



Improving  
Cultural Heritage Stewardship  
in California

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## Introduction

Prior to the passage of CCHE's enabling legislation, there was a realization that the State of California was struggling to effectively manage its cultural and historical resources. Those resources were also seen as contributing significantly to the richness and beauty of our state. Effective management of the state's cultural and historical resources was seen as having a corresponding impact on the quality of life of all residents and a significant impact on touristic activity. It was therefore determined to be very important that more consideration be given to how the historic and cultural resources in California could be managed.

We hope that this paper helps initiate the conversation regarding how California can better manage its cultural and historical resources.

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## Executive Summary

Prior to the passage of the California Cultural and Historical Endowment's (CCHE) enabling legislation, AB 716 (Firebaugh), there was a realization that the State of California was struggling to effectively manage its cultural and historical resources. Those resources were seen as contributing significantly to the richness and beauty of our state and therefore have a profound impact on the quality of life of all residents. The erosion of any of the cultural and historical resources was also seen as having the long term potential of diminishing touristic activity if the erosion of these resources were extreme. It was therefore determined to be very important that more consideration be given to how the historic and cultural resources in California were managed. Accordingly, AB 716 tasked the CCHE

*with making recommendations for steps that should be taken to better preserve and administer cultural and historical resources efficiently and effectively, including additional actions that should be taken to improve the governmental structures responsible for historic and cultural preservation in California, including oversight and support of museums.*

This report assesses the current state of cultural heritage stewardship in California, looks at the federal policies and the successful practices of a few other states and makes a few recommendations as a starting point to begin to develop a stronger cultural heritage stewardship in our state. The six recommendations are

- **State Parks should be designated as the lead agency for cultural heritage stewardship because it is the largest state entity with cultural heritage resources** under its responsibility, but it needs some major revamping of its approach in order to be more effective.
- **State Parks should approach its cultural heritage resources as true museum collections** and follow the lead of many other states by creating a separate museum system within State Parks with a museum management system complete with professional level training and development so that Parks' extensive collections are appropriately curated, catalogued, safeguarded, and shared with museum visitors.
- **State Parks, State Archives, and the State Library** should combine resources to enable more timely, better staffed, and higher quality digitization laboratories to convert traditional photograph collection items to digital format. The three entities all exist within three city blocks of each other and all have extensive collections which need to be digitized in order to be shared through current technology.
- **The California Travel and Tourism Commission (CTTC) and State Parks should collaborate to showcase cultural heritage travel opportunities.**
- **The method by which sites are listed and viewed on the California Register** is complex. The Register now exists as a resource maintained by 12 regional entities. It is not online and Californians cannot easily access information about sites that are historically significant. Information is maintained locally by the 12 regions and for detailed information individuals need to pay one of the 12 regional leads. Concerns about the safety of archaeological sites are cited as reasons for not putting up the information online. A better approach should be developed in conjunction with one of California's leading technology companies to make this information available to citizens while preserving the funding stream that it represents to local stewards and protecting sensitive archaeological sites.

- **The Nomination Process for the National Register** should be improved. The Office of Historic Preservation could establish a more community-based nomination process that would have different requirements and different evaluations than what is now in place. The goal would be to facilitate landmark designation status for important sites that have significant documentation hurdles that impede their nomination and designation.

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## FEDERAL HISTORIC PRESERVATION EFFORTS

In order to start to consider how California could approach the task of historic and cultural resource preservation and administration, one must first understand both federal preservation efforts and the current efforts at the state level.

In 1947, the National Council for Historic Sites and Buildings began working to create a National Trust in the United States. Two years later, in 1949, President Harry Truman signed legislation creating the National Trust for Historic Preservation (National Trust).

Since its inception, the National Trust has worked to preserve historic structures and to administer refurbished historic sites. The National Trust is authorized by its enabling statutory charter to serve as the nonprofit corporation responsible for preserving and administering sites, buildings, and objects significant in American history and culture. The National Trust received federal funding up until 1995 and is now completely funded with non-federal funds.

In the mid-1960s, the National Trust helped frame the National Historic Preservation Act (the Act). The Act was passed in 1966 and established the federal government's role as one that would "provide leadership" for preservation, "contribute to" and "give maximum encouragement" to preservation, and "foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony." The Act was intended to help the federal government serve as a responsible steward of our nation's historic resources so they could be available for future generations.

