the faculty of Lewis and Clark College. In 1973, Parks Superintendent David G. Talbot was named State Historic Preservation Officer in his own right. He retained the dual responsibilities when his organization made the transition to an independent department of state in 1990.

Before his retirement in 1992, Talbot had designated during his enduring tenure three Deputy SHPOs: Paul B. Hartwig, David W. Powers, and James M. Hamrick. Today, the Oregon SHPO makes up the major part of the Heritage Division of the Oregon Parks and Recreation Department. Its staff of eleven, including three archeologists, is headed by Christine Curran, Division Manager and Deputy SHPO. Curran took charge of the division after Roger Roper's tenure in the position. Oregon's current SHPO is Lisa Sumption, the department's director.

Programmatic growth at the federal level is even more apparent. The NPS fulfills a great many mandated historic preservation roles requiring inter-agency coordination and alliances with varied organizations and state, local, and Tribal governments. Presently, programs under the NHPA are administered within the Cultural Resources Stewardship, Partnerships, and Science Directorate headed by Associate Director Stephanie Toothman, who, earlier in her career, worked closely with SHPO personnel in the Pacific Northwest as Chief of the Cultural Resources Division of the NPS regional office in Seattle.

In September 1970, Gov. Tom McCall appointed the original state review board, then consisting of seven members representing the essential aca-



Oregon State Highway Department photo courtesy of Elisabeth Walton Potter

THE FIRST APPOINTEES to the Oregon State Advisory Committee on Historic Preservation were sworn in by Gov. Tom McCall (second from right) on January 4, 1971. Witnessing on the far left is Rod Porter, State Highway Engineer and State Liaison Officer for the program authorized by the National Historic Preservation Act. Committee members, left to right, are Thomas Vaughan, Executive Director, Oregon Historical Society; Lewis L. McArthur, industrial historian; and Wallace Kay Huntington, landscape architect. Appointees not present were Professor Marion Dean Ross, architectural historian; Thomas Newman, archeologist; Dorothy Johansen, historian; and George McMath, architect. Administering the oath is Ron Schmidt, Assistant to the Governor.

ademic disciplines. Members who could be present were sworn in by the governor in his ceremonial office on January 4, 1971. The first meeting of the board was convened later the same month in the Portland office of Thomas Vaughan, Executive Director of the Oregon Historical Society, during which time Vaughan was elected chairman. At that point, the new State Advisory Committee on Historic Preservation was entitled to assume the two cardinal responsibilities of state review boards under the NHPA program: review and approve nominations to the National Register of Historic Places, and approve the periodic statewide comprehensive historic preservation plans that are requisite to receiving federal grant allocations.¹²



THE THREE-STORY, High Victorian Italianate-style hotel which opened in 1889 on Main Street in Baker City, came to be known as the Geiser Grand Hotel in the 1890s. Because of its prominence in the city's registered historic district, the hotel qualified for favorable tax treatment under state and federal programs. Approved plans for rehabilitating the building called for an investment of over \$2 million for seismic upgrades, foundation repairs, architectural tin work, exterior stucco and paint, and comprehensive interior renovation. In July 1995, when a replica of the missing corner cupola was raised into place, a community crowd of 1,500 onlookers celebrated.

The NHPA authorized expansion of the National Register of Historic Places, which existed before 1966 as a planning tool for enlarging the National Park system. The National Register can be viewed as both an honor roll and a cross-section of the nation's cultural heritage as embodied in sites, buildings, structures, districts, and objects — collectively referred to as “cultural resources.” Whereas properties in the National Register may be significant at the federal, state, or local level, National Historic Landmarks (NHLs) are privately or publicly owned properties of surpassing significance to the nation as a whole. The highest-ranked classification of properties in the National Register is handled by the NPS as an internal program in which the Secretary of the Interior makes NHL designations based on recommendations of the National Park System Advisory Board.¹³ With the signing of the enabling act,

the National Register became a planning tool also for the partner states and their local jurisdictions in the work of identifying, protecting, and treating cultural resources. As subsequently amended, the act authorized matching-fund support to state, local, and Tribal governments for carrying out survey and inventory, registration, and statewide planning functions as well as federal matching grants for property acquisition and development. Eligibility for restoration and rehabilitation funding and favorable tax treatment under the federal tax code typically is tied to listing in the National Register of Historic Places.

Encouraged by a sizeable body of guidance, states have registered every kind of eligible cultural resource: objects such as vessels and railroad rolling stock; humble dwellings as well as the grand; places important to diverse cultures; and the larger contexts in which cultural features exist, such as districts, landscapes, and geographically separated sites related by common theme. In the run-up to the NHPA's semi-centenary, nationwide listings in the National Register of Historic Places were tallied at 91,475. At 1,985, Oregon listings accounted for a little over two percent of the 2015 fiscal-year-end total.¹⁴ Historic districts are included in the listing totals as single entries, but they often encompass large aggregations of properties, many of which are potentially eligible for preservation assistance and tax credits. The Tax Reform Act of 1976 authorized a federal tax credit for investment in the rehabilitation of eligible income-producing historic properties. As of September 30, 2015, the end of the fiscal year, the National Park Service Division of State, Tribal, Local Plans and Grants reported the cumulative amount of private investment in rehabilitation of commercial properties under the Tax Reform Act, nationally, since 1977 had reached \$78.3 billion.¹⁵

