Preserving America's Heritage

ADVISORY COUNCIL ON HISTORIC PRESERVATION
FALL BUSINESS MEETING

WASHINGTON, D.C.
NOVEMBER 3-4, 2015

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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Preserving America's Heritage

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Additionally, for the discussion about the Action Plan to support State and Tribal Historic Preservation Officers, read the first item in the Update of Major Activities located in the Federal Agency Programs Committee section (Tab 3).

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Preserving America's Heritage

MEETING
ADVISORY COUNCIL ON HISTORIC PRESERVATION
Kennedy Caucus Room
Russell Senate Office Building
Washington, D.C.
November 4, 2015

Note: Briefing papers for agenda items are located at the indicated page numbers

PROVISIONAL AGENDA

Call to Order 9 a.m.

I. Chairman's Welcome

II. Historic Preservation Policy and Programs
- A. Building a More Inclusive Preservation Program (page 5)
  - 1. American Latino Heritage Initiative
  - 2. ACHP Youth Initiatives
- B. Preservation 50 and the ACHP Public Policy Initiative (page 8)
- C. Policy Statement for Resilient Communities (page 42)
- D. White House Council on Climate Preparedness and Resilience
- E. Historic Preservation Legislation in the 114th Congress (page 49)
  - 1. Veterans Administration Enhanced Use Leasing
  - 2. National Park Service Centennial
  - 3. Surface Transportation Legislation

III. Section 106 Issues
- A. Section 3 Report Recommendations Implementation
- B. Federal Agency Support for SHPOs and THPOs

IV. ACHP Native American Affairs Committee Activities

V. New Business

VI. Adjourn

Preserving America's Heritage

MEETING
ADVISORY COUNCIL ON HISTORIC PRESERVATION
ANNOTATED AGENDA

I. Chairman's Welcome. *The meeting will be called to order at 9 a.m.*

II. Historic Preservation Policy and Programs

A. Building a More Inclusive Preservation Program

1. American Latino Heritage Initiative. *Vice Chairman Teresa Leger de Fernandez will report on the recent listening session in Santa Fe and plans for a session at the next ACHP business meeting. Members will have the opportunity to provide direction on actions the ACHP might take to advance the engagement of the American Latino community in the national historic preservation program. No formal action.*

2. ACHP Youth Initiatives. *A Communications, Education, and Outreach Committee representative will report on committee recommendations to reach out to young people. Native American Affairs Committee Chairman Leonard Forsman will report on the ACHP's tribal youth activities. Member direction will be sought. No formal action needed.*

B. Preservation 50 and the ACHP Public Policy Initiative. *Members will discuss the policy challenges and opportunities based on the papers each submitted prior to the meeting. The goal is to launch the development of ACHP recommendations for long-term improvements in the national historic preservation program as a component of the 50th anniversary celebrations for the National Historic Preservation Act. No formal action needed.*

C. Policy Statement for Resilient Communities. *Preservation Initiatives Committee Chairman Brad White will present for discussion a proposed policy statement as a follow up to the ACHP's report on rightsizing. No formal action needed; final will be circulated for adoption through an unassembled meeting.*

D. White House Council on Climate Preparedness and Resilience. *Chairman White will report on Preservation Initiatives Committee discussions on incorporating historic preservation into this Administration initiative. No formal action needed.*

E. Historic Preservation Legislation in the 114th Congress. *Chairman White will report on ACHP legislative activity.*

1. Veterans Administration Enhanced Use Leasing. *Members will be asked to support the bill. Formal action needed.*

2. National Park Service Centennial. *Members will be asked to support the bill. Formal action needed.*

3. Surface Transportation Legislation. *A report will be provided of the status of this legislation and action taken by the ACHP. No formal action needed.*

III. Section 106 Issues

A. Section 3 Report Recommendations Implementation. *Committee Chairman Stephen Ayers will focus on steps that can be taken to address historic preservation impacts of the "Reduce the Footprint" initiative and to facilitate expanded leasing of underused historic federal properties*.

B. Federal Agency Support for SHPOs and THPOs. *Chairman Stephen Ayers will report on steps taken to implement recommendations adopted in July. No formal action needed*.

IV. ACHP Native American Affairs Committee Activities. *Chairman Leonard Forsman will report on discussions regarding the development of a national tribal cultural resource strategy by tribal leaders and national tribal organizations and other committee activities. Formal action possible.*

V. New Business. *There is no new business at this time*.

VI. Adjourn. *The meeting will adjourn by 12:30 p.m*.

Preserving America's Heritage

BUILDING A MORE INCLUSIVE PRESERVATION PROGRAM
Office of Communications, Education, and Outreach
Office of Preservation Initiatives

Background. Since 2012, the ACHP has undertaken a number of projects and activities aimed at promoting ethnic and cultural diversity in the historic preservation field and broadening public views of our collective heritage. Enhanced community involvement in preservation and increased public support for efforts at the local level would complement related work being undertaken by the National Park Service (NPS), the National Trust for Historic Preservation, and other preservation partners. ACHP efforts to build a more inclusive preservation program (BAMIPP) began in earnest with a forum at Ellis Island in August 2012. The goal is to ensure that the history and culture of all Americans is recognized, appreciated, and preserved for future generations.

In November 2013, a steering committee reported to the ACHP with recommendations. Among other actions, the steering committee recommended that the ACHP:

- *Identify various groups that represent diverse constituencies and begin a series of meetings with them, using occasions where the ACHP, its members, or staff are present in a locality or when a group is in Washington, D.C.*

The ACHP's efforts have focused on conducting such outreach, as well as participating in events, workshops, and conferences like the Congressional Black Caucus Foundation's Annual Legislative Conference; the annual conferences of the 1882 Foundation (Chinese-American) and Asian and Pacific Islander Americans in Historic Preservation (APIAHiP); a formative conference for Latinos in Heritage Conservation; and the NPS's "Multiple Voices" workshop about expanding the reach of the National Historic Landmark program. The ACHP has also hosted several local forums billed as "listening sessions" to hear directly from community, scholarly, and other interests about the preservation experiences and needs of particular ethnic or cultural groups. Two such groups are Asian Americans and Latino Americans.

Reaching Out to Asian Americans and Pacific Islanders

Led by ACHP member Terry Guen and Chairman Wayne Donaldson, listening sessions were held in 2015 in Boston, Massachusetts, and San Francisco, California. The Boston meeting involved a small panel of ACHP members and staff, while Angel Island in San Francisco involved a meeting of the full ACHP. Asian American and Pacific Island (AAPI) experts on cultural heritage and historic preservation, including activists, scholars, community leaders, and representatives of non-governmental organizations and institutions were invited to present their varied backgrounds and preservation perspectives, and then engage in discussion about the ways that historic preservation and the national historic preservation program can better address their communities' needs to preserve and enhance historic places, history, and culture of particular value and significance to them. A report summarizing these two listening sessions was shared with the members prior to the July 2015 ACHP meeting.

Several recommendations for ACHP follow up actions were adopted at the July meeting. The recommendations included the development of consultation guidance for federal agencies; a preservation toolkit; dissemination of model examples and case studies; and continued advocacy for targeted grant funding and other assistance. The ACHP recommendations also encouraged NPS to continue to look at the National Register criteria and process to make it more broadly applicable and useful, and encouraged the Department of Housing and Urban Development (HUD) to make training on community development and preservation more widely available and accessible to ethnic communities.

Work to implement these recommendations as they apply to Asian Americans and Pacific Islanders will proceed in FY 2016. It is likely that current efforts to engage the Latino and Hispanic community will result in similar recommended actions and therefore warrant a broader approach that includes steps applicable to a variety of communities.

Reaching Out to the Latino and Hispanic Community

During the March 2015 ACHP business meeting in San Francisco, the members also agreed to move forward to engage the Latino and Hispanic community in a manner similar to the ongoing AAPI initiative. Chairman Donaldson noted successful efforts to accomplish this, such as the work of the National Park System Advisory Board's American Latino Scholars Expert Panel. Members discussed the initiatives that have resulted from the American Latino Theme Study developed by the scholars and others, such as the work done by the California State Historic Preservation Officer (SHPO). The California SHPO has used the theme study to help guide a statewide multiple properties nomination, "Latinos in Twentieth Century California," for listing in the National Register of Historic Places.

Also at the March meeting, Vice Chairman Teresa Leger de Fernandez proposed hosting two listening sessions to hear directly from the Latino and Hispanic constituency. The goal would be to determine how the ACHP can work to support the Latino and Hispanic community in historic preservation. **The idea was met with approval by the members.**

In May, the **Vice Chairman and OCEO Director Susan Glimcher attended a** two-day summit convened in Tucson, Arizona, to assess the state of Latinos in Heritage Conservation in the United States. The meeting formalized a nationwide group that will support Latino preservation efforts and pursue rebranding historic preservation to be more inclusive of Latino Heritage. The participants addressed issues including the structure of the group, how to address policy and advocacy issues, what might be effective ways to raise visibility, increase networking and how to involve young people in the Latino community. The meeting was quite useful for informing the ACHP's efforts in this area.

The ACHP, in consultation and cooperation with the New Mexico SHPO and former New Mexico SHPO Katherine Slick, president of the ACHP Alumni Foundation, hosted a listening session on Latino and Hispanic heritage in Santa Fe, New Mexico, on October 14-15, 2015. The goals parallel the AAPI sessions–to hear directly from Latino representatives and civic activists about their experiences with historic and cultural preservation in their communities, to discuss how places of importance to Latino communities could and should be preserved, and to explore how historic preservation in general could better serve the needs of Latino communities. Individuals representing interests in historic preservation, architectural restoration, community planning, economic development, rural development, history, art, and social studies were involved. ACHP members included Chairman Donaldson, Vice Chairman Leger de Fernandez, Robert Stanton, Deputy Undersecretary of Agriculture Butch Blazer, Associated NPS Director Stephanie Toothman, and Ms. Slick, in addition to John Fowler, Ms. Glimcher, and Ron Anzalone of the ACHP staff. The visit included a tour of Chimayo and other northern New Mexico Hispanic villages.

The ACHP plans on following up with a second Latino session at a 2016 business meeting. The approach would be similar to the Angel Island forum that took place in March and would be held in an urban venue.

Action Needed. The panel members will report on the Santa Fe listening session and members will have the opportunity to discuss further steps in reaching out to diverse communities. No formal action is needed.

October 21, 2015

Preserving America's Heritage

PRESERVATION50—PROGRAM UPDATE
Office of Preservation Initiatives

Background. October 15, 2016, will mark the 50th anniversary of President Lyndon Johnson's signing of the National Historic Preservation Act (NHPA). The preservation community has been working to prepare for the anniversary of this seminal legislation, and using it to highlight preservation's achievements as well as the current and future challenges facing preservation and strategies for addressing them. It is likely that the national historic preservation program will receive special scrutiny during the anniversary year as well as part of any action to reauthorize the Historic Preservation Fund (authorization expired on September 30, 2015).

Under a coalition of preservation organizations and other interested partners and supporters, "Preservation50" is moving ahead. With the tagline "Our Legacy, Our Future," its mission is "the four-year effort to celebrate, learn from, and leverage the NHPA's first five decades to assure historic preservation's vibrant future in America." The four-year timetable includes planning in 2014 and 2015, execution throughout 2016, and momentum-sustaining work in 2017. Specifically, the effort is being organized to address the following goals:

- Build a strong coalition of partners to power a more effective national preservation movement.
- Learn from the first 50 years of NHPA to plan its future.
- Tell the story to a broad range of Americans of the great value of preserving historic places.
- Educate for sound policies and enhanced funding support for heritage preservation.
- Engage and develop the preservation movement's future leaders.

Current Status of P50 activities. In 2014 and the first half of 2015, the Preservation50 management team and partners, including members of the ACHP staff and several ACHP member agencies and organizations, put into place the essential building blocks of a national effort. This work has included strategic planning; creation of a Web site, www.preservation50.org; use of an online survey to refine goals and identify priority content; creation and management of steering, advisory, and working groups; creation of communications tools including logos and social media platforms; coalition building through invited participation in a Memorandum of Understanding, targeted meetings and other outreach, and appearances at conferences; and fundraising and establishment of a fiscal management mechanism through the National Conference of State Historic Preservation Officers (NCSHPO).

Great strides have been made in populating the Web site and starting an active promotional campaign through social media, including Facebook, Twitter, and Instagram. Partners, including a number of federal agencies, are coming onboard. Through a partnership with a group known as Next Exit History, a heritage tourism app leading members of the public to U.S. World Heritage, National Historic Landmark, National Register, and other historic sites and places is under development and being implemented. Planning is also underway to "tell the story of impact" through "Preservation50: The Movie," in possible

partnership with historic theatres around the country, as well as video and photo contests. A national effort by the archaeological community to share state-by-state stories of what archaeology has learned from cultural resource management activities will result in posting of these videos on the Preservation50 Web site. A section of the Web site is being developed for young people, with K through 12 educational materials and coloring sheets. Meanwhile, other working groups are looking at convening thought leader roundtables, with the following topics currently under consideration:

- The NHPA: What Works and What Needs Fixing (also see ACHP plans below)
- Creative Place-making: Preservation as a Tool for Economic Revitalization
- Rise Up: Developing the Movement's Next Generation of Leaders
- Influence: Growing the Persuasiveness of the Preservation Coalition
- High Tech History: Harnessing Experiential Technology in Preservation
- Saving Synergies: Aligning Historic Preservation and Environmental Conservation
- Philanthropy: The Past, Present, and Future of Charitable Support for Preservation

The National Trust is dedicating a track of the November 2015 National Preservation Conference, "Past Forward 2015," in Washington, D.C. to a dialogue about the future of preservation and as a kickoff for the anniversary year. That ongoing discussion also includes encouragement to federal agencies through several sessions focused on federal influence on preservation and the future of federal preservation. The Society for Historical Archaeology, which will have its annual conference in Washington, D.C. in January 2016, is planning a January reception on Capitol Hill that will go beyond archaeological interests and serve as a start to the calendar 2016 anniversary year for the preservation community.

ACHP Role. This brings up a more specific consideration of the ACHP's role in advancing the goals of Preservation50 and taking advantage of the 50th anniversary to look back as well as forward into the future. General involvement in activities by ACHP staff, and occasionally members, includes the following:

- **Planning and Oversight**
  The ACHP leadership and the staff will continue to be involved in the overall planning and management of the anniversary work, including serving on the principal steering committee as well as being involved in content and more specific project development.

- **Public Information and Promotion of the Anniversary**
  ACHP staff will continue to promote the anniversary through the ACHP Web site and social media, and at conferences and meetings. In addition to the Section 106 Success Stories (see below), other aspects of the ACHP's work from youth involvement to the Preserve America program and efforts to build a more inclusive preservation program offer many excellent examples and case studies of preservation achievement. The ACHP will feature examples of these in online materials and other media. ACHP staff will work with National Park Service staff on an online media campaign during the course of 2016 titled "50 For 50," showcasing preservation work at the local, state, tribal, and national level in all 50 states.

- **Federal Coordination on the Anniversary**
  The ACHP had meetings for federal agency representatives in 2014 to share progress and brainstorm on how to get the agencies engaged in the anniversary. During 2015, ACHP staff have helped seek commitments from agencies to join the Preservation50 coalition, help support the overall initiative, and develop their own agency-specific events and projects highlighting their preservation work. That outreach will continue.

A more specific role for the ACHP on Preservation 50 has been discussed several times, most recently at the ACHP meeting in July 2015. There are four activities that seem relevant and timely for the ACHP to focus on. Two of these are underway. Planning for the third and fourth have begun and will be developed further in the near future.

- **Section 106 Success Stories**
  As begun in 2012 the ACHP and the ACHP Alumni Foundation have already been cooperating on an anniversary project to draft and disseminate Section 106 Success Stories. To date, 44 of these case studies have been completed, with others actively under development. The ACHP and the Foundation continue to solicit, encourage, and develop additional success stories to meet its ultimate goal of 106 such examples.

- **Public Policy and a "Future of Preservation" Action Agenda**
  A review of preservation policy and practice, including development of an action agenda for the future, was kicked off at the July 2015 ACHP meeting. ACHP members were asked to prepare and submit written statements incorporating some of their views on preservation's challenges and, as they felt so moved, possible solutions or strategies for responding to those challenges. A revised schedule as well as an analysis and summary of initial ACHP member statements is included in a separate paper in Tab 1, along with a compilation of all the individual statements received by October 19.

- **ACHP Retrospective**
  A planned counterpart to the Section 106 Success Stories is a review and multi-media compilation of ACHP contributions to preservation policy and practice over the last 50 years. This will include many of the policies and program approaches that emerged from Section 106 cases over the years, as well as special studies, reports for Congress, and the development of the Section 106 regulatory process. A project plan is under active development.

- **The Preservation Message**
  In cooperation with other partners, it is critical to develop aspects of the preservation message and a strategy for getting that message out. A project plan is under active development.