The Act identified the National Park Service (NPS), which is part of the U.S. Department of the Interior, as the lead federal agency responsible for historic preservation, with the responsibility for providing funding assistance, basic technical knowledge and tools, and a broad national perspective on America's heritage.

The Act also required that states establish State Historic Preservation Officers (SHPOs), a designated State Historic Preservation Office, and a statewide preservation program tailored to the state and local needs and designed to support and promote state and local historic preservation interests and priorities. In addition, the Act established an Advisory Council on Historic Preservation (Advisory Council), a cabinet-level body of Presidentially-appointed citizens, experts in the field, and federal, state, and local government representatives, to ensure that private citizens, local communities, and other concerned parties would have a forum for influencing federal policy, programs, and decisions as they impacted historic properties.

The Act also included the requirement that all federal agencies take into account the effects of their actions on historic properties and provides the Advisory Council with an opportunity to comment on those actions.

Finally, the 1966 Act established the National Register of Historic Places, the federal government's official list of districts, sites, buildings, structures, and objects deemed worthy of preservation. The Act also set out the process for adding properties to the National Register. Listing a property on the National Register protects the property and also makes the property owners eligible for tax incentives for expenses incurred while preserving the property if offered by local taxing districts.

The National Register is administered by the NPS. Some properties are added automatically to the National Register when they come under the protection of the National Park Service. These include National Historic Landmarks (NHL),

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National Historic Sites (NHS), National Historical Parks, National Military Parks/Battlefields, National Memorials, and some National Monuments.

Historic places are nominated to the National Register by the State Historic Preservation Officer (SHPO) of the State in which the property is located. Local governmental entities and private citizens are encouraged to nominate potentially historic properties to their historic preservation office in order to preserve and protect those properties. Nomination sites are reviewed by the office and, if approved by the State Historical Resources Commission (SHRC), are sent to the State Historic Preservation Officer for nomination to the National Register. The Keeper of the National Register in Washington, D.C., makes the final determination regarding an entity's significance to American history within 45 days of receipt of the nomination. To be judged eligible for the National Register, a district, site, building or structure must possess integrity of location, design, setting, materials, workmanship, feeling, and association, and must meet at least one of the following criteria:

- 1) Be associated with an event or events that have made a significant contribution to the broad patterns of America's history;
- 2) Be associated with the lives of persons significant in our past;
- 3) Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- 4) Have yielded or be likely to yield information important in prehistory or history.<sup>1</sup>

Passage of the Act in 1966 marked a fundamental shift in how the federal government regarded the role of historic preservation in modern life. The Act changed the federal government's approach to historic preservation to more accurately reflect America's diversity and also expanded the definition of historic properties to encompass a much broader interpretation of American history, one that acknowledges historic significance at the local level. These developments occurred during a time of great social change in the United States and the new law reflected the unique social changes occurring in the country at that time.<sup>2</sup>

## Approaches and Best Practices of Other States

The 1966 Historic Preservation Act (The Act) provides funding to States from the Federal Historic Preservation Fund to support preservation programs and projects and lays out the responsibilities of the State Historic Preservation Officers. There are some elements that are obligatory. For example, the Act requires that a minimum of 10 percent of the apportionment distributed to each state from the fund be transferred to certified local governments.<sup>3</sup> The Act also directs the Secretary of the Interior to establish guidelines for the use and distribution of funds to ensure that no local government receives a disproportionate share of the available funds.<sup>4</sup>

However, there is a great deal of variability in how states have established historic preservation programs. Some states elevate historic preservation offices to cabinet-level agencies. Others nest their historic preservation offices in departments within an agency. Some states combine historic preservation with other state-level responsibilities for arts and cultural affairs. Many states expand their efforts beyond the basics needed to fulfill the requirements of the federal historic preservation law. Some have combined innovative approaches to developing low-income housing with preserving open space and farmland with historic preservation. Other states have demonstrated a significant financial commitment to historic resource preservation and cultural heritage.

The State of Colorado has a very strong and unique collaboration between public and private sector entities. The resulting organization is a combination of an historical society that was established over 100 years ago and a state agency under the education department. Their combined efforts have a wide-ranging impact on the state, from statewide museums and other programs that ensure public access to cultural and heritage resources of the state, to stewardship of collections of Colorado's historic treasures and educational resources. The organization's activities also support tourism, historic preservation, and archaeology.