A significant expansion of the NHPA's regulatory function was introduced in 1971, when Executive Order No. 11593 was signed by President Richard Nixon. The directive was subsequently entered into U.S. Code by amendment as Section 106 of the NHPA. To ensure that, in addition to National Register properties, significant cultural resources not yet listed in the National Register, but which could be determined eligible, are protected from unnecessary impact by federal undertakings, the amendment established an efficient process through which states conducted review of those undertakings and the Keeper of the National Register ratified any appropriate resources as eligible. The ACHP continued its role as referee and adviser to the executive branch. As required by law, unavoidable impacts have been mitigated by varied means, including archeological salvage and documentation to standards of the Historic American Buildings Survey, Historic American Engineering Record, and Historic American Landscape Survey. With just under 53 percent of Oregon's land base under federal management, Section 106 review of federal undertakings became a major work-load responsibility of the SHPO. By 1999, approximately

22,000 archeological sites had been entered into the state's archeological database. Leland Gilson, the solitary State Archeologist in the office at the time, calculated that archeological resources discovered in reconnaissance by sponsors of projects on federal lands were being added to the archeological database at the rate of about 900 per year. The database is the essential tool for evaluating the impact of proposed developments and determining when monitoring for discovery of archeological features in the course of an approved development project is warranted.¹⁶

The NHPA vastly expanded the scope of technical preservation services that the NPS traditionally maintained in support of its core mission. Lee H. Nelson, a Portland native, gained his bachelor's degree in architecture at the University of Oregon in 1957 before heading to the University of Illinois for further training and subsequent recruitment by the NPS. He became the leading figure guiding development of the standards and guidelines for treatment of historic properties. In his capacity as Chief of Technical Preservation Services (later, Preservation Assistance Division) from 1979 onward, Nelson was the driving force behind fulfilling the NHPA mandate to advance technological expertise and distribute practical preservation information to the public through technical briefs, reports, and articles. He had long championed creation of a national coordinating center for preservation technology in varied fields. Provisions of amendments to the NHPA in 1992, after Nelson's retirement, authorized such an initiative, and the National Center for Preservation Technology and Training (NCPTT) was established at Natchitoches, on the campus of Northwestern State University of Louisiana, in 1994.¹⁷

Through amendment to the 1966 act, the NPS has distributed shared program responsibility not only to the states but also to federal agencies, local governments, and Tribal governments. Since 1980, under authority of Section 110 of the act, many local governments have chosen to meet certification requirements, defined by the NPS, that enable them to be identified as Certified Local Governments (CLGs). Requirements include adopting a preservation ordinance, maintaining a historic landmarks commission, contributing updated information to the statewide inventory of historic properties, and reviewing nominations to the National Register of Historic Places. CLGs receive grants that fund a variety of preservation initiatives. Those grants are funded through a stipulated portion of the annual apportionment to each state from the Historic Preservation Fund. CLGs also gain access to technical assistance provided by the NPS and the SHPO.

NHPA Amendments of 1992 authorized a more direct role for federally recognized groups of Native Americans and Native Hawaiians in the National Historic Preservation Program. Participating Tribal governments assume responsibility for creating and maintaining an inventory of culturally signifi-

| NATIONAL HISTORIC LANDMARKS IN OREGON | |
|---|--|
|  | |
| <p>Aubrey Watzek House, Portland, Multnomah County designated July 25, 2011</p> | <p>Lightship WAL-604, "Columbia," Astoria, Clatsop County, designated December 20, 1989</p> |
| <p>Bonneville Dam Historic District, Multnomah County, designated June 30, 1987</p> | <p>Lower Klamath National Wildlife Refuge, Klamath County designated January 12, 1965</p> |
| <p>Crater Lake Superintendent's Residence, Klamath County designated May 28, 1987</p> | <p>Oregon Caves Chateau, Josephine County designated May 28, 1987</p> |
| <p>Columbia River Highway, Multnomah, Hood River, Wasco Counties, designated May 16, 2000</p> | <p>Pioneer Courthouse, Portland, Multnomah County, designated May 5, 1977</p> |
| <p>Deady and Villard Halls, University of Oregon, Eugene, Lane County, designated May 5, 1977</p> | <p>Skidmore/Old Town Historic District, Portland, Multnomah County, designated May 5, 1977 *</p> |
| <p>Fort Astoria Site, Astoria, Clatsop County, designated November 5, 1961</p> | <p>Sunken Village Archaeological Site, Multnomah County, designated December 20, 1989</p> |
| <p>Fort Rock Cave, Lake County, designated January 20, 1961</p> | <p>Timberline Lodge, Clackamas County designated December 22, 1977</p> |
| <p>Kam Wah Chung Company Building, John Day, Grant County, designated September 20, 2005</p> | <p>Wallowa Lake Site, Wallowa County May 5, 1989</p> |
| <p>Jacksonville Historic District, Jacksonville, Jackson County designated November 13, 1966</p> | <p>* updated documentation approved on October 10, 2008</p> |

cant properties on Tribal land within their jurisdiction and nominating properties to the Tribal register and to the National Register of Historic Places.¹⁸ Participating Tribal governments designate Tribal Historic Preservation Officers (THPOs) who must be consulted by federal agencies in the effort to determine whether federal undertakings will affect cultural resources on Tribal lands. There are six THPOs in Oregon presently.¹⁹