Action Needed. Ongoing activities to advance and promote Preservation50 will be discussed in the Preservation Initiatives Committee. No specific action is needed from the members at the current time, but comments and suggestions are invited on overall direction as well as specific ongoing actions. Organizations and agencies participating in Preservation50 may wish to indicate the extent of their own planned activities.

October 21, 2015

Preserving America's Heritage

PRESERVATION50 AND THE ACHP PUBLIC POLICY INITIATIVE
Office of Preservation Initiatives

Background. As discussed at the July 2015 ACHP meeting, the membership has begun considering ways to improve the National Historic Preservation Program and the tools currently used under the National Historic Preservation Act (NHPA) and related authorities as part of the commemoration of the 50th anniversary of the NHPA in 2016. A review of preservation policy and program practice, leading to development of an action agenda for the future, was begun at the July ACHP meeting with a presentation by Vince Michael. He offered a critical review of several current preservation program tools in relation to the preservation of culturally diverse resources, with particular attention to the National Register of Historic Places, the Secretary's Standards for Rehabilitation, and the Federal Rehabilitation Tax Incentives. Dr. Michael argued that many of the tools originally developed to implement NHPA were based on preservation of the built environment and architecture, and should be rethought to more effectively address a broader range of resources important to people now and in the future.

After the presentation and discussion, a conceptual plan and draft schedule for this effort was shared and was met with general approval. Since the July meeting, there have been a few refinements to the plan and schedule for this project:

- **July 2015:** Kickoff forum for the ACHP public policy initiative and the future of historic preservation at the summer 2015 ACHP meeting.
- **October 2015:** Receive and compile essays and ideas from ACHP members on the future of historic preservation, including major challenges, opportunities, and possible needed changes to preservation policy and current national preservation program practices.
- **November 2015:** At the fall 2015 ACHP meeting, have a discussion among the ACHP members about their ideas for addressing the future of historic preservation, with an eye to (ultimately) turning it into a U.S. preservation policy agenda.
- **December 2015:** Refine list of identified preservation policy priorities for ACHP member review and feedback.
- **January 2016:** Invite public input on preservation policy priorities through a Web-based survey.
- **February 2016:** Host a preservation policy roundtable with a panel of stakeholders to critique, flesh out, and respond to identified priority components of a U.S. preservation policy agenda that might be communicated to the nation's policy leaders, including the next Presidential administration and the 115th Congress in 2017.
- **March 2016:** Provide an update and obtain feedback at the spring 2016 ACHP meeting, and attend, participate in, and report to the Goucher National Forum on Historic Preservation Practice, "A Critical Examination of the Next 50 Years," March 19-20, 2016, in Baltimore.
- **April 2016:** Provide an update at the California Preservation Foundation annual conference, April 19-20, 2016, in San Francisco. Consider results from the roundtable and feedback from the Goucher Forum and the California Preservation Foundation, and prepare a draft report with recommendations on the proposed preservation policy agenda.

- **June-July 2016:** Obtain comments on the preservation policy agenda report from a wide range of partners as well as strategic advisors, and present a preliminary report to the ACHP at its summer 2016 meeting.
- **October 2016-November 2016:** Do a public release/rollout of the preservation policy agenda in conjunction with 50th anniversary events and the November 2016 ACHP meeting in the fall of 2016.

Member statements on the future of the National Historic Preservation Program. As a follow up to the meeting, each ACHP member was asked to contribute initial thoughts to launch the process for the development of ACHP policy recommendations. The specific charge given the members was:

- What do you see as major challenges facing historic preservation and the national historic preservation program today and into the foreseeable future? Are there unmet opportunities and needed changes to federal preservation policies and their implementation that would help address these challenges?

In preparing statements, it was suggested that members offer their perspectives on such issues as:

- How preservation fares as a national priority, including the current level of preservation interest and activity across the country;
- Impediments to more widespread and effective support for preservation; and
- Strategies for advancing preservation in the U.S. through governmental or public-private action, with a particular focus on those elements of the program conducted under the auspices of the NHPA.

As of October 20, 2015, responses had been received from 20 members and two representatives of observer organizations. These statements have been compiled and are attached to this paper. The statements will be the basis for an in-depth member discussion at the November business meeting on future policy and program improvements.

Summary of Member Views Received to Date. While the statements differ substantially in scope, length, and emphasis, there are some recurrent themes that predominantly fall into four general categories:

1. Calls to seek more collaborative partners and supporters, and to broaden the base of support for preservation, through education, enhanced communication, targeted outreach, and other means.
2. Calls for action to enhance engagement with diverse communities, better recognize and preserve the diverse heritage of the nation, “tell all the stories,” and improve existing tools and processes to address such needs.
3. Strategies for reimagining successful outcomes in preservation work through more emphasis on collaboration and “win-win” solutions as well as the expanded use of constructs like heritage conservation (rather than historic preservation), cultural landscape, traditional cultural property, and intangible heritage.
4. Suggested emphasis on improving specific aspects of the national preservation program to address:
    - Funding and tax incentives
    - Project review (Section 106)
    - Technology and digitization
    - Education and training
    - Climate change and sustainability
    - Balancing agency missions, preservation, and federal stewardship

Many of the statements were framed as a series of recognized imperatives or "needs" so that historic preservation would remain relevant, appreciated, and publicly supported. Some of the key points emphasized in the statements included the following:

- The need to not only articulate but clearly demonstrate the value and benefits of preservation to a variety of publics, including the preservation-minded public, the general public, elected officials, and government decision makers.

- The need to broaden support for preservation through a variety of means, including education and "de-mystifying" of the process, as well as linking preservation outcomes more clearly to cultural identity, quality of life, economics, sustainability, and personal well-being.

- The need to more clearly define what is important or significant. As more than one individual said, "If everything is significant, then nothing is significant."

- The need to determine better ways to accommodate aspects of heritage beyond the built environment and specific places, including addressing intangible heritage and cultural traditions.

- The need to enhance and/or modify financial incentive programs so they respond more fully to community priorities rather than just narrow investor goals.

- The need to enhance and improve the practice and outcomes of Section 106, including how stakeholders and the public are involved and their interests and concerns dealt with.

- The need for all parties engaged in historic preservation consultation with federal agencies to be more cognizant of agency missions, legal constraints, and funding options.

- The need for all parties engaged in historic preservation consultation with Indian tribes to be more aware of tribal culture, identity, values, and community needs.

The National Trust took the opportunity to briefly summarize the results of several meetings it has convened over the past year with both traditional and non-traditional partners to discuss the future of the preservation movement. The Trust outlined several trends or themes that emerged from these discussions:

- ***"Democratization."*** People rather than experts should have a greater role in determining value and preservation priorities.
- ***"Inclusiveness."*** As noted above, the growing need to embrace other cultures, stories, resources, and people.
- ***"Complexity."*** The legal framework, rules, and standards can limit or deter potential involvement and support and need to be more flexible.
- ***"Livability."*** Emphasize historic and cultural resources as a living part of our community life, as outlined in NHPA.
- ***"Obstacles."*** Seek to help people use preservation as a constructive tool, rather than to think of preservation as "a movement of no."
- ***"Sustainability."*** Do more to identify and quantify the environmental benefits of preservation.
- ***"Partnerships."*** Seek more creative public-private partnerships for carrying out preservation.

A number of members suggested specific actions that the ACHP might take to enhance its efforts. They include the following:

- Adjusting the ACHP's mission focus and responsibilities;
- Rethinking the Section 106 process with more focus on outcomes and less on process;
- Convening preservation partners to reconsider definitions such as "significance," "historic properties," and "historic preservation;"
- Encouraging more active engagement in public outreach and education;
- Advocating more actively for funding and other preservation support;
- Enhancing the ACHP's legislative affairs capabilities; and
- Providing more targeted training and guidance.

These are important points but largely address operational or structural details. The staff recommends that most of these ideas be set aside for the purpose of the current discussion, and taken up again at some point in the future.

Finally, several members offered what might be characterized as "vision statements" for preservation that are worth repeating here. Such statements may provide inspiration for framing a future preservation message or agenda:

> *"Preservation demonstrates the values of diversity and community that honor and link us with the courage, contributions, struggles, and heritage of our predecessors. Furthermore, it represents our individual and collective legacy to our successors, including this and future generations. Historic preservation builds and solidifies us as one people, one community, one nation." —Robert Stanton*
>
> *"Involving all cultures in the historic preservation process not only gives due respect for the places of significance, but it furthers understanding, tolerance, and appreciation for the complex societies in which we live."—Wayne Donaldson*
>
> *"Historic preservation is about preserving not just things, but the meaning of things."—Dorothy Lippert*
>
> *"The relevance of preservation is not just about money. It is about giving significance to the entirety of the American story—the good, the bad, and the ugly." –Brad White*
>
> "*Historic places have enormous power to contribute to our identity, creativity, dignity, and economic and social well-being."—National Trust for Historic Preservation*
>
> *"Our goal for the future should be to create a country in which the places that constitute a tangible record of our history are valued and cherished, and where preservation of these places is perceived as a positive public good and an expected part of civic and private life."—Lynne Sebastian*

Next Steps. The members will have the opportunity to refine these initial ideas into the framework of a policy agenda for the ACHP to pursue over the next year. Following the discussion at the meeting, ACHP staff will prepare a list of priority issues for further consideration by the members. The staff will also develop a plan for seeking public input on identified priority issues, and begin to develop a plan for holding a roundtable on one or more of these issues early in the 2016 calendar year.

Action Needed. Members are asked to consider the range of issues identified by their colleagues, and provide direction on priority issues for more detailed development and discussion. Members may also

wish to reconsider their comments and to "revise and extend" their remarks in the wake of the November ACHP meeting.

***Attachment**:* Future of Preservation and the National Historic Preservation Program, ACHP Member Views, October 2015

October 21, 2015

FUTURE OF PRESERVATION AND THE NATIONAL HISTORIC PRESERVATION PROGRAM

ACHP MEMBER VIEWS
October 2015

Milford Wayne Donaldson FAIA, LEED AP, Chairman

NHPA 2016
Challenges and Opportunities
September 15, 2015

The following is a summary of concepts written quite a few years ago and updated for the 2016 commemoration of the National Historic Preservation Act (NHPA). Over the course of the year, the Advisory Council on Historic Preservation (ACHP) membership will be considering ways to improve the national historic preservation program as part of the 50th anniversary of the NHPA.

My immediate focus in this paper will be California, as I know best after 42 years in the preservation movement and as a preservation architect celebrating 37 years with my firm, Architect Milford Wayne Donaldson FAIA. I have also had the pleasure to serve two governors as the State Historic Preservation Officer and since 2010, serve as Chairman, Advisory Council on Historic Preservation.

California, with a population of 38 million plus, has the most diversity of cultures in the nation. It has a greater percentage of Asian, Pacific Islanders, and Latino residents than any other state and the second-highest number of African Americans and American Indians of any state, census figures show. We have 109 federally recognized tribes accounting for almost 20% nationwide and between 40 to 60 non-federally recognized tribes. We have the largest urban centered California Indians that moved here during the Great Depression. Gay and lesbian families are part of the American landscape, and California has the highest number of gay couples. The scholarship of reaching out to all cultures has greatly increased in the last 20 years, but places of their stories are poorly recognized in the mainstream preservation movement.

American identity in the early 21st century is more diverse and multicultural than it was at the adoption of the National Historic Preservation Act in 1966. For the National Register of Historic Places and the California Register of Historic Resources to remain “people’s registers,” it needs to continue to evolve with the all communities.

There is an acute need to blend the labor-intensive scholarship of improved, contextualized nominations with a system that can respond positively when the people decide something is important. The official systems for determining what is important are still flexible and viable. Future efforts to determine what is important need to address the disconnect between theory and practice in some aspects of the preservation system, the role of the preservation profession in making these determinations, and the economic factors influencing the evaluation of culturally significant resources. Involving all cultures in the historic preservation process not only gives due respect for the places of significance, but it furthers understanding, tolerance, and appreciation for the complex societies in which we live.

Although sources may differ, we define “culture” as the practices, expressions, knowledge, skills, and life ways represented in places that communities of people recognize as part of their heritage, transmitted from generation to generation to provide a sense of identity and continuity. Our definition recognizes

culture in the tangible heritage of monuments, sites, and other structures of the built environment, as well as the intangible heritage of oral traditions, performing arts, and storytelling, social and ritual practices. Preserve America (PA) communities in California such as Chinatown, Historic Filipinotown, Koreatown, Little Tokyo, and Thai Town in Los Angeles; Little Italy in San Diego; Japantown in San Francisco; and the Danish community of Solvang are but a few. Fresno, another PA community, is the third most diverse ethnic city in the U.S., with more than 100 languages spoken in the area's public schools.

The 2006 Preserve America "Determining What's Important" and "Involving All Cultures" committees identified five recommendation areas which I was involved in and have "reorganized, redirected and renamed" for this paper—*representation, criteria and integrity, intangible heritage, economics, and engaging professional experts and community.* Representation addresses the importance of acknowledging diverse resources representing the full complexity of America in the 21st century, and therefore expanding the means by which this heritage is recognized and protected. The National Register and California Register designation criteria and process are seen as daunting and inadequate to recognize the full range of resources. There is a need to rethink the seven aspects of integrity to reemphasize association, setting, and feeling; as well as the guidelines focusing on resources more than 50 years old and resources associated with living persons.

Diverse cultures must be empowered to use the process thus allowing recognition of their cultural resources. This will be achieved by including people of diverse cultures and backgrounds on boards and panels as agents in the process and by educating and training cultural groups on the preservation process, benefits, and means to attain protection and recognition of properties they deem significant.

Intangible heritage should be recognized through awareness of other entities involved in recording non-material cultural heritage such as rituals, dances, and skills. Preservation should include place-based recognition of intangible heritage and expanded use of the traditional cultural property and traditional cultural landscapes categories. Economics can have a pervasive influence on determining what is important even though not officially part of this process. Because of the link between official listings and heritage tourism, it is important to acknowledge both the positive and negative effects that economic development through heritage tourism can have on cultural resources. Communication among professional experts and community requires that experts go beyond their usual circles and use more accessible language to engage other potential, but perhaps non-related to the preservation movement, partners on the processes and effects of preservation.

Discussions over the years have covered many areas of concern related to including the role of professional experts, theory vs. practice, the recent past, the development of tribal registers, archaeology, the role of designations in everyday life, and traditional cultural properties.

For many reasons, despite this diversity of the backgrounds of individuals, there is universal agreement that the official recognition programs need to become more representative of the American people as they are in the 21st century and need to change in order to incorporate more types of historic places with greater ease and fewer barriers.

The role of determining what is important is incorporated into the preamble to the National Historic Preservation Act:
…the increased knowledge of our historic resources, the establishment of better means of identifying and administering them, and the encouragement of their preservation will improve the planning and execution of federal and federally assisted projects and will assist economic growth and development…

In the decades that followed 1966, as government-sponsored surveys were undertaken, many new property types were incorporated. They included vernacular architecture, engineering structures, cultural

landscapes, historic properties associated with cultural and ethnic groups, historical archeological properties, commercial archaeology, and many more. However, the focus was primarily on built environments and representative of the elite few.

Historic properties include a number of tangible components that help determine what is important. However, it is time to ask the larger questions of what is of value, what is important, what is significant, and what constitutes physical integrity for historic properties. With 49 years since the passage of the 1966 National Historic Preservation Act and 80 years since the 1935 Historic Sites Act, the preservation field has accumulated a great deal of experience looking at historic properties and knowing what has worked well. However, because of both the National Register and the National Historic Landmarks programs' strict nomination procedures, only a small portion of relevant sites can be listed, even though these are places that matter to the people who live in these communities.

Idea 1: Representation
It is long overdue that we, as a nation, acknowledge the importance of diverse resources representing the full complexity of America in the 21st century; therefore we need to expand the means by which this heritage is recognized and protected.

A number of structural and social barriers continue to be identified to having a fully representative listing through these official recognition methods. These include the complex research requirements for a National Register nomination; the lengthy guidelines and bulletins necessary to interpret the otherwise broad and flexible National Register criteria; a pattern of disengagement between public preservation officials and minority communities professionals so that these experts reflect the demographic of the American public.

One solution is adjusting the listing criteria to better address the dynamic nature of historic resources and to take into account contextual difficulties in documenting vernacular and ethnic properties. Contextual statements and bibliographies should be made more accessible to the public in order to allow a wider variety of people to draw on these resources. More encouragement for documentation of cultural landscapes and traditional cultural properties would also improve the diversity of representation in National Register listings. Another consideration is to eliminate the limited and inward focus of the National Register altogether and let the communities decide their important places and how they should be regulated.

More importantly, people involved on making decisions about their history, their places, and the future of their heritage should prepare criteria, be seated on review boards or commissions, and fully integrated in the approval and submission process. Tribes do not need to be told about their heritage through ethnographic studies by meaningful but removed archaeologists and/or historians based upon their "science."

