

TEXAS HISTORICAL COMMISSION

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April 11, 2018

Ken Levine, Director
Sunset Advisory Commission
P.O. Box 13066
Austin, TX 78711-3066

Dear Mr. Levine

Thank you for this opportunity to respond to the Sunset Advisory Commission Staff Report on the Texas Historical Commission.

The Texas Historical Commission (THC) is the state agency for historic preservation. Our mission is to protect and preserve the state's unique historic and prehistoric resources for the use, education, enjoyment and economic benefit of present and future generations. Professional staff members consult with citizens and organizations to preserve Texas' architectural, archeological and cultural landmarks. The THC also serves as the State Historic Preservation Office (SHPO) as required by the National Historic Preservation Act of 1966, as amended (Public Law 89-665; 54 U.S.C. 300101 et seq.).

The THC follows the guiding principle that historic preservation is important to the quality of life and economic well-being of every Texan and that these benefits should be accessible to all. We work to empower local organizations and the public to understand and use available preservation tools. From revitalizing downtowns and restoring courthouses to discovering historic shipwrecks and promoting heritage tourism, the THC has a lasting role in creating economic opportunities for communities, promoting an appreciation for history and educating people of every age.

It is this educational mission that motivates a majority of the agency's activities. Texans are proud of their diverse heritage, and sharing that heritage with our residents and visitors is a key element of THC's existence. We provide guidance in the development of educational curricula, share information about events, people and places through thousands of markers in every Texas county, host thousands of young Texans on field trips at our state historic sites, sponsor annual Youth Summits in partnership with the National Park Service, and reach out to new generations through digital media with ever-expanding social media channels. Preservation of the past serves our state's future, as new generations embrace the Texas mystique.

We want to begin this response by thanking the Sunset Advisory Commission staff for their professional and transparent approach to this agency's review. Their communications were always thoughtful and well-considered. They listened to our position, and although we didn't always reach the same conclusions, we always felt that our perspective was taken into consideration in the development of their final recommendations.

Our comments on each of the four issues outlined in the Staff Report follow:

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Issue 1

Management Action 1.1: The Staff Report accurately identifies the fact that multiple state agencies have statutory responsibility for managing historic sites. The Summary that precedes the recommendations states that these sites are managed “with little statewide coordination or direction”. However, it should be noted that some very effective statewide coordination does exist, and the THC is a key participant.

The Alamo can serve as an example of how multiple state agencies coordinate their efforts at a significant historic site. Under the administration of the General Land Office (GLO), the Alamo is a State Antiquities Landmark (Texas Natural Resources Code Title 9, Chapter 191 Antiquities Code), and the GLO and THC have a Memorandum of Understanding under which GLO applies to THC for permits for both archeological work and work on the historic structures pursuant to applicable code. THC also has a seat on the Alamo Citizen Advisory Committee, and has been a participant in several public meetings related to the development of the Alamo Master Plan and other aspects of work at that site. THC archeologists have participated in investigatory work, assisting in identifying historic features of the original complex.

In a similar manner, the State Preservation Board (SPB) submits proposals for work at the Governor’s Mansion to THC for permit review. THC manages the contents of the Mansion (Government Code 442.0071), in partnership with the Friends of the Governor’s Mansion, reports at board meetings of that organization, and conducts an annual inspection of the property to ensure that proper curatorial procedures are being implemented.

Work at many of the Texas Parks and Wildlife Department’s state historic sites are also subject to THC review. San Jacinto Battleground and the Battleship Texas, and Mission Espiritu and the Zaragoza birthplace in Goliad are designated State Antiquities Landmarks and work at those sites and others requires issuance of permits by the THC.

That being said, the report is correct in saying that no one of these various agencies has responsibility for development of a statewide comprehensive master plan for interpreting the history of the state of Texas. Each agency has limited resources, and dedicates those resources to management of the sites under that agency’s jurisdiction. As a result, although each individual site may be very professionally interpreted and presented to the public, the connections between the sites and how they fit into the broader tapestry of the state’s history is probably lost on many visitors.

THC has made some progress in attempting to solve this problem. In recent years, video kiosks were installed at each of THC’s state historic sites. These kiosks invite visitors to choose themes of Texas history interpreted at that specific site, and then presents the visitors with a list of other sites around the state providing additional information about that particular theme. Visitors can also access a list of other historic sites, not necessarily state-operated, in the immediate area that would be worth visiting. This helps visitors to make the decision to stay an additional night or to drive on to the next destination, thereby expanding the state’s heritage tourism economy.

We have also focused significant attention and resources on improving the quality of educational outreach programs through sponsorship of “youth summits”, installation of interpretive signage, release of mobile tours on such subjects as African American and Hispanic heritage sites, and

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through the redesign of museum exhibits at many of our state historic sites. Visitor centers at Forts Griffin, Lancaster, and McKavett have benefitted from this work, as well as the Varner-Hogg Plantation in West Columbia, the Eisenhower Birthplace in Denison, Casa Navarro in San Antonio, the Magoffin Home in El Paso, and the Sam Rayburn House in Bonham. Our capacity for stewardship and public education will be even more evident with the opening of the new museum and visitor center at San Felipe de Austin on April 27th. Interactive exhibits such as a digital wall are combined with authentic artifacts from the period of early Anglo settlement, including an actual period log cabin and Stephen Austin's personal desk.