Oregon is noted for its progressive statewide land-use planning program. Senate Bill 100, enacted in 1973, created the Land Conservation and Devel-



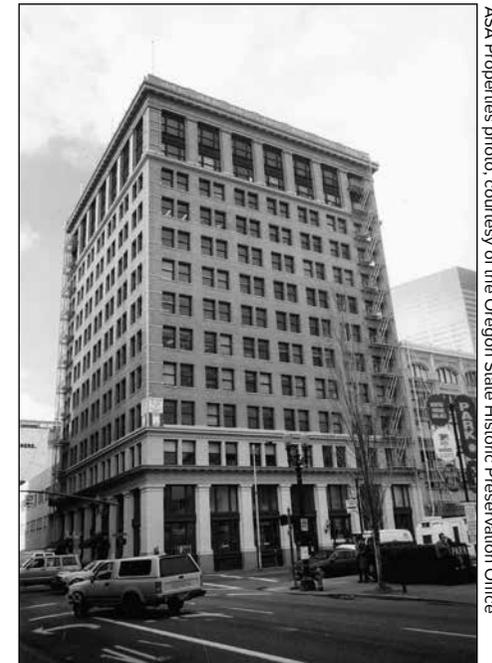
Courtesy of the Oregon State Historic Preservation Office

THE TWO ICONS of Portland's Skidmore/Old Town National Historic Landmark District are the Skidmore Fountain and New Market Theater of 1872. Oregon's special assessment program for historic properties and the federal investment tax credit for rehabilitation combined to make it feasible for New Market Theater Associates to invest \$2.9 million in bringing the building up to code and adapting it for office and retail use so that it could regain its productive role in the district.

opment Commission (LCDC), charged with governing a mandatory planning system based on nineteen goals. Goal 5 identified natural resources, scenic and historic areas, and open spaces as resources to be considered in land-use planning. Under program rules, cities and counties were to produce comprehensive land-use plans subject to updating for periodic review. As part of the planning process, local governments were directed to maintain

current inventories of historic resources and to identify significant historic resources that the jurisdiction would protect under regulatory provisions. Advocates pointed out that Oregon's land-use law was the first in the nation to *require* planning for the protection of historic resources and to develop a process for resolution when a proposed land-use change appeared to be in conflict with a planning goal.²⁰ The result for Oregon's program under the NHPA was fruitful. Federal match-fund grants were passed through to local governments to support survey and inventory work, and the local inventories greatly expanded the statewide inventory of historic properties maintained by the SHPO until provisions of the land-use law were amended in 1995.

Subsequent to the 1973 legislation, the state's reputation for proactive historic-preservation program development was assured by a lobbying effort on the part of leaders of the preservation community. The 1975 Oregon Legislative Assembly passed House Bill 2476 to authorize a deferment of increases in property tax assessments for a period of fifteen years for owners of residential or commercial properties listed in the National Register who invest in improvements consistent with the Secretary of the Interior's Standards for Rehabilitation. This special assessment program, authorized by the Historic Property Tax Law, was one of the first and most effective state-level incentives of its kind in terms of the dollar value of rehabilitation it leveraged. It proved to be, in the words of key proponent of the bill George McMath, "a critical factor in the feasibility of rehabilitation projects."²¹ Although a large share of program participation came from owners of historic properties in the Portland metropolitan area, where the density of historical development is greatest, involvement was distributed statewide, and the num-



ASA Properties photo, courtesy of the Oregon State Historic Preservation Office

NOTED ARCHITECT CASS GILBERT designed the eleven story Spalding Building at 319 SW Washington Street in Portland. Constructed in 1911, the building epitomized early-twentieth-century glazed terra cotta-clad skyscrapers that distinguished the city's skyline. Temporary deferment of property tax increases under the state's program and federal tax credits for an investment of \$3.5 million provided the owner with incentive to follow the Secretary of the Interior's Standards for Rehabilitation while carrying out storefront restoration and office space rehabilitation.



Oregon Department of Transportation photo courtesy of Stephen Dow Beckham

IN 1980, the State Advisory Committee on Historic Preservation gathered in the Capitol with staff of the State Historic Preservation Office for the swearing in of Gov. Victor Atiyeh's appointees, Ruth McBride Powers, Stephen Dow Beckham, and George McMath. Standing directly behind the governor's desk in the ceremonial office, from left to right, are committee members Philip Dole, historical architect; David Brauner, archeologist; Lewis L. McArthur, industrial historian; Linda Brody Dodds, oral historian; committee chairman Robertson E. Collins, preservationist; Stephen Dow Beckham, historian; Kenneth Holmes, historian; George McMath, architect; and Ruth McBride Powers, preservationist. The staff members are at either end. Back row, left, are Leland Gilson, archeologist, and Elisabeth Potter, National Register Coordinator. At the far right, slightly behind Mrs. Powers, are David W. Powers, Deputy State Historic Preservation Officer; and John Tess, Grants Manager.

ber of applications for National Register listing rose sharply in response to citizen interest in the property-tax deferment. By the time the program was sunsetted in its extended original phase, on December 31, 1993, owners of over 2,000 properties had participated. The average investment for commercial properties was reported at \$1.4 million, and the average investment for improving residential properties was \$55,000.²²

An important measure of the NHPA's impact in Oregon is the volume of supporting state legislation passed during the law's initial fifteen years. Congressional budget-cutting during the economic recession of the early

1980s was severe enough that it seemed conceivable the federal aid program might shut down altogether. Robertson E. Collins, a prominent member of the National Trust for Historic Preservation from southern Oregon known for his successful advocacy on behalf of the Jacksonville Historic District, was serving his second term as chairman of the State Advisory Committee on Historic Preservation when federal funding under the NHPA declined precipitously. He proposed a thoroughgoing review of preservation activity with the object of formulating a plan to sustain the state program. A strong motivation was maintaining Oregon's thriving special assessment program under the Historic Property Tax Law.