Idea 2: Intangible Heritage
We should recognize that there are other entities involved in the recording of non-material cultural heritage. We should be aware of these efforts and how we can utilize preservation to interpret this heritage in specific places. Places where cultural traditions take place could be recognized through expanded use of traditional cultural property listing.

The definition of cultural resources should include the non-material as well as the physical environment. This "national treasure" concept recognizes that there are things within culture– storytelling, rituals, dances, skills, etc. – that should be preserved beyond buildings. Other organizations, such as the National Endowment of the Arts, the Library of Congress, and the Smithsonian Institution Folklife Festival, all potential partners, are actively involved in documenting intangible cultural heritage. Preservation

organizations need to be more aware of these efforts and the importance of a complete cultural perspective when determining what is important about historic resources.

Another technique for telling broader stories about cultural values and intangible heritage is to link these concepts to a representative place, such as San Diego's Chicano Park Murals, listed on the National Register stemming from a Section 106 case, determination of eligibility. It is important to consider a broad understanding of space and geography when connecting place with a historic concept or theme.

Places where cultural traditions take place could be recognized through the expanded use of the National Park Service's Bulletin 38, Traditional Cultural Property listing. However, the rewrite, several years in its deliverance, has become another bureaucratic process. It was interesting to note that most of the public's comments did not relate to the language of Bulletin 38, but more on how it is used, particularly in the context of project review under Section 106 of the NHPA.

Idea 3: Criteria and Integrity
The National Register of Historic Places designation criteria and process are seen as daunting and inadequate to recognize the full range of resources. There is a need to rethink the seven aspects of integrity to address the dynamic evolution of many properties, as well as the guidelines specifying resources be more than 50 years old or not be associated with living architects, designers, or other persons.

A greater recognition of change over time needs to be utilized when applying the criteria and defining the period of significance. Significance statements should reflect layers of history and incorporate change over time into the story of a historic resource, rather than viewing these changes as generally negative. For some cultural groups the effect of change is not as important as memorializing the process of change.

Just preparing the necessary documentation can be a challenge for groups with limited resources. These registers could also be used to better inform the State Historic Preservation Officer about tribal interests and priorities. For example, the Yurok tribe maintains the National Register within its tribal lands as well as a separate register of sacred sites.

Bringing a more dynamic understanding of change over time into the National Register criteria is closely linked to the analysis of the seven aspects of integrity—location, design, setting, materials, workmanship, feeling, and association. While basic standards are necessary, a strict interpretation of architectural integrity can exclude properties that still possess considerable historical significance. Design and workmanship tend to be weighted most heavily when evaluating integrity. Instead, association, setting, and feeling—aspects that cannot be nominated alone to the National Register—should be more strongly considered when evaluating integrity to incorporate a larger variety of resources. Even the concept of integrity should be challenged as to why something needs to be "complete or undivided." More relevant definitions such as authenticity, credible, reliable or meaningful when describing an important place to a community should be used.

There is also a need for more flexibility in the 50-year rule and association with living person's guideline, which as applied amount to obstacles. While National Register criteria consideration G allows for listing properties less than 50 years of age of exceptional importance, many properties significant to underserved communities are lost before they reach that age. Also, longer life spans have made the restriction on listing properties associated with living architects and designers problematic in many cases. Creative persons do not "retire" from their profession, bureaucrats retire. The California Register does not impose these policies and in fact, encourages submission of properties with living persons and less than 50 years in age.

Idea 4: Engaging Professional Experts and Community
Professional experts need to go beyond their usual circles and use more accessible language to engage the general public on the processes and effects of preservation.

Communication among preservation stakeholders—including experts and laymen—encounters a number of barriers at the local, state, and national levels. These barriers include language, knowledge of the process, and expert use of jargon. State review boards such as the California Historical Resources Commission often demand more technical nominations. The cost of having a nomination professionally prepared adds another barrier to the process.

There are a number of potential solutions, starting with being self-aware regarding the inherent elitism in current preservation practice. Public consultation early in the process would encourage more complete engagement with preservation projects. Contextual statements and other professional research should be made more readily available to members of the public preparing nominations.

A diverse approach to heritage education in elementary, middle, and high schools enhances a preservation sensibility and awareness of place. The concept of cultural landscapes is again useful here to encourage a more holistic and up-to-date approach to preservation throughout society. We need to not only reach out but also quit using language such as diverse cultures, ethnic minorities, and the sort as implying they are out of the mainstream of society.

Idea 5: Economics and Law Making
We recognize the pervasive influence of economics on determining what is important, even if not officially part of the process. Because of the link between official listings and heritage tourism, it is important to acknowledge both the positive and negative effects that economic development through heritage tourism can have on cultural resources.

Many of the motivations for the listing process relate to economics. Economic forces such as the preservation tax credits strongly influence which properties are considered for listing. In California, more than 40 percent of National Register listings are driven by economic considerations, typically in connection with tax incentive projects. Twenty-eight states and some cities tie statewide and local tax credit programs to listing, such as California's Mills Act. These jurisdictions generally have the strongest preservation programs.

Often economic values and passages in preservation laws, or the perceptions surrounding these values, trump cultural values when they come into conflict. Sometimes concerns arise that listing places of significance might adversely impact traditional or historic uses. This concern tends to center around economic values, land access issues, and which historic or traditional use is most important. Differing views of place: land held in common having ancestral identity to all cultures versus privately or publically owned land seen as a commodity. Or the real problem, laws rely on the scientific point-of-view for findings rather than the cultural point-of-view. If a culture says this place is important to them, through feeling, association and setting is it appropriate for us to ask them to scientifically prove it through the use of words such as unique, significant, integrity, contribution, importance, consequential, or my favorite "substantial evidence." If these cultural practices or beliefs were important in maintaining the continuing cultural identity of the community, wouldn't they know best?

A values-centered preservation model indicates that a variety of factors influence every preservation decision, making a multi-disciplinary and holistic understanding of our cultural motivations essential to the successful growth of preservation. In fact, I always cautioned the California State Historical Resources Commission to not take into account economic or political issues and concerns during deliberations on National Register applications. Perhaps that was a mistake, even though the statures

mandated the advice. It is also important to recognize that listing, particularly those leading to heritage tourism, can have positive or negative impacts depending on the community. Once properties are listed, there can still be minimal protection against economic pressures.

Summary

We need to re-think the burdensome approach to National Environmental Policy Act (NEPA) review along with compliance to Section 106 NHPA. Over the years this has become an incredibly complex process, while in the end does not guarantee the preservation of anything. Perhaps combining these two federal processes, simplifying and using the concept to improve the quality of the human environment, integrated with our "natural" places, is enough. Combined with a myriad of federal agency directives, Presidential Executive Orders, state regulations such as the California Environmental Quality Act, along with SB 18 and AB 52 dealing with tribal interests, local ordinances, and a gaggle of other regulations people with little funds or limited knowledge have an impossible time protecting or even enjoying their places that matter.

During the past 49 years, the historic preservation field has made major strides in broadening the definition of what is important and significant and worthy of preservation at the local, state, and national levels, and to a large degree, has fulfilled a major objective of the National Historic Preservation Act. However, the character and the attitude of the nation have changed dramatically since the mid-1960s. "Cultural resources" include historic and cultural places that communities value for their association with traditional beliefs, practices, and values. That culture can place great value on a dance form, a musical tradition, and an indigenous language. That "intangible" belief systems and traditional ways of life are inherently cultural. And most importantly, that all these types of "resources" may be affected by governmental and government-regulated projects, and hence ought to be considered as we move forward for the next 50 years.

Teresa Isabel Leger de Fernandez, Vice Chairman

Lin-Manuel Miranda wrote the following words for the final rap song in *Hamilton*, the Broadway musical about a poor, orphan immigrant to America:

"Who lives? Who dies? Who tells your story?"

This is what the ACHP is challenged to do – to preserve the places where the stories will be kept and told for generations to come. It must use what might be seen as its weaknesses, as its strengths. Small, but flexible with all of the staff aware of what is going on in the other divisions – silos easily breached; maybe not a lot of power of funding or enforcement capabilities, but the ability to convene agencies around the table with funds and resources. *Hamilton* uses Latino and Black actors to portray characters from early American history. This is also a good metaphor, where all Americans become invested and able to tell the stories of each other. Latino history in the U.S. should be understood, not just by that community, but by their Anglo-American neighbors, and at a national level. Telling all the stories should help bridge the gap of understanding the "other" or the immigrant as yet another building block of who we are. But preserving our cultural and historical stories in their place must also bring benefits to those communities.

Bradford J. White, General Public Member

Future of Preservation

Preservation faces many challenges, including relevance and changing demographics. As a movement, we have done a poor job in communicating the importance of recognizing and preserving our cultural heritage beyond quantifying the economic benefits of doing so. The relevance of preservation is not just about money. It is about giving significance to the entirety of the American story – the good, the bad, and the ugly.

Trying to save cultural history with a toolbox defined by buildings is a very difficult task. There is a rich and diverse cultural legacy that is not contained in and cannot be told solely through architecture. The criteria for listing in the National Register do not account for a cultural legacy. There is very little in the Secretary of Interior's Standards for Rehabilitation that gives any sort of consistent guidance as to how to deal with culturally significant sites. Instead, architectural form is the default. The concept of "period of significance," while trying to define a period of time that is important in a building's history and to give some basis for decisions about rehabilitation and/or restoration, ignores subsequent events (and in some cases, events that took place prior to the period of significance) and cultural changes in a community thus diminishing and devaluing the contributions of residents who follow that "significant" period. (Please note that much of this discussion is drawn from *It Takes a Village: The Story of Ohkay Owingeh*, by Reed Keraim and published in *Preservation*, and *Literature and Landmarks*, by Vincent Michael, published on his blog *Time Tells*.)

The 50th Anniversary of the passage of the National Historic Preservation Act in 2016 gives the preservation movement the opportunity to reflect on our accomplishments and, more important, propose significant improvements to ensure the full cultural legacy of America is recognized and celebrated. These changes will help us build a more inclusive preservation program that more closely reflects the full history of our country and recognizes the contributions and accomplishments of groups that, to date, are underrepresented in the National Register. It will allow for broader use of the Historic Tax Credits and will provide a voice to those who have been silenced in the Section 106 process.

It is critical that we examine ways to:

- Make the National Register more reflective of the American experience, including underrepresented groups, and not simply our architectural heritage.
- Make the Historic Tax Credit program more responsive to the needs of users, community development organizations, and others and not simply a way to preserve our architectural heritage.
- Create a Section 106 process that is transparent and inclusive, and makes cultural heritage and public engagement a priority.
- Recognize the cultural contributions of Americans that are not necessarily reflected in architecture but are reflected in place.

Robert G. Stanton, Expert Member

Introduction:

Mr. Frederick Douglass would remind us as he did over 145 years ago that " we differ as the waves but are one as the sea." Thus it is my strongly held belief that historic preservation is more than the protection of buildings, artifacts, structures and landscapes. Preservation demonstrates the values of diversity and

community that honors and links us with the courage, contributions, struggles and heritage of our predecessors and furthermore represents our individual and collective legacy to our successors including this and future generations. Historic preservation builds and solidifies us as one people, one community, one nation.

One of our nation's greatest accomplishments, it seems to me, is that we have come to recognize that our legacy is about learning and teaching, helping our youth find a better place because we have been here, we have made our contributions in building a better community, a better nation. In this regard, education is a prime mission of historic preservation in the new century and in a nation of over 310 million diverse citizens. Only through education can we establish a broad-based understanding and appreciation of our collective heritage resulting in a successful and sustainable historic preservation movement. (Recent studies unfortunately suggest America is losing sense of its own history.)

Suggested ACHP actions geared toward sustaining a comprehensive and vibrant historic preservation movement:

1. Work with the U. S. Department of Education, Organization of American Historians, and many other support organizations as appropriate in supporting the teaching of American History in our educational institutions, including K- 12, college and universities. (How might one have an appreciation for and support historic preservation if they do not know their history?)

2. Encourage all Federal, Tribal, State and local agencies consistent with their mission to incorporate a message in their home web site regarding the value of, and their role in, historic preservation.

3. Convene an inter-organizational, interdisciplinary and multi-cultural study group to consider broadening the definition of historic preservation in context of ACHP's legislative mandate. Should all aspects of our heritage, including arts, crafts, customs, ceremonial traditions, music, dance, language and other non-tangible values be included?)

4. Develop a "Lesson Plan" for each Section 106 case that comes before the ACHP which could be used for teaching/ learning about historic preservation challenges and strategies to overcome conflict. Select cases might be used as "Case Studies" for purpose of instruction in classrooms at the high school, college and university levels. (This idea originated with Bruce [Milhans of the ACHP staff] in a discussion of possible CEO Committee initiatives.)

5. Develop for the consideration of the Administration and Congress a strong Resolution calling for sustained diversity in employment and public programs on the part of all Federal agencies and other organizations receiving Federal assistance that have responsibility for researching, surveying, documenting, preserving and managing the nation's rich and diverse historic resources.

6. Review the letter and spirit of the authorizing legislation for the Youth Conservation Corps and the Public Lands Corps in order to determine if additional emphasis is warranted with respect to providing hands-on experience for our youth in preserving the nation's rich and diverse historic resources.

7. Develop for the consideration of the Administration and Congress a comprehensive recommendation with strong support from a broad range of Federal, Tribal, State and local agencies calling for full funding of the Historic Preservation Fund which would be $150 million dollars annually. (Recommendation should stress that historic preservation of our collective heritage is our "civic glue" and has tremendous benefit to improving intergroup relations and healing. This is sorely needed since it appears all too forcefully and sadly that we as a people, as a community and as a nation are suffering with a tragic "illness" of racial/ethnic divide.

Additional thought:

Should the ACHP in some considered manner reposition its organization, programs and priorities in order to assure that its mission is relevant to and supported by the American people in the era of major demographic changes, STEM initiatives, and use of social media, climate change, and an expanding global economy?

Dorothy Lippert, Ph.D., Smithsonian Institution, Expert Member

One of the challenges facing historic preservation is the disconnection between public interest and public knowledge about the process. I perceive that people who might staunchly advocate for preservation of a historic home or battlefield would have no interest in, or would actively argue against preservation of a traditional cultural property. In part, this stems from a lack of understanding about American Indian tribes and the historical experience of appropriation and commodification of tribal identity and knowledge. When Native people can still be reduced to mascots alongside animals, occupations, and extinct peoples, it is impossible to fully negate the misperception that tribal culture, of which landscapes and sites are a basic part, is something that can be owned, commodified, or disposed of without consultation, regardless of the applicable laws. In addition, much of the public may lack the will to accurately understand tribal issues and this problem is exacerbated by tribal need to protect traditional knowledge, a form of historic preservation in and of itself. If a general perspective exists that tribal identity and knowledge is something that can be owned and wielded by non-Natives, then it is only a short step to assuming that any part of tribal culture can be appropriated and recapitulated. This problem is apparent when non-Natives play a role as cultural authorities, taking on a role that is better left to tribal experts.

There is a need to demonstrate how sites can be embedded in a web of knowledge and practice and that many things contribute to the meaning of the place. For example, a person may not question the need to support preservation of the physical structures of the Spanish Missions in San Antonio, but could balk at supporting access by a tribe that lacks federal recognition for cultural observances. Yet, the tribe's cultural practices enhance and define part of the significance of the Missions. Historic preservation is about preserving not just things, but also the meaning of things. As an archaeologist, I perceive that context is everything.

Effective support for preservation depends on education. In working on how to encourage tribal youth to consider historic preservation careers, I struggled with how to present this work in the myriad ways in which it exists. Because historic preservation encompasses so much, it is hard to generate widespread support for the entirety, even though there may be basic encouragement for the career paths involved. And the general public may have even less knowledge about just how and why certain places have been preserved. I have no great ideas about how to make this work more visible, but I sense that doing so could help generate more widespread support.

To return to the actual request for a statement, there are many challenges that face historic preservation. Climate change is already affecting sites and because this issue is politicized, it may be difficult to address directly. The tension between the need to acknowledge and utilize sacred information in evaluating sites and the tribe's need to protect that knowledge from outsiders is a challenge that may never go away. Archaeologists who work with sacred sites must respect tribal expertise and see their own work as complementary, not substitutive. The ACHP has been on a good path towards understanding and working to integrate tribal perspectives, but there are always ways to move further ahead.