THC concurs with the Sunset staff comment that the historic sites portfolio of Texas is incomplete. This observation would accurately describe most, if not all other states. There are dozens of themes in Texas history, and although some are very well represented by numerous sites (such as the fight for Texas liberty from Mexico), others are either poorly represented, or not represented at all (such as the fight for Civil Rights). The report says that the state has no comprehensive plan for acquiring properties, and that is accurate; however, this implies that there is no thoughtful process for considering the addition of new sites to the state's portfolio, and that is certainly not accurate, at least with respect to the THC.

Texas Government Code 442.0053 requires THC to "adopt criteria for determining the eligibility of real property donated to the commission for inclusion in the historic sites system". Such criteria were adopted by administrative rule as TAC Title 13, Part 2, Chapter 16, Rule 16.3. The rule restricts the acquisition of new properties to those with "recognized statewide or national significance", "able to provide interpretation of a significant theme or event of Texas history that is not fully represented by the Commission's existing historic sites or other historic sites accessible to the public" with "exceptional integrity of location", associated collections, "appropriate for use as an interpretive museum or historic site . . . accessible to travelers as well as to the local community." The rules go on to require that sources of potential funding be identified. Staff committees, with assistance from a panel of independent experts in Texas history, museum operations, and heritage tourism, conduct a detailed analysis of the property, and make their recommendations to the THC's Historic Sites Committee, and their recommendation then goes to the full commission for a final decision.

This process has been implemented twice since adoption in 2008. In one case, a historic property was offered to the agency by a county owner, and that offer was rejected for several reasons including the lack of public facilities and adequate interpretation. In the other case, a historic property was offered to the agency by a municipality. That offer was accepted after a detailed analysis resulted in a positive recommendation.

Although we agree with the report's conclusion that the state would benefit from having a statewide interpretive plan that would help to guide decisions regarding site acquisition and interpretation, we do not agree that having such a plan can or should provide a framework for making decisions regarding capital needs. This recommendation suggests that older buildings be prioritized against one another, rather than allowing their custodial agencies the ability to make the best case they can for properties under their management. Non-historic buildings aren't lumped together in this way, even if they are in the same community within walking distance from each other. A process such as this would constantly pit the needs of the Alamo complex, for example, against the needs of properties such as Fannin Battleground or Fort Griffin, home to the state's official longhorn herd.

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With the previous establishment of the Legislative Joint Committee on Government Facilities, THC believes the legislature is in an excellent position to weigh the needs of all state facilities against one another, and to make a fair determination where the state's limited resources should be allocated. Another alternative would be for all state historic sites to be managed by a single agency, as we suggest in Management Action 4.1 below.

Management Action 1.1 would direct THC to begin to develop a statewide historic sites master plan, in concert with logical partner agencies. We agree with this recommendation, and with the statement that "THC is uniquely positioned" to lead this effort. This will create a blueprint for plan development. This task can be managed with our existing staff. However, it should be noted that the actual development of the master plan itself will likely be a very expensive and time-consuming proposition. Texas is a big state, there are dozens of historical themes, there are at least 900 existing history museums in the state and thousands of other properties that could potentially be used to tell the story of Texas. We anticipate that such a plan will require a significant fiscal note.

Issue 2

Management Actions 2.1, 2.2, and 2.3: We agree that it would be beneficial for the state to adopt procurement laws to specifically allow agencies such as THC holding special collections to dispose of items from those collections in a way that directly benefits the collection. The suggested process laid out in the report would be acceptable. We should clarify that this will not lead to a large-scale process of deaccessioning significant historical items. Examples provided in the report are accurate.

Management Action 2.4: We also agree that it could be more efficient for multiple state agencies to share curatorial facilities and look forward to working with our partner agencies in an effort to identify these potential efficiencies.

Management Action 2.5: However, the recommendation that THC and TPWD enter into an MOU related to procurement, contracting, and other shared program support areas makes a broad assumption that such an MOU would be to the state's benefit without a due diligence assessment of its feasibility. Using the example cited in the report that TPWD has staff trained to break down and dispose of fallen trees, one would assume that after Hurricane Harvey, when the THC needed such services, TPWD's arborists were already hard at work at their own sites. It was more expedient and more efficient for THC to arrange for a timely clean-up through outside contractors than delaying those efforts until TPWD's workforce was available. Certainly, it could be beneficial for the two agencies to meet and discuss economies of scale related to coordinating very targeted procurements, such as items resold in each agency's historic site gift shops, for example. THC supports the recommendation that we meet with our partner agency by a date certain to have these discussions. However, until such a meeting has been held and both agencies have concluded that an MOU will result in some tangible benefit, it is premature to require execution of an MOU that might not be useful or necessary.

Issue 3

Management Action 3.1: Although we believe that the purpose of the Trails program is clear, we agree with the Sunset staff recommendation that it should be clearly established in statute and in administrative rules.