In 1981, an Oregon Senate joint resolution created an interim legislative task force for the purpose of recommending to the 1983 Legislative Assembly legislation that could create a cohesive preservation policy. The task force was composed of key figures of the House and Senate, state agency representatives, and leading preservation advocates.²³ The flurry of bills introduced resulted in coherent organization of statutes relating to historical and archeological resources in ORS Chapter 358 and extended the special assessment program for another ten years with a contingency provision for a state register of historic places on which to base eligibility for the property tax benefit, should the National Register cease to accept nominations. For the first time, authorities and duties of the SHPO and State Advisory Committee on Historic Preservation (SACHP) were delineated in Oregon statute. The 1983 legislation expanded provisions of the archeological code and declared the importance of protecting and managing the state's cultural heritage in its varied forms as a responsibility to the public trust.²⁴

Beginning in 1983, when the state's new preservation statutes took effect, a position on the SACHP (now fixed at nine members) was designated for an Oregon Tribal representative. This action, which had been facilitated by staff of the Oregon Legislative Commission on Indian Services, anticipated the trend for wider recognition of traditional American cultures that resulted in the 1992 amendment to the NHPA providing for direct government-to-government participation in the federal aid program through the THPO positions.²⁵

The NHPA created a nationwide demand for well-trained specialists in varied disciplines to administer the program at state and local levels and to provide professional consulting services. The first graduate-degree program in historic preservation to be offered on the West Coast was initiated in 1980 at the University of Oregon School of Architecture and Allied Arts under joint sponsorship of the Departments of Architecture and Art History by faculty members Philip H. Dole, historical architect, and Marian Card Donnelly, architectural historian. The Master of Science degree program prepares professionals having backgrounds in history, architecture, architectural

history, urban and landscape planning, anthropology, and archeology for careers in cultural resource management.

In 1994, a plan was devised for interagency collaboration to complement the University of Oregon graduate program curriculum with a regular, summer field school offering experience in project assessment and planning as well as the hands-on work of building restoration. The concept of using historic buildings in the State Parks for demonstration projects was developed by Henry Kunowski, then cultural resource management coordinator for the Oregon Parks and Recreation Department, in partnership with John Platz,

USDA Forest Service Region 6 preservation team leader, and Donald Peting, director of the university's graduate degree program. Deputy SHPO Hamrick secured matching funds to launch the initiative. The following year, the field school was inaugurated under Peting's direction at the Pete French Round Barn in Harney County, a property long held in trust by the Oregon Historical Society that was just then being deeded to the State Parks agency in a timely transfer.²⁶ The University of Oregon preservation field school gained increasing recognition as students from across the country registered for the practicum. The field school attracted partnerships with the NPS regional office in Seattle and state park agencies in Washington and Idaho as

new training sites were selected around the region. The partnership also drew on the Oregon State University Department of Anthropology, under whose auspices the field school offered opportunity for training with Dr. David Brauner in historical archeology. Now known as the Pacific Northwest Preservation Field School, the regional partnership and its sponsoring state historic preservation offices were presented with an award of excellence by the National Conference of State Historic Preservation Officers in 2005.²⁷



OHS Research Library, OHI 86491

THE PETE FRENCH ROUND BARN, one hundred feet in diameter and housing a stone corral with surrounding paddock, has been a feature on the flats of Harney County's Diamond Valley since about 1880. Built by cattle baron French as a place to break and train wild horses, it was recognized as a rare, intact example of its utilitarian type when listed in the National Register in 1971. Once held as a historical site by the Oregon Historical Society, the barn has been maintained for the past twenty years as a unit of the State Parks system.



David Pinyard

THE REGION'S FIRST regular summer field school in technical preservation practices was launched at the Pete French Round Barn in Harney County in 1995. The enduring educational project began as a collaborative partnership of the University of Oregon School of Architecture and Allied Arts, the Oregon Parks and Recreation Department, and the USDA Forest Service Region 6 preservation team, whose leader, John Platz, is pictured here in 1995 demonstrating the technique of finding a log center.

In 1996, the Oregon State Legislature's revised rules for the land-use planning program went into effect with language that simply encouraged cities and counties to maintain historic resource inventories. The same 1995 legislative action that moderated requirements concerning local inventories also created rules that required consent of the property owner for any new designation of a Goal 5 historic resource and directed local governments to allow a property owner to remove a historic designation that had been imposed on the property.²⁸ The net result of the rule changes was a decrease in preservation planning efforts by most of Oregon's 278 local jurisdictions. Offsetting the lag are the ongoing preservation-planning efforts and historic-landmark ordinances of fifty-one Oregon jurisdictions currently qualified as CLGs, which maintain eligibility for full participation as partners in the federal program authorized by the NHPA. Because, like the state, local governments have regulatory power over the use of property through zoning, owner objection to local landmark designation emerged as a problematic issue.