Colorado established the Office of Archaeology & Historic Preservation (OAHP) to comply with the federal Act. This office is linked with a nonprofit organization, Colorado History, formerly the Colorado Historical Society, to achieve a variety of programmatic objectives. Their robust online presence includes the Colorado Register of Historical Places that can be accessed by a few different criteria, linked access to the National Register, and a fairly extensive set of pages (ordinances, participating government units, and survey information) regarding Colorado's 50 certified local governments (CLGs).

The site also has information specific to educators, kids (in a variety of age groups), families, adults, researchers and grant seekers. In addition, their program lists and links to several historic museums. Colorado's extensive website appears to mirror a very dynamic historic preservation program. They have a state historic tax credit of 20% which, though put on abeyance if state general fund growth drops below 6%, is a strong incentive for private property owners to contribute to the preservation of historic structures. Colorado also has an ongoing funding source, their State Historical Fund. In the 18 years ending with State Fiscal Year 2011, Colorado granted over \$243 million throughout the state to historic preservation, which they claim has resulted in an economic impact of over \$1.5 billion. The overall tone and substance of the Colorado website suggest an enthusiastic commitment to history and historic preservation in the state.<sup>5</sup>

The State of Florida manages its historic and cultural resource preservation activities within its Department of State. They have a Division of Historical Resources (DHR) within an Office of Cultural, Historical and Information Programs (OCHIP) at the Florida Department of State. Although DHR is the primary agency responsible for directing historic preservation in Florida, the state park system is the largest steward of public historic properties in the state. Florida

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State Parks manages 160 parks and provides extensive interpretive and educational opportunities on historic properties for residents and non-residents.<sup>6</sup> Florida State Parks and DHR are directed to coordinate historic preservation activities by the Florida Historical Resources Act.

Florida's statewide preservation programs are supplemented by powerful assistance at the local level from local historic preservation programs. These programs have at a minimum an enacted local historic preservation ordinance and a qualified historic preservation board.

Florida also benefits from a strong public/private partnership that is responsible for Florida's global tourism marketing efforts. This organization, Visit Florida, promotes Florida's distinctive historical and cultural heritage destinations.



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## California's Current Historic and Cultural Resource Preservation Efforts

Several state departments are currently involved with historical and cultural preservation in California. The California Department of Parks and Recreation (State Parks) is the department that has been involved in cultural and historical preservation for the longest time. Other state departments whose work touches on preservation issues are the Department of Transportation (CalTrans), the California Arts Council, the State Archives, and the California State Library.

State Parks manages 279 parks, of which 48 are considered historic resources. Another 100 parks include cultural elements such as archaeological features. Most notable, however, from a preservation perspective, is Parks' role in historic preservation. The California State Office of Historic Preservation (OHP) was established within State Parks in the late 1960s pursuant to the Federal Historic Preservation Act.

OHP is responsible for administering federally and state-mandated historic preservation programs to further the identification, evaluation, registration and protection of California's irreplaceable archaeological and historical resources under the direction of the State Historic Preservation Officer (SHPO), a gubernatorial appointee, and the State Historical Resources Commission, a body of nine commissioners also appointed by the governor. OHP's responsibilities include identifying, evaluating, and registering historic properties; ensuring compliance with federal and state regulatory obligations; encouraging the adoption of economic incentives programs designed to benefit property owners; and encouraging economic revitalization by promoting a historic preservation ethic through preservation education and public awareness and, most significantly, by demonstrating leadership and stewardship for historic preservation in California.

The mission of the OHP is to preserve and enhance California's irreplaceable historic heritage as a matter of public interest so that its vital legacy of cultural, educational, recreational, aesthetic, economic, social, and environmental benefits will be maintained and enriched for present and future generations.<sup>7</sup> The OHP is required to create a statewide preservation plan for review and approval by the federal Secretary of the Interior. Federal funds are awarded to states to provide local governments with technical assistance for the registration of their cultural and historical resources.

Historic preservation has four essential components: identification, evaluation, registration and protection. The Office of Historic Preservation (OHP) helps with the registration component, offering four different registration programs: California Historical Landmarks, California Points of Historical Interest, and the National Register of Historic Places. In order to register their resources, local governments submit applications to OHP which reviews the applications.

Additional state-level cultural preservation activities also occur at CalTrans, the California Department of Transportation. At each of twelve Caltrans District Offices, a Heritage Resources Coordinator (HRC) is appointed to serve as the designated source of information on the subject of cultural resources. HRC's track the progress of projects through the Section 106 of the National Historic Preservation Act compliance process; schedule cultural resources studies; process federal or state cultural resource compliance documents; and prepare cultural resource documents.