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Management Action 3.2: The Texas Heritage Trails Program operated for many years through support provided by federal highway administration enhancement funds, passed through to THC by TxDOT. When those funds were the source of operating revenue, the Trails program had a plan with program goals, tied closely to the THC's overall goals and statutory authority. But the federal highway enhancement program was terminated by Congress, and future funding for this program was in question. Efforts to move this state program into THC's base budget were unsuccessful in 2015. Because of the uncertainty of future funding, the trail regions began moving toward a model that would allow more independence from state regulation. This wasn't a preferred option. It simply appeared to be the direction in which things were moving. In 2016 the Governor's tourism office provided bridge funding, allowing THC the opportunity to return to the legislature in 2017, and in that session the program was funded and made a part of the agency's base budget. We are now prepared to define program expectations and build those expectations into a revised contract.

But it should be recognized that the strongest aspect of this program is that each of the trail regions has its own, independent board of directors, and this structure enables the regions to respond to unique issues applicable in their region that might not be as relevant in other regions. THC concurs with the need to ensure contract requirements include measurable performance expectations for each non-profit and that these performance requirements are aligned with newly established administrative rules. However, THC cautions that establishing metrics that are too structured and fail to recognize regional differences or attributes can be overly bureaucratic, with an end result that could be unfavorable to the statewide program.

Management Action 3.3: Upon completion of the Sunset process, the THC intends to begin revision of its five-year plan, building off the statewide historic preservation plan. The THC plan will include goals and objectives for the Trails program, and our Trails partners will be involved in the development of those goals.

Issue 4

Management Action 4.1: We agree that the THC continues to serve a continuing need. We also agree that "no substantial benefits would result" from consolidation with other state agencies. We do, however, believe that management of state historic sites should be vested in this agency rather than being spread between several agencies whose missions only tangentially touch on historic preservation and the interpretation of our state's history. Central management of historic resources is the norm nationally, and Texas is one of few states that divide these responsibilities between multiple agencies. Central management at the THC would instantly resolve all of the matters raised in Issues 1 and 2 above.

Management Action 4.2: THC staff provides each new commissioner with a training manual but will add rulemaking information to that manual and to the personal training each commissioner receives, as well as any necessary attestation. With respect to the statement that the Texas Preservation Trust Fund Advisory Committee was abolished in 2017, we would note that Government Code 2110.008 provides that committees are automatically abolished "unless the state agency that establishes an advisory committee designates a different date". This committee was included in TAC Title 13, Part 2, Chapter 11, Rule 11.15(d) with a sunset date of February 1, 2025. We acknowledge that the Texas Courthouse Preservation Advisory Committee was abolished and intend to use existing authority to re-establish that committee.

Appendix A

Regarding Historically Underutilized Business Statistics: Any agency with a budget the size of THC's can fluctuate between meeting and not meeting their estimated HUB Goal Targets based on a single contract. As a case in point, in 2017, the majority of our building construction expenditures were related to a \$6 million contract to build a new museum at our San Felipe de Austin State Historic Site. The initial contract was awarded to a certified HUB vendor, which would have resulted in THC significantly exceeding its HUB goals in this category. Unfortunately, we were unable to come to terms on a contract and had to subsequently contract with the next highest scoring vendor. That vendor was not a certified HUB vendor, which negatively impacted achievement of our HUB goals for the year. We continue to make a significant effort to meet our goals, and will reassess those goals to determine if they are realistic.

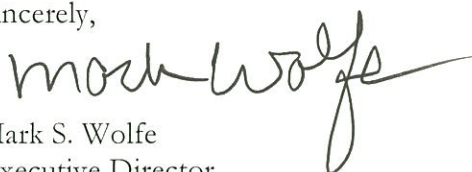
Appendix B

Regarding Employment Practices: Jobs at the THC require specialized credentials that are not as prevalent in minority populations as they are in Anglo populations. By way of example, according to the National Council of Architectural Registration Boards (NCARB), 90% of the nation's licensed architects are white/not Hispanic. Only 2% are listed as African American. The number of Hispanic architects is small enough that no statistic is included in the Council's 2017 survey numbers. Archeology likewise draws only a small number of Hispanic and African American students.

But simply acknowledging that this disparity exists is not an adequate response. Agencies like the THC have a responsibility to work toward diversification of our employee base. One way that we pursue this goal is to make the effort to reach out to underrepresented groups when filling these vacancies. We participate in numerous recruitment fairs at several minority colleges and universities. We have also expanded our internship program to target diverse populations and to excite people about job opportunities in historic preservation. We have increased the number of internships in the past five years from one to three annually, with some of our "graduates" having gone on to positions in historic preservation both in the United States and in other countries. As they gain experience, we hope that they will return to Austin and consider becoming THC staff. In the meantime, we will continue our aggressive efforts to meet civilian workforce targets and promote diversity. NCARB reports that 15% of newly-licensed architects and as many as 20% of new architectural interns are non-white, so opportunities will continue to expand as the state's demographics continue to shift.

Again, thank you again for this opportunity to respond to the Staff Report. We look forward to appearing at the upcoming hearing to answer any additional questions the commission might have.

Sincerely,


Mark S. Wolfe
Executive Director

