



Preserving America's Heritage

**ACHP Member Comments on
“The National Historic Preservation Program at 50:
Challenges, Opportunities, and Priorities”**

Comments were received from the following ACHP members:

Department of Defense
Terry Guen
Dorothy Lippert
National Conference of State Historic Preservation Officers
National Trust for Historic Preservation
Lynne Sebastian
Katherine Slick
Brad White

Department of Defense

- Encouraging the preservation of intangible aspects of heritage is laudable and important in some circumstances. However, it remains unclear how intangible heritage can be routinely considered in the “place-based context of historic preservation.”
- Consider revising the *Democratizing preservation and encouraging public engagement* section to recognize a broader the definition of community. Community can be defined by collective associations and values, not just geographic boundaries.
- Consider expanding the *Developing public and political support* section to include an initiative to broaden the educational foundation of history in K-12 public education to cultivate heritage values.
- Expanding environmental sustainability through historic preservation goals and practices is important. Climate Change Resilience should indeed be important cornerstones of NHPA goals for the next 50 years.
- A review of compliance procedures and criteria that guide the Federal Historic Preservation Program should focus on increasing procedural flexibility and allowing for more technical or substantive creativity.
- How can the Preservation50 celebration and plan be leveraged to influence and capture the next generation of preservationists? Use this opportunity to plan a concerted effort that expands preservation passion amongst the public and younger generations.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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- Regularly reach out to professional organizations that work around preservation, but have different primary missions. Interact with groups on their terms to build partnerships, including the APA, AIA, Greenbuild, developer and real estate associations, utility associations, environmental planning associations, etc.

Department of Defense “Informal Comments”

- The ACHP should continue to argue for full funding for the HPF.
 - Argument: Yes, level funding has been a challenge, especially considering static funding cannot meet rising needs. However, maintaining level funding during an era of increasing budget cuts and decreasing Federal environmental funding can also be seen as a success.
 - Action:
 1. Develop a strategy which results in OMB giving DOI a “passback” that increases HPF appropriations.
 2. Develop a legislative strategy which results in Congress increasing HPF appropriations. Letters are not sufficient. Real and regular proactive outreach is required.
- Target the National Governors Association and the National Conference of State Legislatures for consistent engagement on critical issues. Develop issue papers supported by statistical data and quantitative analysis to educate and advise such groups. Make outreach to these groups a priority and a part of larger strategies.
- The ACHP should continue to emphasize programmatic solutions and other compliance efficiencies with SHPOs and THPOs to reduce workloads and reprioritize preservation outcomes.
 - Argument: Attempts to create efficiencies and streamline consultation can be met by opposition from SHPOs and THPOs who seem to prefer case-by-case review. However, this work plan is not self-sustaining and is not helping the stakeholders or the historic resources. Concentrate limited resources on significant actions with important preservation outcomes
 - Action: ACHP should encourage SHPOs and THPOs to increase collaboration with Federal agencies to enact agreeable programmatic solutions and efficiency measures. Each new Section 106 or 110 seems to require a new, start from scratch, literature and archival search which is time consuming and costly. These streamlining actions will allow the SHPO/THPOs to focus on high priority reviews in a timely manner.
- The ACHP should also take increased steps to develop other types of program alternatives such as exempted categories, standard treatments, or program comments.
- The ACHP should encourage SHPOs to review and comment on Section 110 reports with a willingness to consider eligibility determinations in order to support and improve Federal agency cultural resources management and planning.
 - Argument: SHPOs can be reluctant to make eligibility determinations without the corresponding potential for effect from a 106 action. A property or resource meets NRHP eligibility criteria or it does not, regardless of any potential effect. Multiple efforts seeking concurrence on eligibility determinations have been rebuffed by SHPOs. SHPOs have stated they lack staff time to review and comment or that they do not have the authority to concur.
 - Action: The ACHP should support Federal agencies by encouraging SHPOs to more actively participate and review agency recommendations of NRHP eligibility. Reasonable consultation and inadvertent discovery procedures allow for reevaluations if the eligibility of a resource is underestimated or no longer of use.