Terry Guen, FASLA, Expert Member

RE: ACHP next 50 years comments, in 495 words

1. As our nation matures
    a. Develop a broader focus; Heritage Conservation
        i. I vote to shift ACHP, either acronym or just words to mean the above
    b. Include interpretation of transient (continuing to immigrate) underrepresented cultures
        i. Cultural values and interpretation may not mirror Majority preservation values
            1. Community fabric may be less affluent
            2. Community predominant issues are social immigration
                a. Language, job training, elderly, health care, adult education
            3. Built environs, landmarks, may not be apparent importance
            4. Community may be the 2nd, 3rd immigrant community to occupy location
            5. Consider same groups will have differences based on location, urban/rural conditions, immigration history
            6. Groups may have active relationships with accessible home country
        ii. Extended period of proactive preservation outreach and education may be appropriate where group has been more recently engaged
        iii. Preservation outcomes may take years, ongoing generations determine important to preserve local history, stories, values
2. Ongoing More Rigorous Historic Preservation Program Benefits Analysis
    a. Continue to quantify $ financial benefits of Historic Preservation
        i. Find academic, NFP partners to take on a significant study each 10 years (if don't have this)
        ii. Strengthen widen support and subscriber base
        iii. Create outreach, ethic, to depoliticize benefits, including proof of ongoing bipartisan support through 50 years of Administrations (NTHP is probably doing this but would be good to have renewed allies (Land Conservation people)
            1. Badger 2 Medicine, is example of what the US people and younger generation are supporting, however its mainstream publicity is caught in federal regulatory and partisan politics.
            2. ACHP to aim towards what people are asking, therefore listening sessions are very important
    b. Engage with assistance of partners
    c. ACHP role is to identify this need
    d. Update focus areas: Technology, Environment, Design (TED)
3. Integrate Historic Preservation Heritage Conservation with Environment
    a. Update program to include Landscapes
    b. Streamline regulatory process with NEPA (suggestion that the next 50 year efforts I believe will benefit by encouraging integration of architecture with landscape/urban fabric/environs)
    c. Examples of topics to be enhanced by integration
        i. Preservation to lead proactive mitigations for Climate Change, our greatest issue
        ii. Agrarian/Maritime/Wilderness cultural history
        iii. First Nation Cultures
        iv. Connecting HUD shifting fabric/infrastructure demands with supportive preservation insights

   d. Reconnecting US people with their historic vast land based identity; encouraging this heritage identity to future generations
   e. Connecting and being actively involved with land management, ethic, historical disconnects may shift to an active contemporary relationship
4. Encourage National and Local Broadening of the 50th Year Historic Preservation Message
   a. Send out news flashes about the Keeper of the Historic Register's updated insights into standards, priority areas
   b. In little town America (where I live), understanding of Preservation remains a slavish adherence to paints and windows, regulatory angst from local preservation rulemakers
   c. Next generation, heritage inclusion; does this shift what preservation is to communities? (I assume NPS is on this)
   d. Set a next generation vision, target, for US Heritage Conservation

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Lynne Sebastian, Ph.D., RPA, Expert Member

The Future of the National Historic Preservation Program

Our goal for the future should be to create a country in which the places that constitute a tangible record of our history are valued and cherished, and where preservation of these places is perceived as a positive public good and an expected part of civic and private life.

In order to move toward this goal in the next 50 years, we need to do two things (well, in fact, many more than two, but these are at the top of my list). We need to adopt multiple approaches to broadening the base of public support for historic preservation, and we need to create a national preservation program that is not perceived as a speed bump on the road to the future.

Broadening the base

When it comes to historic preservation, the American population can be roughly divided into three categories of people:

1. those who value history and the places and things associated with history
2. those who don't care about or never even think about history and historic stuff one way or the other. and
3. those who don't see any interest or value in a bunch of old stuff

The folks in the first category range from the rabid "save every freakin' shed and railroad grade and can scatter" preservationists to those who simply find the past interesting and historic places aesthetically pleasing. The folks in the third category range from ennui – "history is boring and historic stuff is just old" – to implacable opposition to historic preservation.

To broaden the base of public support for preservation, we need to increase the engagement of folks in Category 1 with historic preservation in their communities and on the regional and national level. And we need to find "the hook," the event or experience or place or object that will pique the interest of folks in Category 2 and draw them into an appreciation for history and a concern for the preservation of historic places.

The current initiatives to increase diversity within the preservation movement are one way to tackle these issues. These are a great idea, but I think we have to be somewhat cautious about two things. First, we need to decide what, if anything, we want to do about intangible aspects of heritage, since these are often the most important preservation concerns of these diverse groups. And second, we don't want to atomize

historic preservation such that only those of a particular heritage have a say in the preservation of that heritage. If the broader population doesn't have a say, they often don't feel that they have a stake in ensuring preservation of that heritage. We need to engender a sense that all of us have a stake in the shared heritage of this country.

Other routes to engaging Category 2 folks with preservation include presenting historic preservation as a quality of life issue, as an economic driver, as an educational tool, and – increasingly with younger people – as an experiential learning or cultural and environmental tourism opportunity. We do all these things now, of course, but mostly we are historians, archaeologists, architectural historians, landscape architects, etc. What we need is marketing experts and technology gurus – we have to go where the people are and tap into their interests and lifestyle, not keep trying to persuade them to join us in ours.

As for the third category of folks, those who actively oppose historic preservation generally do so because (choose one):

- "What we need today are modern buildings that are affordable, clean, energy efficient, environmentally friendly, and technologically cutting edge."
- "You can't make any money off all that old stuff." (Ironically, a former *New Mexico* Lt. Governor actually said that to me when I was the SHPO.)
- "We can't afford frills like historic preservation; what we need is jobs and economic development – this 'historic property' stuff is constantly being used to stop or endlessly delay needed infrastructure and resource extraction. It's a job killer and an economic burden."
- "You preservationists use other people's money to study and restore and preserve things that only you care about, and the law backs you up."
- [Insert your own favorite frequently heard reason here.]

The majority of these folks are probably never going to be persuaded to love "old stuff," no matter what we do. There are exceptions, of course. A colleague of mine once made the preservation light come on for an antagonistic field grade Army officer by hypothesizing the destruction of Flirtation Walk at West Point. Generally speaking, however, all we can do is keep collecting information on the environmental benefits, positive economic impacts, and job creation that result from historic preservation (yes, Lt. Governor, sir, you CAN make money off all that old stuff). And we need to keep putting this information out there every chance we get in front of the policy wonks and decision-makers at all levels, as well as industry representatives, and the public.

Even more important, though, to address the concerns of preservation foes and potential foes, we have to focus on my second critical effort for the next 50 years . . . .

Turning a speed bump into an express lane

The National Historic Preservation Act and 36 CFR part 800, the implementing regulation for Section 106 of the Act, *as they stand*, provide the philosophical and legal basis, the processual framework, and the inherent flexibility to guide a robust, yet flexible and balanced historic preservation program well into the next 50 years of the NHPA. The problems that give rise to negative perceptions of the Act and historic preservation in general are, with perhaps one exception, matters of implementation, not matters of law or regulation.

How can we improve the practice of historic preservation compliance so that we are not seen as a speed bump but rather as . . . well, at least an HOV lane if not an express lane? Here are some suggestions:

- Put more emphasis on the *purpose* of Section 106. Both the law and the regulation state, right up front (§2(1) of the law and §800.1(a) of the regulation), that the purpose of the Section 106 process is to achieve an accommodation, balance, "productive harmony" between historic preservation and modern development. A historic preservation process that treats development as an enemy to be fought at all costs creates enemies of historic preservation in all its forms.
- Establish timeframes. This is the one place where a change in regulation would be necessary. Currently Section 106 is an almost entirely open-ended process. There are mandated response times for the Advisory Council and the State Historic Preservation Officers, but there are no limitations on agency decision-making or on input from other consulting parties. This renders planning for applicants and developers difficult and costly, makes effective coordination with NEPA and other environmental laws problematic, and opens the door to those who wish to use the process to delay federal undertakings and private development projects to death.
- Systematically promote programmatic approaches to preservation planning and to all parts of the Section 106 process. Identify property types that are often problematic to deal with on a case-by-case basis (e.g., historic bridges, tiny segments of railroads or other linear properties, postwar subdivisions, Cold War properties) and develop statewide, regional, or nationwide approaches to identifying, evaluating, and treating them. Actively encourage and assist SHPOs, THPOs, and agencies to reduce case-by-case consultation on routine, repetitious, or minor impact undertakings through programmatic agreements, consultation protocols, or other instruments, so that all parties can focus time and attention on those undertakings that have a higher potential to adversely affect historic properties.
- Promote the use of alternative approaches to resolving adverse effects for all kinds of historic properties, focusing on approaches that maximize public benefits and overall benefits to the preservation of our heritage. Millions of dollars are spent on rote approaches to resolving adverse effects that contribute little to preservation of our past and yield no discernible benefit to the public.
- Inspire all parties in the Section 106 realm to decrease their focus on the compliance process; and instead focus on preservation outcomes.

Leonard A. Forsman, Chairman, Suquamish Tribe
General Council, Native American Member

Fifty years of the National Historic Preservation Act and how do we feel? In 1966 our nation was in great upheaval as society and government started to address injustice in civil rights, economic equality, and Indian policy.

Pollution from unregulated industry threatened our air, water and land. Urban renewal destroyed historic buildings and looters desecrated Indian burials and ancient sacred sites.

As we look forward, Indian Tribes continue to struggle against forces that threaten their ancient life ways and hope NHPA practitioners can adapt to address the pressing needs of Tribes. We hope that they will realize the NHPA's potential to preserving the historic and cultural fabric of our nation of which the Native American footprint is an essential part.

The Advisory Council on Historic Preservation, the National Park Service and the rest of the federal family can keep the act relevant to the needs of Indian Tribes by embracing our ancient values and traditions and honoring these beliefs through the fair and accurate application of its regulations.

What are these values? We must acknowledge our in the context of the 7 generations, recognizing at least seven generations back in our ancestral lines and seven generations forward to be carried by our descendants. We must work with our youth because they look to sacred places to validate their spiritual and cultural identity.

By respecting and validating these heritage based beliefs, we can help soften the hard edges of the technical approach of traditional historic preservation that has overemphasized architecture and patriotic heroes. We can balance the scale of emphasis by devoting more attention and study to ancient landscapes and the first peoples who rely upon them for their cultural survival.

This approach will bring more of the heart and soul that inspired the original movement back into the present preservation effort in a way that honors the spirit of all our ancestors.

Architect of the Capitol
Hon. Stephen T. Ayers, FAIA

Quite simply, preservation is not a national priority today and efforts to move preservation to the hearts and minds of the American public are necessary. The movement is waning as crisis management, poor funding and general apathy take hold. We lack strong leadership in preservation in the Administration, the Congress and in state and local governments. Public perception of preservation being too expensive and too cumbersome persist. The public doesn't hear the success stories and a national communications campaign may help. Additionally, efforts to drive interest in late high school and early college years may pay dividends.

Department of Agriculture
Arthur "Butch" Blazer, Deputy Undersecretary for Natural Resources and Environment

<u>USDA Response to ACHP – State of Historic Preservation – September 30, 2015</u>

Perhaps one of the greatest challenges facing historic preservation is the seamless integration of its principals into the fabric of daily life through the myriad of agency programs that serve the people. Annually, USDA provides technical, financial, and program assistance to agricultural producers and cooperators throughout the United States and its territories through Farm Bill Programs enacted by Congress. USDA also manages 193 million acres of federal lands that are open to the recreating public, and producers and outfitters by permit or lease. Funding and program assistance routinely trigger thousands of compliance actions with the National Historic Preservation Act (NHPA), and related preservation regulations. USDA faces an enormous challenge when attempting to balance historic preservation concerns against the natural resource concerns of its clients it serves and the many mission areas of its agencies. By and large, historic preservation today is not seen as a priority to agricultural interests, or untrained agency personnel. It is often the case that the individuals and organizations served by USDA do not understand or appreciate the effort and expense to protect cultural resources that normally do not have an attached, direct financial benefit. USDA is both challenged with delivering timely and effective conservation and management assistance consistent with Federal laws and agency

policies, while at the same time educating the public and clients on significance, and minimizing the view of being overly regulatory in its approach.

In the years to come, USDA seeks to advance historic preservation by externally making its compliance processes more transparent, and integrating the principals into internal agency programs where opportunities may exist. Recent ACHP efforts, like the *Right-Sizing Task Force Report* and policy development, while principally intended for major urban areas, provides a good blueprint for rural towns and citizens to rehabilitate historic infrastructure and business development, a Departmental priority. To do this effectively, we need to have key staffing and access to policy officials in different organizational mission areas. In this example, our Rural Development offices will be reviewing these ACHP products for incorporation into policy and program direction.

In being more transparent, agencies like NRCS will be taking steps to more formally include its agricultural producers and cooperators in the consultation and decision-making NHPA compliance process. The FS recently took measures to produce an historic cabin guidebook for over 14,000 privately owned recreation residences that will foster preservation principals. USDA agencies will be taking measures to include lesser-represented points of view from American Indian tribes, Native American Hawaiian organizations, Alaskan Natives, and minority groups. In addition, USDA wishes to capitalize on any opportunities to educate the public about the importance of historic preservation by focusing on the aspects of local history and places that are part of their daily lives. The agricultural landscape where USDA works is also a cultural landscape with history that spans generations and lends itself at times to both rural development and tourism opportunities. By taking those future opportunities to work closely with ACHP, educating the public, and highlighting the history within the context of program delivery, USDA aims to foster more widespread and effective support for historic preservation efforts.

Department of Defense
Maureen Sullivan, Deputy Assistant Secretary of Defense
(Environment, Safety, & Occupational Health)

ACHP needs a full time Legislative Liaison. An individual fully devoted to establishing enduring relationships with Committee staff and personal staff will enable the Council to have a much more significant role in development of legislative agendas and have established relationships when there is new legislation that impacts historic preservation. Sending letters to Committees or members without having enduring relationships with the staff is ineffective. Enduring relationships would give the Council greater ability to influence legislation and the legislative agenda.

Historic Preservation experts need to expand their "circle of influence." We excel at talking to each other. However, to have a wider area of influence, the preservation community must broaden the aperture of who are our partners, both locally and nationally. Establishing enduring, ongoing relationships with national organizations, such as the National Governors Association, the National Association of City Managers, American Planning Association, National real estate groups, etc, will expand the reach of preservation. Relationships with these and other organizations will expand the knowledge of historic preservation and, hopefully, bring commitment to preservation from the non-experts.

Preservation needs to move into the digital age, especially the National Park Service. All records should be digitized and readily available to the public. Digital information that is easily available will streamline review processes and prevent duplication of work. Yes, initially there may be data quality problems/challenges. But the quality of the data will improve as the information becomes more accessible to wider audiences and people begin to use it. If we have a better understanding of the existing records, we are in a better position to determine if there is a need for additional documentation or

resurvey. Note: we need to be consistent in our determinations for the need for resurvey. This will take a concerted effort to work with SHPOs/THPOs and all practitioners, along with a huge commitment from the National Park Service. We need to seriously challenge the National Park Service to clean up their records and make them digitally available. Until we do, preservation will continue to be seen as an insular group not mainstream.

We need to challenge our concept of significance. If everything is important, nothing is.

Department of Education
Ursula L. Wright, Associate Assistant Deputy Secretary for Special Projects
Office of Innovation and Improvement

The U.S. Department of Education remains committed to uplifting the goals of ACHP and will uplift the importance of historic preservation through a variety of educational programs and initiatives. At this time, we do not feel that we're positioned to meaningfully weigh in on policy considerations. We do, however, look forward to becoming a more informed partner in the weeks and months to come.

Department of Homeland Security
Dr. Teresa Pohlman, LEED AP, Director, Sustainability and Environmental Programs, Office of the Chief Readiness Support Officer

1. Education
a. Training: Both field and headquarters personnel noted difficulties in obtaining affordable and accessible historic preservation training. This shortage of opportunities was observed both for HP professionals as well as non-technical personnel who simply want an increased awareness of the processes. Online options are very popular to support distance learning.
b. Awareness: Understanding and awareness of NHPA requirements amongst Project Managers continues to be a challenge. There is still a common misconception that Historic Preservation impedes progress, increases project costs, or is optional.

2. Funding and Resources
a. General: EPHP Professionals noted challenges in obtaining funding to support this mission area. The impacts of sequestration have been particularly difficult to manage within the HP arena. This includes both 106 and 110 efforts.
b. Staffing shortages: both current lack of federal staff and difficulties in hiring federal staff.

3. Process Integration
a. Design build construction projects: Currently EPHP professionals are challenging with appropriate integration and compliance efforts for 106 activities within the Design-Build Construction process (single contract awarded for design-build activities).