The owner-consent requirement for new Goal 5 landmark designations under Oregon's land use law had its precedent in 1980 amendments to the NHPA that sought to accommodate private property rights as well as the greater public good and potential economic benefit derived from preserving historic buildings and neighborhoods.²⁹ Once regulations fulfilling the NHPA amendment were in place, owner objection to proposed listing, including objection of the majority of property owners in a district, as determined through a notification process in advance of public review of nominations, meant the property or district could not be listed in the National Register or designated an NHL until such time as the objections were withdrawn.



THE THOMAS KAY WOOLEN MILL in Salem, built of brick with heavy timber framing in 1896, is a reminder of the important role woolen textile manufacturing has played in the state’s industrial history. A \$250,000 National Park Service “Save America’s Treasures” match-fund grant inspired a successful capital campaign of over \$1 million. The funds resulted in a major restoration by the end of 2005 that included repairing brick mortar joints, cornice replacement, and window restoration.

With gathering interest, the community of preservationists in Oregon followed the progress of a 2013 request for removal of a local designation involving the Waters Carman house (built in about 1856), which was a Goal 5 landmark designated by the City of Lake Oswego in 1990. At issue was whether a retroactive opt-out on the part of successors in ownership to the title-holder of the property at the time of historic designation could be considered a legitimate interpretation of legislative intent underlying 1995 amendments to Oregon’s land use law. The case worked its way from the city council to the Land Use Board of Appeals (LUBA), and then to the Court of Appeals. When the Lake Oswego Preservation Society petitioned the State Supreme Court to review the Court of Appeals decision, leading advocacy groups and several cities having active landmark preservation programs joined in presenting an amici curiae (friends of the court) brief for the court’s hearing of the case on November 10, 2015. In a unanimous opinion handed down by Chief Justice Thomas A. Balmer on August 4, 2016,

the high court, having considered oral arguments, case law, and legislative history, reversed the decision of the Court of Appeals and affirmed LUBA’s final order, explaining, “the right to remove an historic designation under ORS 197.772(3) applies only to those owners who held title when a local historic designation was first imposed and not to those whose property was already designated at the time they acquired it.”³⁰ Statewide planning Goal 5 was brought into balance with private property rights by owner consent provisions, that now were narrowly defined and unambiguous, and, as a consequence, the planning goal retains its utility as a protective measure.

Passage of the National Historic Preservation Act in 1966 was the transformative event that led to standardization and expansion of sound cultural



THIS PHOTOGRAPH taken in 2005, recreates the 1925 grand opening of Astoria’s Liberty Theater building located at the corner of Commercial and 12th streets. At its original opening, the Mediterranean-style motion picture and vaudeville venue was celebrated as a pace-setter for economic recovery in the aftermath of the city’s devastating 1922 fire. Beginning in 1998, the theater assumed a similar role in setting off downtown revitalization when the non-profit Liberty Restoration, Inc. (LRI) renovated the building as a performing arts center with a City Urban Renewal grant of \$1.3 million and a Save America’s Treasures match-fund grant.

resource management practice throughout the United States. It gave the nation a universal framework for evaluation, protection, and treatment of historic and cultural properties. The states and participating territories and, ultimately, CLGs and Tribal governments were empowered to set their own priorities in grant-assisted action plans.

The educational value of the massive database that is the National Register of Historic Places is widely accessible to students and researchers thanks to simultaneous growth of digital technology. Early in her period of service as Keeper of the National Register, Carol D. Shull was an ardent promoter of preparing for the coming information superhighway promised by the World Wide Web. Ultimately, as predicted, the Internet made possible paperless submission of the millions of reports and documents regularly flowing to Washington, D.C. But the innovation was welcomed equally as a means of getting National Register data to the public for practical application. Shull and her staff saw to it that educational curricula based on historical themes represented in the National Register were generated for use in classrooms everywhere.³¹

The act resulted in the adoption of protective ordinances for sites and buildings, revitalization of diverse neighborhoods, and rehabilitation of repurposed landmarks that anchor city centers. Some of the most apparent challenges ahead for Oregon preservationists boil down to counteracting erosion of protective measures in local ordinances, encouraging local governments to upgrade outdated cultural resource inventories, and expanding state and local incentives for investment. The cost of bricks-and-mortar preservation development is rising at the same time as the state's property tax deferral incentive has become more restrictive and funding sources are thinly spread.³² Even so, jobs creation in the building trades and energy conservation, which comes of retaining and re-using existing buildings, have been put forward as timely side benefits since the inception, and they are no less valid today as momentum builds for environmentally sustainable development.

A summary account cannot do justice to every aspect of Oregon's part in the federal-state-Tribal partnership for historic preservation, nor is it possible, here, to assign due credit to all who have been consequential at every level — the administrators, professional advisers, consultants, scholars, and advocates. Nevertheless, it is hoped these selected highlights show how the National Historic Preservation Act of 1966, as amended and now in its fiftieth year, has fulfilled its promise of public benefit in many varied ways.