The California Cultural and Historical Endowment (CCHE) is another state-level entity involved with cultural and historical resource preservation. CCHE was established within the California State Library by AB 716 (Firebaugh, Chapter 1126, Statutes of 2002), also known as the California Cultural and Historical Endowment Act (the CA Act).

The purpose of the CCHE is to preserve and protect California's cultural and historical resources. CCHE grants help preserve the tangible aspects of California's history: the historic structures and properties that cultivate understanding of our collective past in the next generation. In addition to providing grants, the CCHE conducted a comprehensive survey of the existing historic and cultural resources in California and has made extensive recommendations to the Governor and Legislature on statewide policy regarding historic and cultural resource preservation. The CCHE is also charged with the task of helping museums and has been working to develop a new museum grant program and special interest license plate program to assist museums.

CCHE's initial funding came from Proposition 40, the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002, which included \$267.5 million in bond funds for Historical and Cultural Resource Preservation (HCRP) (Section 5096.610 (d)). A ten-member Board presides over and is actively involved in the activities of the CCHE.

State Archives contributes to the cultural heritage stewardship of California by collecting and preserving the historic records of California state agencies, the governor's office, the state legislature, and the State Supreme Court and Courts of Appeal.

Since 1850, the State Library has served as the main research library for state government and the legislature. The library contributes to the preservation of California's cultural heritage by collecting priceless historical items, including books, photographs, political posters and memorabilia, menus, postcards, and other ephemera.



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## State Laws Impacting Historic Preservation

Several state laws also influence the historic preservation activities of other agencies. Public Resources Code (PRC) Section 5024 requires that all state agencies preserve and maintain all state-owned historical resources. PRC Section 5024.5 outlines the process of meeting this mandate. The process gives the state Office of Historic Preservation (OHP) the authority to review the efforts made by state agencies toward compliance with this law. State agencies must work with OHP to show they are protecting and maintaining their historic resources (the term includes prehistoric, historic, ethnographic, and traditional cultural resources), and that no development or maintenance projects will adversely impact those resources.

If any state entity holds title to land, or provides funding for acquisition, restoration, or development, PRC 5024 applies. Compliance with PRC 5024 should be included in the land acquisition, granting, and project development processes that we use. For example, if a state entity acquires or provides acquisition funding for land, any historic buildings, features, or structures should be evaluated through at PRC 5024 review prior to demolition or alteration. Similarly, before any habitat restoration project funded by a state entity is undertaken, cultural resource studies need to be completed to evaluate the potential for adverse impacts to these resources.

California state law (Government Code Section 65300) also requires each city and county develop and adopt a general plan "for the physical development of the county or city, and any land outside its boundaries which bears relation to its planning."

The General Plan guides all planning and development within a city or county. It consists of a statement of development policies and includes a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The document is a comprehensive long-term plan for the physical development of the county or city. In this sense, it is a "blueprint" for development. Ideally, a general plan expresses the county's development goals and embodies public policy relative to the distribution of future land uses. It identifies a county's land use, circulation, environmental, economic, and social goals and policies as they relate to land use and development. It provides a basis for local government decision making and informs citizens, developers, and decision-makers of the ground rules that guide development within the county.

State law requires that every general plan contain the following seven (7) components or "elements":

- (1) Land Use,
- (2) Conservation,
- (3) Noise,
- (4) Circulation,
- (5) Open Space,
- (6) Safety and
- (7) Housing.

It may also contain any other elements that the legislative body of the county or city wishes to adopt. These optional elements may address any other subjects that, in the judgment of the legislative body, relate to the physical development of the county.

By law, the legislative body of the county or city can amend any mandatory element of the General Plan only four (4) times a year. Only 26% (126 out of 482) of incorporated cities in California have adopted an historic preservation element in their general plan.