4. Consultation Challenges
a. Lack of understanding of agency missions/operations: Consulting parties often do not understand or have an appreciation for the DHS mission. DHS intends to fully comply with historic preservation requirements; however all actions must support our overall mission.
b. Using HP to attempt to stop agency operations: Related to 4a, DHS has experienced several projects where consulting parties, including other federal agencies, have attempted to stop these operational actions through the Section 106 process. This has only resulted in multi-year project delays and has created strained relationships in some cases.

c. Financial Constraints: Consulting parties often view the Federal government as an endless source of funding which complicates consultations and creates unnecessary friction.
d. Operational Constraints: Agency undertakings are highly constrained by operational requirements and there is not a lot of ability to find alternatives. The ACHP acknowledged this in the 2015 Preserve America report and seems to understand, but we are highly constrained by operational needs. We cannot relocate a border crossing to preserve the historic structure or not pursue cross-border violators in an area because there are archeological sites that could be impacted. We need to fulfill our mission and in the process HP will be a secondary consideration which consulting parties are not always willing to understand.

Note:
· DHS would appreciate ACHP guidance to assist agencies when they consider revising or amending an existing Program Alternatives, e.g., Program Comments, Prototype PAs, etc.

Department of Housing and Urban Development
Marion Mollegen McFadden, Deputy Assistant Secretary for Grant Programs
Community Planning and Development (CPD)

Comments on the Future of Historic Preservation

Historic preservation is critically important because it keeps places as places where we want to be. We feel better in a place that‘s not freshly minted, where history and tradition are evident. In Washington, D.C. where I live, we see this in the way that facades are preserved during expansion of offices and apartment buildings behind. In San Antonio, the Riverwalk is an example of places that have turned historic sites into everyday amenities for residents and a tourist draw that brings economic benefit to the community.

To get the broadest base of support, the historic preservation community should clearly articulate the economic value of preservation. Economic development underpins all. Yet as we invest in historic preservation and make neighborhoods more desirable, we need to be careful to protect the ability of everyone in the community to remain there. We need to ensure affordable rents for residents and local businesses of modest means. We can support the creation of accessory dwelling units (ADUs) as a way to keep the historic character of a residential area, but increase density in communities with access to good schools, jobs and transportation. In high cost cities with large housing demand, zoning changes can be made to allow single family homes to become multifamily by creating basement apartments or converting carriage house units. ADUs can make it financially feasible for property owners to stay in their homes and stay in their neighborhoods, which may be particularly desirable for empty-nesters.

Local decisions drive community development, including historic preservation. As HUD Secretary Julian Castro has stated “Through all our work, we’re providing support to help local decision-makers realize their vision for their own communities.”

We need to meet 21st century challenges like climate change and HUD encourages communities to consider resiliency when building for the future. The Rebuild by Design program has generated widespread interest and concrete proposals for making our cities more resilient. As Secretary Castro has

stated: "Let's take action today to ensure that our communities, including our historic buildings and areas, are ready for the challenges of tomorrow."

Lastly, in the words of Secretary Castro: "History isn't just a subject for books and documentaries. It's alive and well in buildings, sites, and structures that shape our communities. They tell us who we are and where we come from – and it's critical that we protect our past for present and future generations."

Department of the Interior
Michael J. Bean, Acting Assistant Secretary, Fish and Wildlife and Parks

PRESERVATION50—THE FUTURE OF THE NATIONAL HISTORIC PRESERVATION PROGRAM

Department of the Interior

Since the passage of the National Historic Preservation Act in 1966 (NHPA), the law has spurred great preservation achievement in the public and private sectors. Today's diverse network of preservation programs, professionals and interests are an outgrowth of 50 years of maturation, with federal programs and funding often at the core. Nowhere is that more true than at the Department of the Interior (DOI), where 70,000 employees manage over 500 million acres of public lands, including some 25,000 historic buildings and structures, 177,000 archeological sites, hundreds of historic landscapes and more than 194 million museum objects and archives.

Challenges

DOI has had significant accomplishments under the NHPA as we and other preservation partners have addressed evolving challenges. For DOI bureaus whose missions are not preservation related, balancing the agency mission priorities with historic property stewardship and compliance can be challenging. Below are some primary challenges identified by the DOI bureaus.

- Climate change and disaster preparedness
- Long-term preservation of museum collections
- Multi-faceted approach to diversity
- Data access
- Stakeholder outreach and involvement

Strategies

Strategies for advancing preservation in the next 50 years (and beyond) need to recognize the role of the federal government in historic preservation, and position both the "federal family" and non-federal preservation partners to mutually support preservation goals. Below are strategies identified by the DOI.

- Standards on federal collections recovered from public lands due to compliance with NHPA
- Partnerships, collaboration and sharing
- Proactive coordination for resource stewardship and management

- Using Program Alternatives to streamline Section 106 compliance
- Technology, science and scholarship
- Data management
- Preservation education
- Public information campaign

As we move into the next half-century of the NHPA, DOI will continue to face limited budgets, a challenge that will shape our strategies for the future. Nevertheless, the successes of the past 50 years were achieved despite this challenge and the DOI is committed to the stewardship of the historic properties in its care.

Department of Transportation
Barbara McCann, Director, Office of Safety, Energy and Environment

Member Statement on Preservation Challenges and Opportunities

As we approach the 50-year anniversary of the National Historic Preservation Act, we are also celebrating the 50th anniversary of the U.S. Department of Transportation (DOT). For over 50 years, the DOT has faced the challenge of balancing preservation while ensuring the safe movement of people and goods. This anniversary affords us an opportunity to reflect on the challenges and celebrate the advances we have made as an agency with regard to cultural resource management and project delivery. In carrying out Federal transportation assistance programs, DOT works with project sponsors to ensure consideration of the effects of proposed actions on our nation's historic and cultural resources in project planning and implementation. The DOT is also responsible for the management of its own historic properties; for example, Washington Union Station, the US Merchant Marine Academy, and the nuclear ship Savannah are all listed on the National Register of Historic Places (NRHP).
DOT has identified the following challenges:

- Historic Preservation objectives are sometimes at odds with environmental, safety, or other needs, particularly with respect to bridges, culverts, and similar structures;
- Need for consistency among states as to the National Register Eligibility of a resource;
- Need for continued funding for transportation programs, so that preservation can continue to be part of DOT-funded projects, either as mitigation or as part of a project funded under programs such as TIGER, Transportation Alternatives, or Federal Lands Transportation Program;
- The need for continued technical assistance to DOT staff as well as state, local, tribal partners as DOT programs are implemented; and
- Need to educate stakeholders that project efficiencies can also be beneficial to the historic preservation process.

The DOT has met these challenges in different ways. Decades of successful collaboration have resulted in numerous awards and the development of guidance regularly used by DOT modes.

- The Program Comment for Common Post-1945 Concrete and Steel Bridges has streamlined the historic review process for common bridges and culverts, while ensuring that more unique historic bridges receive the attention they deserve.
- The Section 106 Exemption Regarding Effects to the Interstate Highway System excludes most elements of the system, while providing for elements of the Interstate System that are exceptional in some way or meet a national level of significance under the criteria for the National Register of Historic Places.

- Statewide and Multi-State Programmatic Agreements have allowed agencies to focus on more complex activities.
- Environmental Excellence awards have recognized State departments of transportation and others for successful streamlining and stakeholder engagement, in addition to educational outreach programs.
- In 2011, the ACHP acknowledged the Federal Railroad Administrations for the California High-Speed Train Project Statewide PA and in November 2014, the ACHP recognized the North Dakota DOT's Programmatic Agreement (PA) among the ND DOT, 15 tribes, and FHWA.

While successfully meeting and overcoming the challenges, DOT is also identifying future opportunities within Historic preservation that will allow for efficiencies in project delivery. DOT is working to:

- Create efficiencies within the 106 process that make it easier for agencies to utilize other agencies processes, such as program comments;
- Provide additional training opportunities in the development of program efficiencies; such as the use development of program comments, exemptions, and coordinating NEPA and the 106 and 4(f) processes, to DOT staff and to state/local/tribal partners as they implement DOT programs;
- Provide a forum for discussions on the creation of exempt categories of undertakings pursuant to 36 CFR 800.14(c), such as railroad maintenance activities; and
- Encourage development of PAs for complex projects or programs.

Department of Veterans Affairs
Stella Fiotes, Executive Director, Office of Construction and Facilities Management, Office of Acquisition, Logistics and Construction

One of the major challenges we see is the "freeze" or "reduce" the footprint especially as it plays with leasing not being counted as a reduction. This impacts our ability to repurpose facilities that are unsuitable for healthcare, and then maintain the footprint capacity we need to replace the repurposed space.

Lack of funding and staffing also remain major impediments. Historic preservation is not currently a priority in many agencies; however, there is an opportunity to integrate it better with sustainability/climate change efforts, which appear to be more of a priority for Federal agencies.

General Services Administration
Beth L. Savage, Director, Center for Historic Buildings and Federal Preservation Officer, Office of the Chief Architect

Some GSA Reflections on Challenges Impacting the Future of HP:

- Preservation does not fare well as a national priority, this is most overtly reflected in the lack of adequate HPF funding for many years. HPF funding peaked in 1986 at the 20-year mark of the national preservation program. Why is program funding languishing at the 50-year mark? **Challenge:** ***How to re-imagine preservation to retain its relevance and gain market share criticality***?

- A stronger, direct cultivation of the Hill and its staff needs significant, sustained resources. The establishment and maintenance of direct working relationships is critical to influencing on critical

hp issues and against harm. **Challenge:** ***How can the ACHP allocate or realign resources to gain a meaningful seat on the Hill?***

- There's a need to rebalance the inherent tensions which often arise between the process and positive preservation outcomes: currently the focus has swung quite heavily and narrowly to process and often excludes broader gains. The process must accommodate flexibility when positive outcomes are sought; compliance should be more than a check list. **Challenge:** ***The bureaucracy of Federal Preservation--How can Federal agencies be more effective and efficient in working with State and Local partners to reduce the unnecessary workload that inhibits the ability to accomplish important preservation goals?***

- **Challenge:** ***Identification of historic assets*****:** If everything is significant, than nothing is significant. The broadening of the net has significant public policy ramifications for highly competitive resource allocation. It can cut both ways either to build larger constituencies or to undercut the foundational principles of the National Register program, upon which the national hp program rely.

- Revisit the explicit goals of the National Historic Preservation Act relevant to the roles and responsibilities of all hp stakeholders to clarify the intent of Section 110, the Section 106 process and the parameters and authorities of all parties, including the Advisory Council on Historic Preservation and assistance it was *to offer to* federal agencies. **Challenge*****: The ever broadening breadth of ACHP programming and responsibilities placed on federal agencies to support.***

- **Challenge:** ***Investing sustainably.*** How to promote a reasoned approach to climate change and sustainably initiatives to ensure that we reuse and reinvest in culturally significant buildings offering true long term value and discouraging shortsighted approaches to meeting new requirements and performance measures? For example, the impact of Freeze the Footprint on Federal historic resources. Does it promote Federal preservation efforts through reuse and increased utilization or handicap Federal preservation efforts through the pressure to dispose of historic resources due to the lack of reinvestment capital?

National Conference of State Historic Preservation Officers
Elizabeth Hughes, President

The Future of the National Historic Preservation Program
NCSHPO Response to ACHP Assignment, 2015

Funding

Congress authorized $150M in annual OCS revenue for deposit into the HPF for the exclusive use of historic preservation activities. In spite of the annual deposits, Congress has never appropriated that amount. In fact since 2001, appropriations have declined. Full and permanent funding of the Historic Preservation Fund is needed if the program is to broaden its reach, streamline its processes, and improve public access.

Having accurate, up-to-date, digitally accessible information on our Nation's historic resources would dramatically increase the efficiency and effectiveness of all local, state, and federal projects. From deciding on the design of local in-fill development, to state transportation planning projects, to federal

large-scale energy projects and disaster recovery efforts – every single project, and the American people would benefit.

A sustained Federal commitment to full and permanent funding of the HPF is needed to grow the national historic preservation program by supporting the SHPO, THPO, and local government infrastructure that undergirds all that we do.

Diverse Communities

The national historic preservation program was designed to be flexible, to consider the values of states and local communities, and to give people a voice in federal decision-making. Ours is not a "top-down" system. By its very design it is meant to represent and be accessible to everyone.

The relevancy of the national program to diverse communities is at the forefront of most discussions today. Much has been made of the lack of diversity in listings on the National Register of Historic Places. Targeted funding designed to encourage new nominations is welcome but ignores the question of whether this tool will satisfy the need to recognize and protect what communities value most.
Do all communities value the types of properties the national program is designed to recognize and protect? The view of what is important is growing more expansive, yet the framework of the national program is intentionally limited. These limitations have provided a focus that has, in some ways, served preservation well.

If we find that the existing framework is too constricting, we should not discard it but create new tools that meet our needs. New tools will call for new partners. The goals of the communities we intend to serve must be central to the inquiry. Finally, we should be mindful that the national preservation program may not provide the best and will not provide all the solutions for communities whose history and significance has been marginalized for so long.

Climate Variability

Climate variability exacerbates existing threats to historic resources and creates new ones. What is our tolerance for loss? What constitutes loss of integrity when our only options for survival of a property are relocation or elevation? Agreement and guidance on these topics is needed now. The future of many historic communities is dependent upon leadership and assistance from the national program.

National Trust *for* Historic Preservation
Save the past. Enrich the future.

National Trust for Historic Preservation
Stephanie Meeks, President

THE FUTURE OF HISTORIC PRESERVATION – October 2015

During the past year, the National Trust has been convening meetings with both traditional and non-traditional partners to discuss the future of the historic preservation movement. Several themes have emerged from these discussions.

***Democratization*.** Preservation is likely to be more democratic in the future. Instead of giving *experts* the exclusive role of determining what is significant, based on narrow architectural or historical standards, *people* should have a greater role in determining the places that matter to them and how they should be protected. Technology and social media are expected to facilitate this trend. The preservation field should embrace and foster this democratization and public engagement.

***Inclusiveness*.** The preservation field needs to recognize a broader spectrum of cultures, experiences, and stories that are embodied within the physical environment of our communities, and should strive to identify, document, interpret, and protect those resources. A narrow approach to issues such as "integrity," "period of significance," and the Secretary's Standards is viewed as an impediment to the recognition of places that are significant to underrepresented communities. Over-emphasis on architectural distinction and integrity misses the opportunity to embrace the full range of historic and cultural resources that could educate, unite, and empower Americans, and contribute to our economic and social vitality.

***Complexity*.** The complexity of the legal framework that applies to historic preservation presents an ongoing challenge that can deter potential support. The layers of rules ranging from local historic district regulations to rehabilitation tax credits, easements, archaeology, National Register nominations, maintenance protocols, Section 106 review, affordable housing, and more, can be daunting, even for those who support preservation. The preservation movement must find ways to develop more flexible tools to help people navigate through these layers of rules and procedures.

Livability. We continue to endorse the statement in the 1966 preamble to the NHPA, that "the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people." Historic places have enormous power to contribute to our identity, creativity, dignity, and economic and social well-being.

***Obstacles*.** Americans tend to think we are obstacles to progress—a "Movement of No." Preservation is sometimes viewed as an obstacle to creative rehabilitation and adaptive reuse. Political challenges are being raised to weaken local historic preservation regulations. Some involved in rehabilitation work forego the incentive of tax credits because they view the constraints and restrictions as outweighing the benefits. Our goal should be to help people use preservation as a constructive tool to shape their communities—a "Movement of Yes."

Sustainability. The National Trust's research through our Preservation Green Lab is helping to quantify the environmental benefits of historic preservation, which dramatically reduces carbon and other climate change impacts, as compared to demolition and new construction. These advantages will continue to grow in importance in the coming years, and should be incorporated as incentives into funding programs.

Partnerships. As government funding becomes increasingly scarce, the preservation movement must place greater reliance on incentives for private investment in historic preservation. Public-private partnerships will play an increasingly important role as mechanisms for carrying out preservation projects.

National Alliance of Preservation Commissions
Esther S. Hall, Chair

As our society becomes increasingly more litigious, significant challenges face community volunteers dedicated to quality preservation through municipal service on quasi-judicial historic districts

commissions. Well publicized law suits have raised caution flags among the Alliance membership. In short, finding citizens willing to sign up for commission work is challenging given local adversarial climates. On a personal note, this writer was flagged down on the street corner and asked to consider a second term because new volunteers were not forthcoming given a local court case. A Commission's status might potentially be weakened if seats go unfilled sending an unintended message to respective City Councils.

The role of the NAPC is unique and more relevant than ever before. The Alliance must provide first rate training to equip volunteer commissioners and the staff who serve them to do the job they have been appointed to perform. Legal training must be made available for our national constituency to better inform their quasi-judicial decision making.

Part and parcel to legal training is timely information about approved building materials, creative new solutions in adaptive reuse and sophisticated interpretation of federal guidelines. Infill has reshaped local thinking and presents challenges in urban and high growth communities undergoing comprehensive master planning overhauls. Smaller and less dense communities face different and equally pressing issues requiring training in best practices for commissions particularly those without professional staff.

Volunteers serving on historic district commissions require ongoing and timely training as do the hardworking staff who serve them. Municipal budget cuts have adversely impacted participation in NAPC training events. The future challenge for the Alliance is identifying cost-effective, open access to best practices content for our constituency.