SUGGESTED READING

James A. Glass, *The Beginning of a New National Historic Preservation Program, 1957 to 1969*. Nashville, Tennessee and Washington, D.C.: American Association for State and Local History and the National Conference of State Historic Preservation Officers, 1990.

Held in Trust: Preserving America's Historic Places: The National Historic Preservation Act of 1966 25th Anniversary Report. Washington, D.C.: National Park Service, 1991.

Charles B. Hosmer, Jr., *Preservation Comes of Age: From Williamsburg to the National Trust, 1926–1949*. 2 volumes. Charlottesville, Virginia: Preservation Press by the University Press of Virginia, 1981.

Antoinette J. Lee, ed., *Past Meets Future: Saving America's Historic Environments*. Washington, D.C.: National Trust for Historic Preservation, 1992.

Barry Mackintosh, "The National Historic Preservation Act and the National Park Service: A History." Washington, D.C.: National Park Service, Department of the Interior, 1986. A digital version of the manuscript is available on the NPS website: nps.history.com/publications/national-historic-preservation-act.pdf.

Elizabeth D. Mulloy, *The History of the National Trust for Historic Preservation 1963–1973*. Washington, D.C.: The Preservation Press, The National Trust for Historic Preservation in the United States, 1976.

William J. Murtagh, *Keeping Time: The History and Theory of Preservation in America*. Third edition. Hoboken, New Jersey: John Wiley & Sons, Inc., 2006.

Robert E. Stipe and Antoinette J. Lee, eds., *The American Mosaic: Preserving a Nation's Heritage*. Washington, D.C.: United States Committee, International Council on Monuments and Sites, 1987.

Robert E. Stipe, ed. *A Richer Heritage: Historic Preservation in the Twenty-first Century*. Chapel Hill: The University of North Carolina Press, 2003.

With Heritage So Rich: A Report of a Special Committee on Historic Preservation under the auspices of the United States Conference of Mayors with a grant from the Ford Foundation. New York: Random House, 1966. The publication was reprinted by the National Trust for Historic Preservation in 1983. It was made available as a digital version of the latest reprinted edition (1999) during the NHPA anniversary year by Preservation50 in partnership with the National Trust for Historic Preservation. See Preservation50 Web site: preservation50.org/about/with-heritage-so-rich/# (accessed August 10, 2016).

NOTES

The author wishes to acknowledge the Oregon Historical Society editorial staff and the following for their assistance and contributions during the preparation of this article: James M. Hamrick, former Deputy Oregon State Historic Preservation Officer; Paul L. Lusignan, lead reviewer, National Register staff, National Park Service; Alison Yue, National Trust for Historic Preservation; John M. Tess, Tax Act rehabilitation project consultant and former SHPO grants manager; Rob Mawson, vice-president, Heritage Investment Corporation; Donald Peting and Henry Kunowski, co-founders, Pacific Northwest Field School; Leland Gilsen, former State Historic Preservation Office Archeologist; Patrick O'Grady, University of Oregon Museum of Natural and Cultural History; Lewis Zimmerman, Reference Librarian, State of Oregon Law Library; Amanda Punton, Oregon Department of Land Conservation and Development; State Historic Preservation Office staff members Christine Curran, Ian Johnson, Mary Beth Grover, and Kuri Gill; John Goodenberger and Lucien Swerdloff, Historic Preservation and Restoration program, Clatsop Community College; Stephen Dow Beckham, former member, State Advisory Committee on Historic Preservation; Dan Everhart, Preservation Programs Manager, Restore Oregon; Carol Shepherd, Interim Director, Liberty Restoration, Inc.; and Kylie Pine, Willamette Heritage Center; and David Pinyerd, Historic Preservation Northwest.

1. Barry Mackintosh, *The National Historic Preservation Act and the National Park Service: A History* (Washington, D.C.: History Division, National Park Service, U.S. Department of the Interior, 1986), vii.

2. Public Law 113-287 was signed into law by President Barack Obama on December 19, 2014. As a result, certain statutes relating to historic preservation were repealed from U.S. Code Title 16 (Conservation) and

reenacted in U.S. Code Title 54 (National Park Service and Related Programs). The National Historic Preservation Act (NHPA) was among eleven statutes reenacted without change in content under the new title. Dates of original enactment of pertinent statutes have been retained in this essay and timeline in order to illustrate chronological development.

3. Mackintosh, *The National Historic Preservation Act*, vi, vii. The U.S. Conference of Mayors formed its high-level Special Committee on Historic Preservation with National Trust staff support in 1965 for the purpose of reporting the state of preservation at home and in post-war Europe. Under the title *With Heritage So Rich*, the report gave recommendations for the nation to achieve a new, more comprehensive preservation ethic. William J. Murtagh points to the "Report on Principles and Guidelines for Historic Preservation in the United States" resulting from the National Trust for Historic Preservation—sponsored seminar at Colonial Williamsburg in September 1963, as the template for the Conference of Mayors Special Committee recommendations. Conclusions of the 1963 seminar report were published in *Historic Preservation Today* (University Press of Virginia) in 1966. See Murtagh, *Keeping Time: The History and Theory of Preservation in America* 3d ed. (Hoboken: John Wiley & Sons, 2006), 48–49.

4. See National Register of Historic Places, *National Register Bulletin: How to Apply the National Register Criteria for Evaluation* (Washington, D.C.: U.S. Department of the Interior, revised 2002), https://www.nps.gov/nr/publications/bulletins/nrb15/nrb15_2.htm (accessed August 3, 2016).