Developing Historic Preservation Elements in the General Plans of cities and counties is a lengthy process. Once developed, Historic Preservation Elements need to be revisited at least every 10 years to assure relevancy and consistency with the balance of the General Plan. A very typical process includes the following:

1. Completion of an historic survey of all of the buildings within the city or county.
2. Development of a register of historic and cultural resources within the city or county.
3. Development of draft ordinances and codes to guide historic preservation. The ordinances and codes outline what constitutes a historic building; what may or may not be done with an historic building, etc. These also set the goals and policies of the preservation element within the General Plan.
4. Development of a historic preservation review process for individual building owners to follow.
5. Development of preservation maps and/or districts.
6. Development of preservation development standards.
7. Holding public input meetings to help gather information for the above tasks.
8. Development of a city commission or board to handle preservation matters and make decisions pertaining to historic preservation.
9. Identification of grants or other financial resources to incentivize historic preservation.

Local ordinances are an essential tool for historic preservation and can help to prevent the loss of irreplaceable historic and cultural fabric of our state. Yet, according to LA's Principal City Planner and Manager of the City's Office of Historic Resources, Ken Bernstein, fewer than 62 of California's 540 local governments, cities, and counties, have certified local government status. Certified local government status means that the entity has the local ordinance and the elements of a comprehensive municipal preservation program intact.<sup>8</sup>

At roughly 11%, California could be doing better at working to ensure that local communities recognized the value of preservation and implemented historic preservation ordinances.

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## Conclusions and Recommendations for California

California, unlike the other states reviewed, is extremely geographically and demographically diverse. It is also an extremely populous and large state and these challenges make a cultural heritage preservation program more difficult than in smaller, more homogeneous states. California's size makes the task difficult, but not impossible, and certainly well worth the effort. The following are a few recommendations that will help improve California's cultural heritage stewardship efforts.

- **State Parks should be designated as the lead agency for cultural heritage stewardship** because it is the largest state entity with cultural heritage resources under its responsibility, but it needs some major revamping of its approach in order to be more effective.
- **State Parks should approach its cultural heritage resources as true museum collections** and follow the lead of many other states by creating a separate museum system within State Parks with a museum management system complete with professional level training and development so that Parks' extensive collections are appropriately curated, catalogued, safeguarded, and shared with museum visitors.
- **State Parks, State Archives, and the State Library** should combine resources to enable more timely, better staffed, and higher quality digitization laboratories to convert traditional photograph collection items to digital format. The three entities all exist within three city blocks of each other and all have extensive collections which need to be digitized in order to be shared through current technology.
- **The California Travel and Tourism Commission (CTTC) and State Parks should collaborate to showcase cultural heritage travel opportunities.** The California Travel and Tourism Commission receives its budget through the self-imposed travel assessment authorized from the 1995 CA Tourism Marketing Act. The CTTC's budget of \$50 million per year, roughly, seems to be a success, with travel expenditures last year exceeding \$102 billion in CA. However, little of this seems to reach the cultural heritage markets.
- **The method by which sites are listed and viewed on the California Register is complex.** The Register now exists as a resource maintained by 12 regional entities. It is not online and Californians cannot easily access information about sites that are historically significant. Information is maintained locally by the 12 regions and for detailed information individuals need to pay one of the 12 regional leads. Concerns about the safety of archaeological sites are cited as reasons for not putting up the information online. A better approach should be developed in conjunction with one of California's leading technology companies to make this information available to citizens while preserving the funding stream that it represents to local stewards and protecting sensitive archaeological sites.
- **The Nomination Process for the National Register** should be improved. The Office of Historic Preservation could establish a more community-based nomination process that would have different requirements and different evaluations than what is now in place. The goal would be to facilitate landmark

designation status for important sites that have significant documentation hurdles that impede their nomination and designation.

- **The State of California should encourage local governments to pass local historic preservation ordinances and become certified local governments to help preserve historic and cultural resources.** State law determines General Plan Requirements. California could recommend inclusion of an Historic Preservation Element in local plans in order to help ensure that historic structures are preserved.

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## Endnotes

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<sup>1</sup> Title 36, Chapter 1, Part 60, Section 60.4

<sup>2</sup> <http://www.achp.gov/overview.html>

<sup>3</sup> 16USC470, Section 103(c)

<sup>4</sup> Ibid, (d)

<sup>5</sup> <http://www.historycolorado.org>

<sup>6</sup> Preserving Florida's Heritage: More Than Orange Marmalade; Florida's Comprehensive Historic Preservation Plan, 2012 – 2016, Florida Department of State, Division of Historical Resources, unpagged.

<sup>7</sup> [www.ohp.parks.ca.gov](http://www.ohp.parks.ca.gov)

<sup>8</sup> CCHE Cultural Summit Proceedings, Final Panel