ACHP Alumni Foundation
Katherine Slick, President

The Future of Preservation

Using cultural landscapes as an opportunity to act on a broader scale

I. Opportunities

   A. Present a pluralistic, diverse, and dynamic view of a lived-in America in which the past provides resiliency for the future
   B. Build an expanded coalition of advocates for resource conservation
      1. Landscape scale initiatives bring multiple partners to the table that can build relationships that endure over time and are based on authenticity/use
      2. Knit the concept of natural, cultural, urban and rural together as places of importance
   C. Offer new lens for community engagement
      1. Honor traditional places and provide indigenous/diverse perspectives
      2. Build an interconnected vision of the value of a landscape or region

II. Challenges

   A. Broadly accepted concept of cultural landscapes (in practice, changing the NHPA not required), consider the World Heritage definition - "cultural properties [that] represent the combined works of nature and of man”
   B. Shift public engagement to a larger scale with greater social value
      1. Reevaluate who determines when/where/what is historic, important and why

2. Change from a cohort of experts deciding importance to engaging multiple and often conflicting perspectives on authenticity and use
3. The National Register is presently architecture based (80% of listings include architecture), how do we reorient?
   a) Changes in the language of preservation to be more inclusive
   b) New paradigm of community involvement which may require retraining and new tools for broader community facilitation

C. How stakeholders value stewardship, ongoing use, and continued evolution of places
D. Mitigation as the outcome to the §106 process has become a default setting

III. Strategies :

A. Use the many local, state, tribal and federal agency efforts to conserve natural and cultural resources on a landscape scale to evaluate the §106 process for effectiveness in integrating preservation, and then use information to improve or change process
   1. Require 21st century technologies and communications to improve transparency and early consultation
   2. Expand the importance of setting and feeling
   3. Avoid, minimize harm or if you must, mitigate but make it meaningful
      a) Do not enter the 106 process with the mitigation in mind - when all else fails mitigate
      b) Make mitigation expensive
      c) Ensure that there is real public benefit from the funds expended
B. Look to large landscape partnerships such as National Heritage Areas, conservation landscapes, regional planning partnerships, tribal groups for innovation and best practices
C. What can we learn from the broad conservation coalition such as the initiative to protect sage grouse in the western landscape?
D. Develop partnerships with diverse organizations to build connections between livability, preservation, place and civic engagement (e.g., PlaceEconomics and Relocal, Ohkay Owingeh, PRISM Act)
E. Rewrite the Secretary of the Interior's Standards to provide more latitude to varying definitions of authenticity and flexibility within treatments for varying degrees of levels of and origin of significance

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Hon. Joseph P. Riley, Jr.
Mayor of Charleston, South Carolina

To cities around the country, I would simply say, the first thing is this: don't demolish your historic buildings. In Charleston, we kept every single historic building we could save regardless of whether we thought it was special. We just knew that once it had been demolished, it couldn't be replaced. This was an on-the-ground, piecemeal approach that worked at the time and gave us the great city we have today.

At the federal level, the national preservation program faces a totally different set of challenges, and the most important thing is to remain relevant, especially during times when the politics of the nation are divided. The single biggest challenge is just to maintain the current level of funding for basic preservation programs, such as the Historic Preservation Fund.

Some changes to federal policy might help, such as the improvement and expansion of the Historic Tax Credit, which is of great assistance to preservation projects around the country. I understand that new legislation is being discussed, including the Historic Tax Credit Improvement Act, which could be of great importance and should be supported.

Charleston provides an outstanding example of the power of preservation, and the lessons of our City may help to further the goals of preservation nationally, because currently preservation is not considered a national priority. At the federal level, it appears the arguments are more difficult to make, but at the local level, in cities across the country, preservation enjoys widespread support. Perhaps federal policy makers and the NHPA might consider analyzing cities such as Charleston to link preservation, quality of place, and economic development.

As people rediscover historic city centers across the nation, preservation can become the catalyst for economic revitalization like never before. And for those cities that have already become successful through protection and promotion of their historic city centers, they may benefit from the economic development brought by connecting people to historic places through museums and education.

Preserving America's Heritage

DEVELOPMENT OF THE ACHP POLICY STATEMENT ON HISTORIC PRESERVATION AND COMMUNITY REVITALIZATION
Office of Federal Agency Programs

Background. ACHP staff has continued work on developing a draft Policy Statement for Distressed Communities since the July ACHP business meeting. Staff received only a handful of comments from members on the outline for the Policy Statement following the presentation of this initiative to ACHP members. The Working Group that was created by Council Member Brad White offered a number of substantive comments that have helped improve and strengthen the draft. Based on the feedback received from the Working Group, the Policy Statement underwent the following revisions:

- The title was changed from *The Role of Historic Preservation in Rebuilding Resilient Communities* to *Historic Preservation and Community Revitalization*;
- The principles included in the outline now apply to urban, rural, and tribal communities rather than "Legacy Cities;"
- The focus is on revitalization of communities instead of redevelopment activities;
- Demolition is considered in the context of broader plans for revitalization;
- Emphasis is put on the role of Certified Local Governments;
- Recommendations added regarding adherence to Green Buildings as part of local sustainability plans;
- A stand-alone principle on the development of local architectural and archeology surveys, including historic districts, was added;
- Restated the principle regarding the involvement of Indian tribes to make it more proactive; and
- Principles are formatted in a manner similar to the ACHP's Affordable Housing Policy Statement so they can be helpful to stakeholders in the long term.

The revised Draft Policy Statement was shared again with the Working Group in late October, prior to the business meeting. Staff will provide an overview of the comments and changes made to address this review at the November meeting.

Next Steps. Members will be asked to provide comments on the revised Draft Policy Statement during the FAP committee and business meetings. Should the members deem it necessary, a teleconference to facilitate additional discussion about the draft will be arranged following the November business meeting. Once a final draft is completed, it will be presented to the members via unassembled vote for adoption in the weeks following the business meeting. The final policy statement will be published as a *Federal Register* notice for 30 days inviting comments from the public.

Action Needed. Members should be prepared to provide comments to staff on the Draft Policy Statement.

Attachment: Draft Policy Statement on Historic Preservation and Community Revitalization

October 21, 2015

ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP) POLICY STATEMENT ON HISTORIC PRESERVATION AND COMMUNITY REVITALIZATION

Introduction. The 2010 US Census revealed that an estimated 19 million properties were abandoned throughout the nation at the end of the first quarter of that year. A substantial portion of these buildings became vacant and abandoned in 2008 after the US experienced an economic crisis that was considered by economists to be comparable to that of the Great Depression of 1929. Natural disasters, economic downturns, and the mortgage foreclosure crisis all occurred at the beginning of the 21st century and eroded urban, rural, and tribal communities. An unprecedented decline in populations, tax base, industry, jobs, and housing markets accompanied these events. The estimated abandonment and demolition of 200,000 properties annually during this period led communities to take extreme actions that resulted in the intentional or inadvertent loss of homes, buildings, and even entire neighborhoods, many of which included older historic buildings that were listed in or eligible for listing in the National Register of Historic Places.

A class of communities, many of which were located in industrial centers, was hit particularly hard, struggling with economic challenges that transcend market cycles such as the recent recession. These communities are marked by population loss exceeding 20 percent that require a different approach to bring about their revitalization. Many are older communities with historic architecture and walkable neighborhoods—features which have increasingly grown more attractive in real estate markets that are in the process of recovering.

In 1966 when Congress passed the National Historic Preservation Act (NHPA), it determined that *the historical and cultural foundations of the nation should be preserved in order to give a sense of orientation to the American people.* Further, it states *that in the face of ever increasing extensions of urban centers, highways, and residential, commercial, and industrial developments, the present governmental and nongovernmental historic preservation programs are inadequate to ensure future generations a genuine opportunity to appreciate and enjoy the nation's rich heritage.*

The congressional findings in the NHPA remain applicable today, particularly since the economic crisis of 2008. The Advisory Council on Historic Preservation (ACHP), established by the NHPA to advise the President and Congress on matters relating to historic preservation, considers local community revitalization critical to stabilizing these economically depressed communities. Communities need guidance that illustrates how historic preservation can help them to determine the disposition of vacant and abandoned properties, promote rehabilitation, create affordable housing, direct growth to target areas that have infrastructure, use infill construction to stabilize neighborhoods, and develop mixed use projects.

The ACHP issued a report entitled, ***Managing Change: Preservation and Rightsizing in America,*** in March 2013, which focused on communities addressing rightsizing. Rightsizing applies when communities have shrinking populations; vacancy and abandonment; loss of historic assets; and systemic blight issues. The report defined it as *the process of change confronting communities that have drastically reduced population and excess infrastructure with a dwindling tax base, in need of planning to recalibrate.* It also identified the role of historic preservation in rightsizing as well as identified the existing federal programs and policies. The extensive research, newspaper and journal articles, and organizational and institutional reports on rightsizing revealed that consideration of historic preservation issues was often the exception. Therefore, this policy recognizes that rightsizing includes revitalization, and it is not uniquely an urban phenomenon. Rather, it encompasses diverse communities, including older suburbs and rural villages that are in need of technical assistance, education, and outreach to help residents and developers use historic preservation tools.

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Purpose. In accordance with Section 202 of the NHPA, the ACHP issues this Policy Statement to provide federal agencies and their applicants with a flexible and creative approach to developing local revitalization plans that involve historic properties. The Policy Statement is designed to assist federal agencies and applicants, State Historic Preservation Officers (SHPOs), Tribal Historic Preservation Officers (THPOs), Certified Local Governments (CLGs), and local governments in complying with the requirements of Section 106 of the NHPA that require federal agencies to take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment. By establishing a predictable and consistent framework with this policy, federal agencies and communities will be encouraged to integrate historic preservation in revitalization strategy. Stakeholders should consider alternatives to avoid, minimize, and mitigate adverse effects to historic properties when planning revitalization projects and engaging diverse stakeholders.

The policy addresses the value of local communities developing architectural and archeological surveys, including those in historic districts, to use as a tool in community revitalization. Only when local officials are aware of the historic significance of properties in a community can they make informed decisions about their treatment and reuse. The National Register is also used to determine whether federal programs must comply with Section 106. Likewise, a property must first be listed on the National Register before it can qualify for receiving a 20 percent income tax credit for the rehabilitation of historic, income-producing buildings that are "certified historic structures" by the Secretary of the Interior. Other tax incentives available to developers include the Low-Income Housing Tax Credit and State Historic Tax Programs, which are often coupled with the Federal Historic Rehabilitation Tax Credit Program to revitalize historic neighborhoods. Recent studies have documented that these tax incentive programs contribute to goods, jobs, and other local services. Further, they are one of the primary tools for revitalizing neighborhoods that were once considered blighted.

As communities develop revitalization plans to improve local neighborhoods and target areas, they should work with federal and state agencies, SHPOs, THPOs, developers, residents, and other stakeholders to implement the following principles. While many are related to the Section 106 consultation, some can be applied independently of this review.

Implementing Principles

I. Historic preservation values should be considered in the revitalization of both rural and urban communities.

II. Architectural and archeological surveys, including those in historic districts, are essential to provide a foundation for federal, state, and local planning and revitalization projects.

III. Historic preservation should be incorporated in sustainability plans produced by local officials.

IV. Effective citizen engagement allows community residents to identify resources they care about and share their views on local history and cultural significance.

V. Indian tribes may have an interest in urban and rural community revitalization projects that may affect sites of historic, religious, and cultural significance to them.

VI. Private resources can contribute to local revitalization efforts and leverage public funds.

VII. Tax credits can be used to promote historic preservation projects that preserve local assets.

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VIII. Early consideration of alternatives to avoid or minimize adverse effects to historic properties is essential to ensure proper integration of historic properties in revitalization plans.

IX. Flexible programmatic solutions help expedite historic preservation reviews and address situations involving recurring loss of historic properties.

X. Creative mitigation can facilitate future preservation in communities.

These principles are interpreted below to provide context for stakeholders who may consider applying them to their communities.

I. Historic preservation values should be considered in the revitalization of both rural and urban communities.

The NHPA was established in 1966 to ensure that local revitalization and economic development projects were responsive to historic preservation values. Unfortunately, the provisions of the NHPA have not been applied consistently by federal, state, and local governments. This is particularly the case when federal funds are allocated to local communities to address large volumes of vacancies, abandonments, and blight. The disposition of these historic properties should be informed by an analysis of alternatives, including stabilization, rehabilitation, infill construction, new construction, and demolition. Although older communities known as "legacy cities" and located in the Midwest and Northeast have been confronted with these issues, research has indicated that suburban, rural, and tribal communities also have similar problems. Historic preservation tools can assist communities with integrated project planning as prescribed by Section 106 of the NHPA.

II. Architectural and archeological surveys, including those in historic districts, are tools that should be incorporated in local planning to provide a foundation for federal, state, and local participation in revitalization projects.

City-wide surveys that are incomplete or nonexistent may cause delays in project planning and implementation. In contrast, communities that have completed architectural and archeological surveys, including those in historic districts, are able to be more strategic in targeting areas for revitalization. Advance surveys can identify areas that should be avoided in project planning and assist developers and local officials to designate areas for tax incentives. Funds for surveys are often challenging to identify. However, federal programs often allow administrative funds attached to a program to be allocated for surveys, particularly when there is a need for long-term plans to be approved for a neighborhood or target area. Federal agencies should prioritize assistance to communities for such planning where possible.

III. Historic preservation should be incorporated in planning for sustainability, smart growth, and climate resilience by local officials.

Smart growth is a way to build and maintain cities and towns in urban, suburban, and rural communities. Adopting historic preservation principles will enable local officials to select housing projects and transportation corridors that can be located near jobs, shops, and schools. Further, smart growth has been recognized as supporting local economies and protecting the environment.

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A component of smart growth is green building, which incorporates resource-efficient and environmentally responsible practices in building materials and construction methods. Green Building Standards help to advance environmentally responsible principles that assist local revitalization. Consideration of when to reuse and retrofit existing buildings is critical to establishing and preserving viable neighborhoods. Preservation programs developed by state and local governments for weatherization and window and roof improvements are examples of how green standards can lower energy bills and advance sustainability and preservation goals. Vacant and abandoned buildings, together with the reuse of empty lots, have the potential to become green projects that enhance community sustainability. Local officials, therefore, should develop their sustainability plans with residents and developers to advance the community's goals and to prepare for unanticipated events related to climate change. These initiatives also create workforce opportunities and training for residents.

IV. Effective citizen engagement allows community residents to identify resources they care about and share their views on local historic and cultural significance.

The views of local residents regarding under-represented local historic properties are important in understanding their significance to the community. Under-represented historic properties are those associated with diverse populations that have minimal representation in the National Register of Historic Places. This information should be routinely sought by local officials when complying with Section 106 and evaluating properties for listing in the National Register or on state surveys. SHPOs and Certified Local Governments can assist in providing historic context statements for such properties, particularly for properties associated with diverse groups that are currently under-represented in the National Register. Involving local academic institutions, civic organizations, and professional associations in the work of local preservation commissions and architectural review boards will ensure that the views of all segments of the community inform the evaluation of historic properties. New technologies for community engagement that have been successfully used to solicit the views of the public should be considered to maximize their participation.

V. Indian tribes may have an interest in urban and rural community revitalization projects that may affect sites of historic, religious, and cultural significance to them.

Indian tribes are indigenous peoples with a stake in America's history and culture. It therefore is important to involve them in the Section 106 process, particularly the identification and evaluation of historic properties and assessment of effects. Many communities are located near or on sites once occupied by Indian tribes. As such, Indian tribes are a part of the community and should be involved in local comprehensive planning. For example, developers should involve Indian tribes in site analysis to ensure that prehistoric and historic archeology surveys inform the siting and design of projects. They can also contribute to local sustainability efforts based on ecological and environmental knowledge of the specific geographic area in which they live.

VI. Private resources can contribute to local revitalization efforts and leverage public funds.

Federal grant and loan programs can be used for local revitalization efforts such as the Department of Transportation's TIGER Program and the Environmental Protection Agency's Brownfield Grants. These programs require local communities to provide matching funds, which are often solicited from the private sector. Local institutions such as universities,

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hospitals, foundations, banks, land banks, and local businesses provide matching funds to local governments. Examples given by agencies have indicated that a $20,000 investment evolved into a $200 million multi-use project over several years. Private resources, therefore, are instrumental in ensuring community revitalization efforts are successful and transformative. Banking institutions are able to get credit under the Community Reinvestment Act (CRA) Program when they contribute to local revitalization efforts. A bank's CRA performance record is taken into account when evaluating their overall performance. Therefore, advance meetings with local banking institutions to discuss strategies regarding loans for commercial and residential community revitalization projects is a good approach to identifying resources to leverage public funds.