5. Mackintosh, *The National Historic Preservation Act*, 1.

6. *Ibid.*, 3.

7. *Ibid.*, 5.

8. *Ibid.*, 6. By this time, the Council's

role as referee in matters of federal agency impact on National Register and Register-eligible properties had been strengthened by Presidential Executive Order 11593.

9. Elizabeth D. Mulloy, *The History of the National Trust for Historic Preservation 1963–1973* (Washington, D.C.: The Preservation Press, The National Trust for Historic Preservation in the United States, 1976). The black and white photograph on page 11 is a group portrait taken on the steps of the National Gallery of Art in Washington, D.C., on April 15, 1947, of delegates "gathered for the organizational meeting" of the National Council for Historic Sites and Buildings. The Council was a coalition of leading cultural institutions and agencies, including the National Park Service, professional organizations such as the American Institute of Architects, and learned societies such as the Society for American Archaeology. The coalition succeeded in its aim of securing a congressional charter for the private, non-profit National Trust for Historic Preservation. The portrait of thirty-two identified delegates, many of whose names resonate these many years later, is a striking reminder of the intellectual force behind the modern preservation movement.

10. In the state of Washington, for the first several decades, and in California and elsewhere in the nation where parks agencies were stewards of natural features and historical parks mirroring the National Park model, the program was placed with parks and recreation agencies. Other state and territory programs were organized within land and natural resources agencies, departments of cultural affairs or archives, and state historical agencies.

11. The interim staff advisors were David Cole, Curator of Archeology, Museum of Natural History, University of Oregon; Philip H. Dole, Department of Architecture, University of Oregon School of Architecture and Allied Arts; and Dale Archibald, Chief Curator, Oregon Historical Society.

12. Oregon's debut effort in statewide planning for historic preservation was an

interim status report containing an overview of past and current preservation activity, a preliminary inventory, and modest goal-setting. Under certifying signatures of the State Historic Preservation Officer, Roderick L. Porter, State Highway Engineer, and the seven original review board members, it was sent to Washington, D.C., to secure the state's eligibility for federal funds. Oregon State Highway Division, "Historic Preservation in Oregon: A Preliminary Statement," Salem, Oregon, April 1971, copy held by author. Joining Porter in certifying approval of the plan were Thomas Vaughan, Executive Director, Oregon Historical Society, chairman; Marion Dean Ross, Head, Department of Art History, University of Oregon School of Architecture and Allied Arts; Lewis L. McArthur, industrial historian and member of the Oregon Geographic Names Board; Thomas Newman, archeologist, Portland State University Department of Anthropology; George A. McMath, architect and chairman of the Portland Historical Landmarks Commission; Wallace Kay Huntington, landscape architect and member of the Oregon Historic Landmarks Committee; and Lowell Hocking, Executive Director of the Jacksonville Museum. Hocking had succeeded the initial appointee, Dorothy O. Johansen, Professor of History, Reed College, who resigned for health reasons a few months after the organization meeting in 1971.

13. In Oregon, currently, seventeen properties are listed as National Historic Landmarks. They represent the varied study themes of American history and prehistory established by the National Park Service. See sidebar on page 387.

14. "The Historic Preservation Fund Annual Report, 2015," National Park Service, U.S. Department of the Interior, State, Tribal, Local Plans & Grants Division, Washington, D.C. See <http://www.nps.gov/shpo/downloads/2015HPFAnnualReport.pdf> (accessed August 9, 2016).

15. *Ibid.*

16. Elisabeth Potter, "A Guide to Oregon

Listings in the National Register of Historic Places, 1969–1999,” draft introduction of eighteen pages for an unrealized project of the State Historic Preservation Office for an online pictorial guide, p. 10. To protect such sites from desecration, looting, or tampering, archeological databases have special exempt status under the Freedom of Information Act.

17. Nelson retired in 1990 after a career of thirty-two years with the NPS, during which he was well recognized for contributions to advancing preservation skills and technologies in the United States. After the NCPPT’s move into a permanent campus headquarters at Northwestern State University of Louisiana in 2001, the building was dedicated in his name. See Sharon Park, “Lee H. Nelson: Preservation Pioneer,” *National Center for Preservation Technology and Training*, online newsletter, National Park Service, U.S. Department of the Interior, April 19, 2007. At the University of Oregon School of Architecture and Allied Arts, Nelson’s mentor was Professor Marion Dean Ross, who had encouraged his student paper on nineteenth-century Portland architects William W. Piper and Warren H. Williams, which was published in *The Call Number*, 2:2 (Spring 1959): 4–6. Nelson’s pioneering scholarly work on Oregon’s covered bridges was published in the *Oregon Historical Quarterly* in June 1960 and reprinted as a separate publication, *A Century of Oregon Covered Bridges 1851–1952*, in 1960.

18. Tribal lands are defined in Section 301 of the National Historic Preservation Act, as amended, as “all lands within the exterior boundaries of any Indian reservation” and “all dependent Indian communities.”

