

MONTANA'S SHARED HERITAGE

2022-2023 Biennial Report on the Status, Condition, and Stewardship of Montana's State-owned Heritage Properties

Compiled by the State Historic Preservation Office (SHPO); and the State Historic Preservation Review Board (Board)

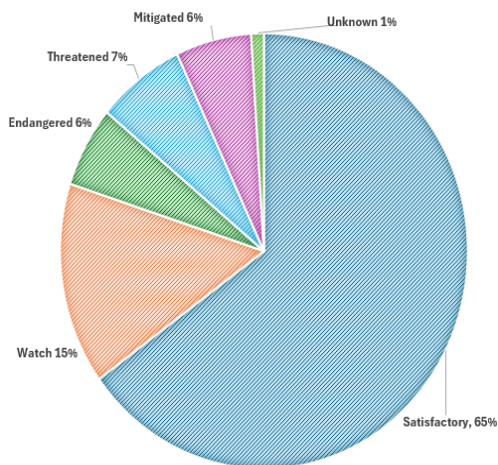
Submitted to the Governor of Montana and the Montana State Legislature, September 2024

FINDINGS

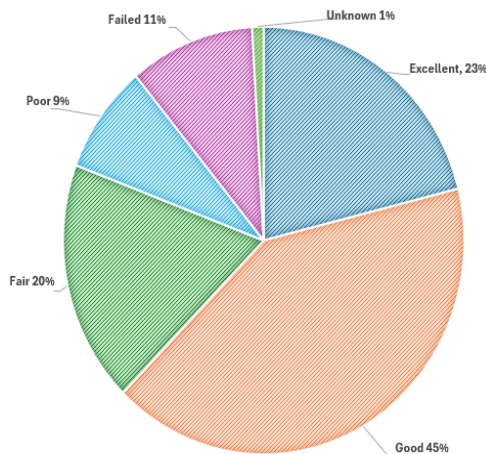
Agency reports yield several patterns of agency practice, as follows:

1. Of the 402 properties on which agencies reported, 65% have a *Satisfactory* status, 23% are in *Excellent* condition and 43% are in *Good* condition.
2. Agencies with cultural resource managers show an ability to fulfill the Antiquities Act's intent. Agencies such as FWP, MDT, DNRC, and MTHS stand out in this regard.
3. Cultural resource managers pro-actively survey and evaluate properties for their heritage status. This groundwork can improve the likelihood of heritage stewardship and expand our understanding of Montana history. DNRC is most prolific in this effort.
4. Due to Heritage Stewardship reporting, agencies with infrequent need to consult and no cultural resource staff are more aware of the obligation to consult. Agencies fitting this description, such as Corrections and MTARNG, have consulted in good faith with SHPO on how best to treat their properties in the 2022-2023 biennium.
5. Reports over seven biennia demonstrate a trend in which agencies routinely consult and which ones comply with the Act less. Despite reporting and SHPO outreach, some agencies continue to demonstrate gaps in compliance.

2022-2023 HERITAGE PROPERTY STATUS



2022-2023 HERITAGE PROPERTY CONDITION



BEST PRACTICES

Preservation efforts vary among agencies, examples of success continue to emerge and serve as guidance for others. Agency reports reveal the following best practices:

1. *Staffing*—FWP has two cultural resources managers influential in agency decision making.
2. *Training*—FWP continues to train Wildlife Management Area staff, Fishing Access Site managers, and Game Wardens to recognize damage and vandalism to archaeological sites. This form of stewardship has little if any cost and broadens the cultural resource managers' reach.
3. *Consultation*—FWP, MDT, DNRC, and MTARNG consistently consult with SHPO in good faith, seeking to avoid adverse effects to heritage properties and mitigating adverse effects when avoidance is not feasible.

PURPOSE

The 1973 Antiquities Act is the state law that recognizes the value of Montana's heritage properties. The Act mandates a consultation process, between SHPO and agencies, not an outcome.

In 2009, Montana's Legislature amended the State Antiquities Act to require agencies to report on the Status and Condition of heritage properties and the agency's heritage property stewardship. This revised language recognizes the following:

Hundreds of heritage properties have been entrusted to the state of Montana, and state agencies are responsible for maintaining those properties on behalf of Montana citizens.

These properties are in danger of disappearing or falling into a state of disrepair.

Preserving and maintaining heritage properties is important for a sense of identity and community, and for the economic benefits realized through building reuse, tourism, and revitalization.

Agencies' regular assessment on the condition of their heritage properties will help ensure the ongoing stewardship of these valuable resources.

OUTCOMES AND OBSERVATIONS

1. In June and July, the Board, working with SHPO, reviewed agencies' preliminary reports and provided them comments on agency consultation, stewardship, and reporting. The Board identified several instances of non-compliance and asked some agencies to revise their reports prior to finalizing them.
2. SHPO will continue assisting agencies with online training materials, established at agencies' requests in 2021.
3. SHPO and the University of Montana will reinstate a programmatic agreement streamlining consultation and setting expectations for consultation. Both entities experienced long-term vacancies before finalizing the agreement in Fall 2022.
4. Reporting represents a significant investment of time by all parties. Several agencies contract for report writing.
5. A study into Heritage Stewardship reporting's frequency and effectiveness could bring efficiency and added meaning to the effort.
6. A study of why some agencies do not always follow ARM 10.121.901-916 could improve consultation.

An Antiquities Act Success Story

The 1990s State Capitol renovation demonstrates the state's commitment to preservation. It is among Montana's highest profile preservation projects, and it exemplifies the Antiquities Act achieving its ideal. It is worth revisiting this landmark effort as an example of good-faith consultation, and to remember why the 1973 legislature passed the Act.

Consultation among SHPO, State A/E, and contract architects navigated decisions with potentially competing priorities of feasibility, building codes, and historic architectural precedent. Consulting parties contributed their expertise and worked through differences to achieve a shared goal. Today, the Capitol meets contemporary building codes, exhibits historic architectural integrity, and is above all, functional.

The multi-million-dollar Capitol effort underscores why agency consultation under the Act is important. The project undid well-intentioned but architecturally incompatible building modifications mostly done prior to the Act. Though that project is extraordinary, the Act calls on us to give all heritage properties consideration in project planning. Consultation instigates a long view of heritage properties and is a check against unilateral decisions and treatments that may do the property harm or need to be undone at great expense.

AGENCIES REPORTING

Department of Administration
Department of Corrections
Department of Justice
Department of Military Affairs
Department of Natural
Resources and Conservation
Department of Public Health
and Human Services
Department of Transportation
Fish Wildlife and Parks
Montana Heritage Commission
Montana Historical Society
Montana State University
University of Montana

Agency reports are available at

<https://mhs.mt.gov/Shpo/ReviewComp/StateHeritageProperties>

Please direct inquiries to

Pete Brown, State Historic Preservation Officer

pebrown@mt.gov

406-444-7718