VII. Tax credits can be used to promote historic preservation projects that preserve local assets.

Recent research conducted on the impacts of using Historic Tax Credits have revealed that a $1 million investment in historic rehabilitation has better effects on employment, state and local taxes, and the wealth of the state than new construction. The use of Federal Historic Tax Credits (HTC), Low Income Housing Tax Credits (LIHTC), and State Tax Credits can be combined to provide neighborhoods with financial, social, and economic benefits. A number of States Tax Credits have been eliminated or reduced due to the economy. Nevertheless, local governments should consider how HTC can be used to not only fund major projects, but also smaller and mid-size neighborhood projects. SHPOs are uniquely situated to leverage HTC projects having worked closely with the National Park Service and the developer. Once the initial part of the HTC application is completed, efforts should be made to work closely with local officials to identify other vacant and abandoned buildings that can stabilize a neighborhood or provide affordable housing and transit oriented development. NPS and SHPOs should continue to share cases studies and best management practices on HTC, and meet with local officials and developers to discuss preserving local historic properties.

VIII. Early consideration of alternatives to avoid or minimize adverse effects to historic properties is essential to ensure proper integration of historic properties in revitalization plans.

Strategic demolition to stabilize local neighborhoods in communities experiencing substantial population loss should include alternatives to demolition such as new construction, rehabilitation, mothballing, and infill construction. Comprehensive neighborhood plans should disclose the criteria and processes for determining how a building should be prioritized for a specific treatment. SHPOs can provide technical assistance to local officials and developers regarding the criteria and processes used to prioritize such treatments. Likewise, communities that have Certified Local Governments that work closely with SHPOs can participate in local administrative reviews and provide advice regarding how historic properties may be affected by redevelopment plans. SHPOs and Certified Local Governments can coordinate with land banks to determine how they can facilitate building preservation and rehabilitation plans as well as those for demolition of historic properties.

IX. Flexible programmatic solutions help expedite historic preservation reviews and address situations involving recurring loss of historic properties.

Federal, state, and local governments should develop programmatic solutions and expedited approaches to complying with regulatory requirements like Section 106, to ensure that the

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revitalization and adaptive reuse of historic properties is conducted in a more efficient manner. In order to expedite the use of federal funds, local governments should consider how to complete reviews in advance of project activities being implemented. A cookie cutter approach to Section 106 reviews should be avoided. The emphasis should be on addressing systemic issues unique to a community and that will not delay the availability of housing units that reuse historic properties.

Completing the reviews of larger revitalization projects in advance of receiving federal monies could allow local officials to provide resources for micro grants and loans that stabilize residential and commercial properties. Certified Local Governments can participate in these reviews on behalf of the SHPO to ensure that projects adhere to the *Secretary of Interior's Standards for Rehabilitation* and develop appropriate rehabilitation, infill construction, and new construction. They can also share best management practices with local stakeholders, particularly developers. The net benefit of programmatic solutions will be a reduction in the time and cost for compliance with Section 106.

X. Creative mitigation that can facilitate future preservation in communities.

Local governments should be encouraged to explore creative mitigation measures that will comply with the requirements of Section 106 as well as address economic, environmental, social, and public health needs. While substantial amounts of demolition can discourage residents from seeking historic preservation outcomes, they should be open to looking at how broader concessions that benefit the overall welfare of the community can be achieved. Creative mitigation measures can stabilize a target area or neighborhood in unique ways that can also support historic preservation outcomes. Likewise, accepting the entire loss of a target area or neighborhood after obtaining from local officials a commitment to preserve and rehabilitate a contiguous area can be considered creative mitigation, in certain circumstances. All new construction should not be considered bad when evaluating a historic district or target area. Efforts should be made to determine how best to use the compensation that may be offered from multiple developers to integrate historic preservation treatments in off-site projects that include historic properties. Discussions about creative mitigation should be initiated early in the Section 106 review process when negotiations and concessions can be objectively evaluated. Local officials should include the representatives of the affected community and other consulting parties in these negotiations to ensure all views are heard.

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Preserving America's Heritage

ACHP LEGISLATIVE AGENDA
114th CONGRESS
PROPOSED ACHP ACTION ITEMS
Office of Preservation Initiatives

Two recently introduced bills offer opportunities for the ACHP to weigh in on important issues regarding the stewardship of federally owned historic properties. Proposed ACHP actions on the National Park Service Centennial Act and the Los Angeles Homeless Veterans Leasing Act are discussed below. A summary of other newly introduced bills and a status update on previously introduced bills is provided in an attached briefing paper.

National Park Service Centennial Act (H.R. 3556). Introduced in Congress on September 18, the National Park Service Centennial Act (http://www.achp.gov/docs/national-park-service-centennial-act.pdf) was developed by the Administration to address pressing National Park Service (NPS) funding and management needs in the context of the agency's upcoming centennial in 2016. The bill proposes further funding for critical infrastructure projects, leveraging public-private donations and partnerships, and expanding volunteer and job opportunities in national parks and historic sites. Key provisions of the bill include the following:

- **"Centennial Declaration" on NPS External Programs**. While the bulk of H.R. 3556 addresses management of the National Park System, the bill also would provide congressional direction on the importance of what are often called "external" NPS programs, meaning those that serve needs outside of the National Park System. Among such programs are the National Register of Historic Places, the National Historic Landmarks Program, rehabilitation preservation tax credit certification, the National Native American Graves Protection and Repatriation Act program, the National Heritage Area Program, Tribal Heritage Grants, and other grant programs. H.R. 3556 includes a "Centennial Declaration" amending the portion of the U.S. Code establishing NPS to affirm the agency's responsibility for such financial and technical assistance programs, and directing the Secretary of the Interior to use such programs to benefit the public.

- **New Funding for NPS Projects and Programs**. H. R. 3556 would establish and authorize several new funding vehicles. The National Park Centennial Challenge Fund would be funded by donations to NPS matched by federal funds. First proposed by the George W. Bush administration, the Centennial Challenge Fund has been funded sporadically by Congress since 2008. H.R. 3556 would guarantee funding of $100 million a year from FY 2016 through FY 2018. These funds would be used for "signature projects or programs" identified by the Secretary of the Interior.

  To address deficiencies in infrastructure and facilities, an infusion of Second Century Infrastructure Investment would be appropriated to the National Park Service Construction Account, equaling $300 million a year for three years. H.R. 3556 also would create the National Park Service Second Century Fund, which would be funded by recreation fees, including new lodging and camping fees and an increase in the price of lifetime senior citizen park passes. Use of money from this fund would have to be matched by non-federal donations. The bill also would create the Second Century Endowment, to

be administered by the congressionally chartered National Park Foundation, which would assist in leveraging private donations for NPS projects and programs.

- **New Funding for Public Lands Stewardship**. H.R. 3556 would create the Public Lands Centennial Fund, which would have guaranteed appropriated funding of $100 million a year for FY 2016 through FY 2018. This funding would be used by the land managing agencies of the Department of the Interior and the Department of Agriculture to support projects that enhance visitor services and outdoor recreation, restore lands and waters, repair facilities and trails, and increase energy and water efficiency.

- **Enhanced Educational Program Authorities**. The proposed bill would establish new authority and direction for development and evaluation of NPS interpretation and education programs. Emphasis is placed on ensuring that such programs reflect America's cultural diversity, are innovative, and utilize partners and volunteers in interpretation and education.

- **Expanded Public Land Corps and Volunteer Engagement**. H. R. 3556 calls for raising the maximum age of participants in the existing Public Land Corps from 25 to 30 and lengthening the amount of time participants would have preferential status when competing for NPS jobs. The bill also would enable increased funding for the existing Volunteers in the Parks Program by eliminating the current cap on annual appropriations.

- **Enhanced Commercial Visitor Services Management**. The bill would revamp NPS's concessions program by creating a Visitor Services Management Authority to oversee contracts for commercial visitor services in the parks, such as lodging and dining. Funds generated by these contracts would be deposited into a new revolving fund.

- **Authority for Reproduction of Museum Objects**. H.R. 3556 would authorize NPS to partner with non-federal parties to create reproductions of NPS museum objects (where NPS has intellectual property rights to the object.) Fees or royalties would be able to be retained by the unit, office, or repository holding the objects.

- **Revisions to National Park Foundation**. The bill would alter the National Park Foundation's federal charter to change the structure of the Board of Directors and authorize annual appropriations to be used on projects and programs across the national parks. These internal changes would bring the structure of the Board in line with its sister foundation, the National Fish and Wildlife Foundation.

NPS manages some of America's most iconic historic properties, and the agency's external programs provide technical assistance and funding that are critical to the functioning of the federal preservation program. The ACHP and NPS have been partners in the federal preservation program since its inception, and the ACHP has long supported adequate funding for NPS and innovative management and programming by the agency. This Administration-crafted legislation offers a wide range of well-conceived options consistent with those goals. H.R. 3556 also would codify the basic concept that NPS has a role to play through its external programs in assisting non-federal parties in protecting natural, cultural, historical, and recreational sites. The ACHP consistently has supported such programs, many of which are central to the operation of the federal preservation program.

There is one glaring omission, however, that mars the bill's otherwise well-developed provisions–Indian tribes and Native Hawaiian organizations are not included in lists of non-federal partners. This occurs in the section addressing NPS external programs, which is particularly problematic. It also occurs in the section on reproduction of NPS museum objects. This oversight, however, could be corrected by simple amendments to the bill's language.

The following motion is proposed for ACHP Member consideration:

> Moved, that the ACHP strongly supports the National Park Service Centennial Act bill, H.R. 3556, and directs the chairman to convey the ACHP's support to Congress along with a recommendation that the bill be amended to include Indian tribes and Native Hawaiian organizations in the lists of non-federal parties included in the bills' Sections 101(b)(2) and 901(a).

Los Angeles Homeless Veterans Leasing Act (S. 2013/H.R. 3484). The Los Angeles Homeless Veterans Leasing Act (http://www.achp.gov/docs/la-homeless-veterans-leasing-act.pdf) was introduced in Congress in early September (September 9 in the Senate; September 10 in the House). The bill would authorize the U.S. Department of Veterans Affairs (VA) to outlease properties at its West Los Angeles Campus not only to provide supportive housing for veterans or their families that are at risk of homelessness or are homeless, but also to provide other services that benefit veterans and their families. This bill could serve as a model for broader application of this expansion of VA's leasing authority, which would increase opportunities to use leasing as a tool for the preservation of VA's historic properties.

Background on Enhanced Use Leasing. VA first obtained legislative authority to enter into Enhanced-Use Leases (EULs) in 1991. This authority expired at the close of 2011, but in August 2012 Congress reauthorized the program through 2023, although with modifications. Notably, VA may now enter into EULs only for the purpose of creating supportive housing for veterans or their families that are at risk of homelessness or are homeless. Previously, outleased properties could be developed for a wide range of VA and/or non-VA uses, as long as they were compatible with the mission of the Department.

West Los Angeles VA Campus. Los Angeles is home to the largest population of homeless veterans in the country, and the VA's West Los Angeles Campus was a focal point in a controversy over EULs. In 2011, a legal team including the American Civil Liberties Union (Foundation of Southern California), (ACLU) filed a lawsuit alleging that campus buildings were being leased to private companies rather than being used to provide housing for disabled veterans, the purpose for which the land was deeded to the United States. The facility was established in 1888 as the Pacific Branch of the National Home for Disabled Volunteer Soldiers. Today, the campus still retains many historic properties, and two historic districts have been identified.

The Proposed Legislation. Earlier this year, VA and the ACLU settled the lawsuit, with VA agreeing to develop a new master plan for the West Los Angeles VA Campus. The Los Angeles Homeless Veterans Leasing Act was developed to support this initiative. The bill contains oversight and accountability mechanisms, but it also proposes expansion of EUL authority at the West Los Angeles VA Campus to include not only supportive housing but also other services that principally benefit veterans and their families. Such services could relate to the medical, clinical, therapeutic, dietary, rehabilitative, legal, mental, spiritual, physical, recreational, research, and counseling needs of veterans and their families.

VA supports the proposed bill and also supports the concept of expanding EUL authority at other facilities or nationwide. This is of interest to the preservation community, because VA has more than 2,000 historic buildings and landscapes, including a number of National Historic Landmarks, in its portfolio. In 2013, the National Trust for Historic Preservation issued a report, *Honoring Our Nation's Veterans: Saving Their Places of Health Care and Healing* (http://www.preservationnation.org/information-center/saving-a-place/va-hospital/NTHP-VA-Report-FINAL.pdf), which examined in detail the challenges and opportunities these historic properties pose for VA, and discussed EULs as a tool for preservation of underutilized and unused VA historic properties. Restriction of EULs to only supportive housing uses is reducing the usefulness of EULs as a tool for repurposing properties. The report recommended:

> *Congress should restore the VA's authority to execute a specific option for building reuse—enhanced-use leasing with third parties to provide a range of services to veterans and their communities, in addition to addressing veteran homelessness. Corrective measures should continue to be implemented in the enhanced-use leasing program to address previous concerns regarding the VA's accountability for these transactions. . .*

The following motion is proposed for ACHP Member consideration:

> Moved, that the ACHP supports the Los Angeles Homeless Veterans Leasing Act bill, S. 2013 and H.R. 3484, and directs the chairman to convey to the Administration and the Congress its support of the bill, its sense that the Enhanced Use Leases can be an efficient and cost-effective tool for addressing the challenges of underutilized historic buildings within the Department of Veterans Affairs' inventory, and its request that the Administration and the Congress consider expanding the bill's Enhanced Use Lease authority to all of the Department's historic properties.

Attachment: ACHP Legislative Agenda, New Bills and Status Updates

October 21, 2015

Preserving America's Heritage

ACHP LEGISLATIVE AGENDA
114th CONGRESS
NEW BILLS AND STATUS UPDATES
Office of Preservation Initiatives

The following update briefly summarizes newly introduced legislation and provides the status on previously introduced bills. It is organized by legislative agenda issue area as endorsed by the ACHP at its July business meeting. The progress of these bills is being monitored by ACHP staff.

Reauthorizing and Fully Funding the Historic Preservation Fund

- HPF Reauthorization and Full Funding. As of midnight September 30, deposits of Outer Continental Shelf oil lease revenues into the Historic Preservation Fund (HPF) ceased when funding authorization expired. The fund has a remaining balance of $3 billion that can be drawn upon in the short term, but reauthorization of the revenue stream into the fund is critical for the federal preservation program's long-term viability. There has been no recent action in Congress on the previously introduced National Historic Preservation Amendments Act (H.R. 2817), which would reauthorize the HPF through 2025. However, a provision for reauthorization has been included in the Energy Policy Modernization Act (S. 2012). Reported out of the Committee on Energy and Natural Resources on September 9, the bill is ready for full Senate consideration. It would provide permanent authorization for the HPF, but does not address the issue of full funding.

  The American Energy Innovation Act (S. 2089) was introduced on September 28 by Senator Maria Cantwell, Ranking Member of the Senate Committee on Energy and Natural Resources, and, like the Energy Policy Modernization Act, would permanently reauthorize the HPF. However, this new bill would go a step further and provide permanent full funding. If the bill was enacted, 54 U.S.C. Section 303103 would be revised as follows:

  > ~~Amounts in the Historic Preservation Fund shall be used only to carry out this division and shall be available for expenditure only when appropriated by Congress.~~ **Amounts deposited in the Historic Preservation Fund on or after the date of enactment of the American Energy Innovation Act shall only be used to carry out this division and shall be available for expenditure without further appropriation.** Any amount not appropriated shall remain available in the Historic Preservation Fund until appropriated for those purposes. Appropriations made pursuant to this section may be made without fiscal year limitation.

  S. 2089 was introduced with 30 cosponsors, all Democrats, including Senate Democratic Leader Harry Read.

On July 27, as these bills were under development, Chairman Wayne Donaldson sent a letter (http://www.achp.gov/docs/achp-letter-hpf-energy.pdf) to the Committee on Energy and Natural Resources supporting permanent authorization. The ACHP also was asked by the Office of Management

and Budget (OMB) to provide views on a draft letter to Congress from the Department of the Interior (DOI) regarding reauthorization of the HPF. The ACHP concurred with DOI's support for reauthorization but urged the Administration to take an even stronger position and promote both full and permanent funding, as it has done with the Land and Water Conservation Fund. The National Trust for Historic Preservation and the National Conference of State Historic Preservation Officers (NCSHPO) recently briefed House staff on HPF reauthorization. Outreach regarding the HPF by non-federal ACHP members and alumni also is ongoing. The final letter from Secretary Sally Jewell dated September 29, 2015, may be found here (http://www.achp.gov/docs/doi-reauthorization-letter.pdf).

- FY 2016 Funding. Congress did not pass spending bills for FY 2016 before the end of the fiscal year on September 30 but agreed to a continuing resolution to fund the government through December 11 at current levels. The President signed the bill.