19. According to the National Association of Tribal Historic Preservation Officers Web page, “Find a THPO,” as of March 28, 2016, National Park Service–recognized sovereign governments in Oregon that have designated THPOs to assume responsibilities for tribal lands that are equivalent to the role of State Historic Preservation Officer are as follows: Confederated Tribes of the

Coos, Lower Umpqua, and Siuslaw Indians; The Confederated Tribes of Grand Ronde Community of Oregon; Confederated Tribes of the Umatilla Indian Reservation; Confederated Tribes of the Warm Springs Reservation of Oregon; Coquille Indian Tribe; and Cow Creek Band of Umpqua Tribe of Indians.

20. David Frohnmayer, “LCDC Goal No. 5: A Tool for Historic Preservation,” and James Biddle, “National Trust Hails Oregon’s Goal 5,” *1,000 Friends of Oregon Newsletter*, April, 1978, vol. 3, no. 7, pgs. 4 and 2, respectively. Frohnmayer was State Representative from District 40 and professor of law at the University of Oregon. James Biddle was president of the National Trust for Historic Preservation. This special issue of the monthly forum on land use in Oregon was focused on historic preservation.

21. George A. McMath, “State Property Tax Program Aids Restoration,” *1,000 Friends of Oregon Newsletter*, April, 1978, vol. 3, no. 7, pg. 3.

22. Oregon Program Assessments and Needs Report, Oregon State Historic Preservation Office, Robert L. Meinen, State Historic Preservation Officer, and James M. Hamrick, Deputy SHPO, undated [c. 1995], pg. 4.

23. Elisabeth Walton Potter, “A Past for Our Future,” remarks delivered during the Governor’s Conference on Historic Preservation sponsored by the Historic Preservation League of Oregon at Jacksonville, Oregon, October 4, 1997, reprinted by Historic Preservation League of Oregon as an illustrated leaflet of 15 pages (January 2012). The League was reincorporated as Restore Oregon in 2013.

24. Significantly, by subsequent amendment to Oregon laws pertaining to archeological objects and sites, the 1993 Legislative Assembly extended protection to archeological resources on private property, as well as those on public lands, and vested the Oregon Parks and Recreation Department and its SHPO with primary authority to issue

permits for archeological investigation.

25. During the final mark-up of bills introduced to the 1983 Legislative Assembly at the recommendation of the 1981 Interim Legislative Task Force on Historic Preservation, Katherine Greene, Executive Director of the Commission on Indian Services, added to mandatory positions on the State Advisory Committee on Historic Preservation an appointee to represent Oregon’s Native American community. With the appointment of Esther Stutzman to the Advisory Committee in 1979, such representation had been provided before the statutory requirement.

26. A noteworthy example of the impact the University of Oregon’s graduate degree program and associated preservation field school would have in building careers in the region is offered by the students who participated in the inaugural summer field school at the Pete French Round Barn. They included David Pinyerd, who then served as the director’s on-site assistant and subsequently formed a regional historic preservation consultancy; Paul Falsetto, Portland-based historical architect; Alex McMurry, chief preservation officer for the Washington State Parks agency; Grant Crosby, chief historical architect for the National Park Service in Alaska; and Rebecca Ossa, cultural resource coordinator, U.S. Army Corps of Engineers, Seattle.

27. “National Conference of State Historic Preservation Officers Awards for Excellence in Historic Preservation,” NCSHPO News release, March 4, 2005, Elizabeth A. Szufnar, contact. During the professional association’s annual membership meeting in Washington, D.C., on March 2, the awards program was launched. The state historic preservation offices of Oregon, Washington, and Idaho were recognized for partnering with their respective state parks agencies, the National Park Service, University of Oregon, and Oregon State University to pool resources and expertise for expanding training opportunities and sound resource

management practices throughout the region.

28. ORS 197.772 (1) and (3).

29. For a discussion of owner consent provisions in 1980 amendments to the NHPA and how National Historic Landmark designation of the Proctor & Gamble Ivorydale plant in Ohio triggered congressional action to avert perceived infringement of private property rights, see Jess Theodore, “Over My Dead Property! Why the Owner Consent Provisions of the National Historic Preservation Act Strike the Wrong Balance Between Private Property and Preservation,” Washington, D.C.: Georgetown University Law Center, August 12, 2008. The paper is available online at http://scholarship.law.georgetown.edu/hpps_papers/30 (accessed August 10, 2016).

30. Brandon Spencer-Hartle, “State Supreme Court to Hear Landmark Case November 10,” *Restore Oregon Online News*, November 4, 2015. Advocacy organizations party to the amici curiae brief filed for the Supreme Court hearing were Restore Oregon, Architectural Heritage Center, National Trust for Historic Preservation, Preservation Action, Preservation Works, City of Portland, City of Pendleton, and City of The Dalles. The opinion of the Supreme Court of Oregon in the case of *Lake Oswego Preservation Society v. City of Lake Oswego*, 360 OR 115 (2016) is available in published form at <http://www.publications.ojd.state.or.us/Pages/OpinionsSC2016.aspx> (accessed August 10, 2016).

31. Information concerning National Park Service “Teaching With Historic Places” lesson plan materials tailored to state and national curriculum standards in social studies, history, and geography is available on the TwHP Website: <http://www.nps.gov/subjects/teachingwithhistoricplaces/newurl.htm> (accessed August 3, 2016).

32. Randy Gragg, “Historic Demolition’: Codes Make Renovations Expensive,” *Artsweek, Sunday Oregonian*, March 3, 2002, D2–3.