  On October 5, a Senate omnibus appropriations bill (S. 2132) was introduced that includes funding for the Department of the Interior and related agencies. In this bill, funding for the ACHP would be $6.08 million, the amount requested in the President's budget and also proposed by the House in its committee mark-up. The FY 2015 budget was slightly higher at $6.204 million.

  S. 2132 proposes that HPF funding remain level for State Historic Preservation Officers (SHPOs) ($46.925 million), Tribal Historic Preservation Officers (THPOs) ($8.985 million), and the grant program to assist in efforts to broaden the inclusion of underrepresented communities in statewide inventories and the National Register of Historic Places ($500,000). The Senate also has endorsed the Administration's proposed Civil Rights Initiative, calling for $5 million in HPF grant funding to preserve the sites and stories of the Civil Rights movement (the President's request was $30 million). The Senate also would provide $20.321 for National Heritage Areas, about twice the amount requested in the President's budget.

  Previously proposed House funding numbers mirror S. 2132 in terms of level funding for SHPOs/THPOs and $500,000 for underrepresented communities grants. The House supports the proposed Civil Rights grant funding and at a slightly higher funding level than the Senate ($6.5 million). The House also proposed $2.5 million for grants to Historically Black Colleges and Universities (HBCUs) to preserve Civil Rights movement sites, funding not proposed in the Senate bill.

Enhancing the Effectiveness of the ACHP and the National Preservation Program

- National Historic Preservation Act Amendments. The ACHP has been pursuing introduction of legislation to amend the National Historic Preservation Act (NHPA) to create a full-time chairman for the agency and extend voting membership to the chairman of the National Association of Tribal Historic Preservation Officers. These proposed changes were endorsed by the ACHP membership in 2013 and 2011, respectively. Consideration of sponsors is underway; however, two bills already in Congress might serve as vehicles for advancing the proposed legislative changes. Since both bills call for other changes to the NHPA, they potentially could be amended to include the changes desired by the ACHP.

  The previously mentioned Energy Policy Modernization Act (S. 2012), which would reauthorize the HPF, offers one opportunity. The second bill is the Preservation Research at Institutions Serving Minorities or PRISM Act (H.R. 1541), which was reported out of the House Natural Resources Committee on September 30. It would amend the NHPA to make universities and colleges serving Hispanic Americans, Asian Americans, and Pacific Islanders eligible for technical and financial

assistance that the Secretary of the Interior is authorized to provide for the establishment of preservation training and degree programs.

- Department of the Interior Tribal Self-Governance Act (S. 286). The Senate passed the Department of the Interior Tribal Self-Governance Act on July 7. It would amend the Indian Self-Determination and Education Assistance Act to strengthen the ability of tribal governments to operate federal programs as, in essence, tribal programs. It would permit tribes to assume federal agency responsibilities under the NHPA and National Environmental Policy Act for construction projects funded by federal programs that are being operated by the tribes. DOI supported the bill in the last Congress, and it is in keeping with the ACHP's recognition of tribal sovereignty and self-governance in implementation of the Section 106 process. The bill has been referred to the Committee on Natural Resources in the House.

Coordinating Section 106 and Section 4(f) Reviews for Surface Transportation Programs

- DRIVE Act (H.R. 22) and GROW AMERICA Act (H. R. 3064). On July 31, the President signed into law the Surface Transportation and Veterans Health Care Choice Improvement Act (H.R. 3236), which extended funding for highway and transit programs through October 29. The House and Senate are promoting different long-term funding bills – the House GROW AMERICA Act and the Senate DRIVE Act. (The DRIVE Act has a House bill number since the Senate amended a non-transportation-related bill already passed by the House to substitute the DRIVE Act text.) Neither bill has moved forward since the DRIVE Act was reported out of the Committee on Environment and Public Works on July 15.

  Provisions in both bills would permit outcomes reached through the Section 106 process to substitute for the more rigorous requirements of Section 4(f) review. Such substitution would require the involvement and concurrence of other reviewing agencies that do not currently participate in Section 4(f) determinations (including the ACHP, DOI, SHPOs, and THPOs) that there are no prudent and feasible alternatives that would avoid the use of a historic site. National preservation organizations, including the National Trust and NCSHPO, have expressed grave concerns about the approach, and the ACHP has also spoken against it.

The DRIVE Act also would amend Section 106 to require the ACHP to issue an exemption of railroad rights-of-way from review. While the ACHP has been supportive of the concept, amending the language of Section 106 itself is unnecessary to achieve the desired outcome and would require the revision of all explanatory and training materials that reference Section 106. On August 6, Chairman Donaldson sent a letter (http://www.achp.gov/docs/achp-grow-america-act.pdf) to the House Transportation and Infrastructure Committee outlining the ACHP's concerns.

- Railroad Reform, Enhancement, and Efficiency Act (S. 1626). There has been no recent action on this previously introduced bill, which would reauthorize funding for Amtrak, address rail safety issues, and make various improvements to management of the nation's rail system. However, portions of the bill addressing Section 106 and Section 4(f) reviews have been incorporated into the above mentioned DRIVE Act.

- Passenger Rail Reform and Investment Act (H.R. 749). There has been no recent action on this previously introduced bill, which, rather than exempting activities from Section 106 and Section 4(f), calls for the Department of Transportation to administratively pursue program alternatives for compliance with Section 106 for rail projects and to develop mechanisms for streamlining compliance with Section 4(f).

Preserving the Fundamental Integrity of the National Register of Historic Places

- National Defense Authorization Act (H.R. 1735). On September 30, the House and Senate conference committee working to resolve differences on the National Defense Authorization Act issued its report. In an important victory for preservation, a proposed amendment to the NHPA that had been included in the House version of the bill was dropped during conference committee consideration. The House version had included the provisions of the previously proposed Military LAND Act, which would have amended the NHPA to allow federal agencies to prevent designation of federal properties as historic (and reverse existing designations) based on agency determinations of national security needs. The Department of Defense, the National Park Service, and the ACHP have strongly opposed inclusion of these provisions. The conference report was agreed to in the House on October 1 and in the Senate on October 7. The bill will now be sent to the President for signature.

Building a More Inclusive Preservation Program

- Preservation Research at Institutions Serving Minorities (PRISM) Act (S. 805/H.R. 1541). For an update, see the previous discussion of the NHPA amendments.

- Native American Tourism and Improving Visitor Experience (NATIVE) Act (S. 1579/H.R.3477). A House version of this bill (which was introduced in the Senate on June 16) was introduced on September 10. On October 7, the Senate Committee on Indian Affairs reported the bill out of committee. The NATIVE Act would require federal agencies with tourism assets and responsibilities to include tribes and Native organizations in national tourism efforts and strategic planning. It would also provide Native Hawaiian, Alaska Native, and American Indian communities with access to resources and technical assistance for tourism-related projects. The bill has been referred to committee.

- Bill to reauthorize the Historically Black Colleges and Universities Historic Preservation program (H.R. 295). There has been no recent action on this bill (introduced January 13) which would provide a multi-year authorization for grants from the HPF up to $29 million. No appropriations have been made for the program since 2006, and there has been no recent action.

Ensuring that Environmental Streamlining Does Not Waive or Weaken the Section 106 Process

- DRIVE Act (H.R. 22). This bill would amend the wording of Section 106 to require the ACHP to exempt railroad rights-of-way from review. For an update, see the section above addressing surface transportation programs.

- Streamlining and Investing in Broadband Infrastructure Act (S. 2163). Introduced on October 7, this bill is intended to expand broadband access in rural areas by requiring installation of broadband conduits during federal highway construction projects and by streamlining the process for broadband infrastructure development on federal land and properties. The bill would require federal agencies to permit installation of communications infrastructure (including towers and antennas) on federal property unless not technically feasible, and agencies will have only 90 days to make that decision. These requirements raise concerns about the feasibility of completing normal environmental reviews, including Section 106. The General Services Administration would be required to consult with a number of agencies, including the ACHP, to develop (within 60 days) master application forms and standard contracts for applicants. This process would include standardizing the placement of communications infrastructure on buildings. The bill has been referred to committee. It is similar but

not identical to the Senate's Wireless Innovation Act (S. 1613.) ACHP staff is reviewing these bills in more detail and may provide further information at the ACHP meeting.

- National Forest Ecosystem Improvement Act (S. 1691). This bill would require that environmental assessments for ecosystem restoration projects under the National Environmental Policy Act (NEPA) be completed within a 180-day time frame, which potentially could constrain Section 106 compliance. A hearing was held on the bill by the Senate Subcommittee on Public Lands, Forests, and Mining on July 16. At that hearing, the Chief of the Forest Service opposed the bill on behalf of the Administration.

- Federal Permitting Improvement Act (S. 280). This bill was reported favorably out of the Committee on Homeland Security and Governmental Affairs on August 4. It seeks to build upon and make permanent some of the streamlining improvements that have resulted from Executive Order 13604 and the work of the Steering Committee on Federal Infrastructure Permitting and Review Process Improvement. The bill proposes that the Committee would become the Federal Permitting Improvement Council, with the ACHP continuing as a member. No Statement of Administration Policy (SAP) has been issued on the proposed bill.

- NEPA Reciprocity Act (H.R. 2497). There has been no recent action on this bill (introduced May 21), which would require the Secretary of Transportation to establish a program to eliminate duplicative environmental reviews and approvals under state and federal law for rail and highway transportation projects. It would authorize states to use state environmental review laws and procedures, consistent with certain requirements, in lieu of federal environmental laws and regulations, including Section 106. The bill has been referred to committee.

- American Energy Renaissance Act (S. 791/H.R. 1487). There has been no recent action on this bill (introduced March 18 (Senate)/March 19 (House)), which would allow states to take control of energy leasing and permitting processes on select federal lands, including substituting state programs for federal environmental requirements including Section 106 review. The bill has been referred to committee.

- Federal Land Freedom Act (S. 490/H.R. 866). There has been no recent action on this previously introduced bill, which includes environmental review provisions similar to the American Energy Renaissance Act.

Fostering Federal Stewardship of Publicly-Owned Historic Resources

- National Park Service Centennial Act (H.R. 3556). Introduced on September 18, this bill crafted by the Administration seeks to address pressing National Park Service (NPS) management needs in the context of the agency's upcoming centennial. See the "ACHP Legislative Agenda, 114th Congress, Proposed ACHP Action Items" in this tab for proposed ACHP action on this bill.

- Los Angeles Homeless Veterans Leasing Act (S. 2013/H.R. 3484). Introduced on September 9 in the Senate and September 10 in the House, this bill would authorize the Department of Veterans Affairs to lease properties at its West Los Angeles Medical Center not only to provide housing for homeless veterans (as is now the case), but also to provide other services that benefit veterans and their families. This city-specific bill may serve as a test case for nationwide application, and ACHP action on the bill is recommended in the "ACHP Legislative Agenda, 114th Congress, Proposed ACHP Action Items" in this tab.

- California Minerals, Off-Road Recreation, and Conservation Act (H.R. 3668). Introduced on October 1, this bill would make major changes in the use of public lands in California's desert. It is an alternative to a Senate bill introduced earlier this year, the California Desert Conservation and Recreation Act (S. 414). The bill raises concerns if only for the fact that it proposes to exempt bridge repair and replacement on a portion of Route 66 from Section 106 and Section 4(f) reviews. The bill also would prohibit Presidential creation of National Monuments in some of the affected areas. Under H.R. 3668, major new off-road vehicle areas would be created, and there are provisions regarding mining permits, both of which potentially could raise issues regarding cultural resource impacts, especially for Indian tribes. The bill has been referred to committee. ACHP staff is reviewing this bill in more detail and may provide further information at the ACHP meeting.

- 21st Century Conservation Service Corps Act (S. 1993). This bill (introduced on August 5) would bolster the existing public-private 21st Century Conservation Service Corps Initiative. The bill would provide a framework for more federal agencies to enter cooperative agreements with Corps programs and develop standards for data collection and program evaluation. Preservation of historic properties is identified specifically as an eligible project area. Involving veterans and disadvantaged youth is emphasized. S. 1993 also would extend non-competitive hiring eligibility with federal agencies from 120 days to two years for many Corps participants, thus enhancing their federal career potential. The bill has been referred to committee.

- Save Oak Flat Act (H.R. 2811). There has been no recent action on this bill (introduced June 17), which would repeal the section of last year's National Defense Authorization Act that authorized the transfer of 2,400 acres of U.S. Forest Service land in Arizona's Tonto National Forest to Resolution Copper, a subsidiary of a foreign mining company. The area, known as Oak Flat, includes properties of religious and cultural significance to several Indian tribes. The tribes have expressed strong objections to the transfer. The National Trust for Historic Preservation recently included Oak Flat on its 2015 list of the Nation's 11 Most Endangered Historic Properties. The bill has been referred to committee.

- Moratorium on United States Postal Facilities Act (H.R. 1501). There has been no recent action on this bill (introduced March 19), which would require congressional approval of the closure, consolidation, or sale of any historic postal facility. The bill has been referred to committee.

- Military Construction and Veterans Affairs and Related Agencies Appropriations Act (H.R. 2029). There has been no recent action on this bill, the House version of which (passed on April 30) included a provision that would prevent closure of Department of Veterans Affairs (VA) health care facilities that are National Historic Landmarks in rural areas. This was sparked by the proposed closure of the historic Hot Springs VA Medical Center. However, the Senate version of the bill reported out of committee on May 21 does not include such a provision. OMB has issued a SAP opposing the House version of the bill based on funding levels and other policy considerations.

- Public Lands Service Corps Act (S. 1160/H.R. 2167). There has been no recent action on this bill (introduced April 30), which would modernize the existing Public Lands Corps and directly engage youth in restoration of natural, cultural, historic, archaeological, recreational, and scenic resources. It also would authorize the creation of an Indian Youth Service Corps to carry out natural and cultural resources conservation projects on Indian lands. The bill has been referred to committee.

- Veterans Conservation Corps Act (H.R. 1978). There has been no recent action on this bill (introduced April 22), which would create a veterans conservation corps to work on conservation, resource management, firefighting, law enforcement, and historic preservation projects on public

- lands and maintenance and improvement projects for cemeteries under the jurisdiction of the National Cemetery Administration. The bill has been referred to committee.

Maintaining and Enhancing Tax Incentives for Historic Preservation

- Senate Tax Working Groups. In July, the Senate Committee on Finance's Community Development & Infrastructure Bipartisan Tax Working Group Report issued its report (http://www.achp.gov/docs/community-development.pdf). Its recommendations principally address the Highway Trust Fund. Other community development tax incentives–including the rehabilitation tax credit–are mentioned in brief (Part IV of the appendix, pages xxii-xxiii). The Working Group summarizes the facts of the rehab tax credit and states that the tax expenditure estimate for the credit (both for historic structures and other than historic structures) for fiscal years 2014-2018 is $5.4 billion. The Committee offered no recommendations regarding the credit.

Anticipated Bill to Revise the Rehabilitation Tax Credit. The Creating American Prosperity through Preservation Act was introduced in several previous sessions of Congress, and efforts are underway to have similar legislation introduced in this Congress. When it is introduced, advocates for the legislation will be able to point to a new report on the economic benefits of the tax credit. The *Annual Report on the Economic Impact of the Federal Historic Tax Credit for FY 2014* (http://www.nps.gov/tps/tax-incentives/taxdocs/economic-impact-2014.pdf), prepared by NPS and Rutgers University, found that the program (since its inception) has preserved more than 40,380 historic properties, generated more than $73 billion in private investment, created 2.47 million jobs, produced 137,978 low- and moderate-income housing units, and developed a quarter of a million new housing units overall.

- National Disaster Tax Relief Act (S. 1795/H.R. 3110). This bill (introduced July 16) would increase the rehabilitation tax credit in federally declared disaster areas for disasters in 2012 through 2015. The bill has been referred to committee.

- Historic Downtown Preservation and Access Act (S. 932). There has been no recent action on this bill (introduced April 14) which would amend the Internal Revenue Code to allow a refundable tax credit for 50 percent of the cost of installing an elevator system or a sprinkler system in a certified historic structure. The bill has been referred to committee.

Supporting Presidential Designation of National Monuments

- National Monument Designation Transparency Act (H.R. 3389). This bill, which was introduced on July 29, would place a number of restrictions and requirements on Presidential designation of National Monuments. Congress would have to approve such designations, and public hearings and studies would be required for each proposed designation. The bill has been referred to committee.

- National Monument Designation Transparency and Accountability Act (H.R. 900/S. 228); Marine Access and State Transparency (MAST) Act (H.R. 330); and a bill to prohibit the further extension or establishment of national monuments in Nevada (H.R. 488). There has been no recent action on these previously introduced bills, all of which would amend the Antiquities Act to limit Presidential designations of public lands as national monuments.

Encouraging Stability and Continued Growth of the National Heritage Areas Program

- National Heritage Area Act (H. R. 581). There has been no recent action on this previously introduced bill, which seeks to standardize the process for designation, funding, and federal/non-federal coordination for National Heritage Areas.