Terry Guen

The Challenges and Opportunities statement provides in 3 pages, a thorough summary of the very broad state of Historic Preservation. The many themes are evenly covered. What I like is the reflection of 50 years of the NHPA, that an “Act” did effectively shift destructive actions, resulting in a growing recognition and ongoing opportunity for future generations to experience our historic legacy through active reuse and occupation of these same original places and structures.

That being said, while the statement is very complete, I don’t feel the spark, excitement, and perhaps “unevenness” in the description, which highlights priorities, elevates expectations, to suggest a roadmap, or motivates actions of where we should go next. Is there a vision for the next 50 years, the “what if” scenario, to animate and show the way with new and improved outcomes we are trying to reach. And why we are doing this?

While ACHP’s performs a wide range of functions, it seems more engaged with Agencies than the general public. For Agencies ongoing ACHP will continue its watchdog function of promoting preservation as a long term activity for long term cultural benefit. There may be adaptations, new innovative methods to address Federal discussions more efficiently/effectively, but largely the task just needs to continue.

While the call is to federal downsizing, ACHP is already a micro-agency. Just a few more staff assigned to general public programs would allow a level of outreach which would be very appreciated by the public and effective in raising public IQ and support. Into the next 50 years I believe ACHP can make better use of its expert “Federal” voice, to help the greater general public engage with historic assets. Through examples of listening sessions, ACHP has gathered federal state, local, and communities together to in a fresh conversation. Through visits to underrepresented communities and support of Preserve American and Chairman’s awards, local engagement is boosted each time where there was previously less. I believe ACHP in P50 should devise and lead a national communication strategy, to teach place as part of US acculturation. Outcomes would be to create a more secure America, developing the economy, social justice of all places and voices continuing to grow and learn tolerance for one another, and to connect Americans to quality of life through history. From the O&C document, there is a lot in place which may be engaged through a simple Mantra. To attract curious minds; equivalent of the simple Smokey Bear rebranding effort.

Over the next 50 years, I believe the American public and health of America as a nation will be strengthened through continued greater connection with Tribal people and native cultures. ACHP and preservation are important gateways to making/keeping these connections and developing greater mutual access. I believe there remains a communal sadness within the public, from past inequities which few speak about, which maybe improved through new conversation and learning.

I find it ironic that underrepresented ethnic communities, who live their cultural heritage on a daily basis in their historic neighborhoods/communities, may be disassociated from the historic preservation movement. Where in fact these are people who have effectively succeeded in preserving authentic places and culture. It takes work on the part of the communities and preservation facilitators to close this gap. I believe more ethnic communities will engage with historic preservation once they figure out it is connected to local community history and social progress. I have been wondering whether the extent minority communities assimilate to American culture, adoption of values, affects their interest in seeing themselves as historically American.

Dorothy Lippert

I wanted to offer a comment regarding future challenges.

When we think about the challenges to historic preservation, we tend to list factors that we think of as within our sphere of influence, such as development, public support, and funding. One challenge that doesn't appear in the current document are potential impacts from our changing climate. I've seen how the preservation community works on disaster mitigation, such as the activities following Hurricane Sandy, but it could be useful to begin considering whether long-term changes in climate may impact historic and cultural resources.

In plain words, I think that one of my favorite cities, New Orleans, will eventually be partly underwater. I don't know that this can necessarily be prevented, but it would be nice to have conversations about how to stave this off as long as possible, and how to protect the most vulnerable areas.

NCSHPO

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June 16, 2016

Wayne Donaldson
Chairman
Advisory Council on Historic Preservation
401 F Street NW
Suite 308
Washington, DC 20001

Re: *The National Historic Preservation Program at 50: Challenges, Opportunities, and Priorities*

Dear Chairman Donaldson:

On behalf of the Board of Directors of the National Conference of State Historic Preservation Officers (NCSHPO), I am writing to provide comments on the Advisory Council's assessment of the challenges and opportunities facing the national historic preservation program. NCSHPO commends the Advisory Council for its efforts to use the occasion of the fiftieth anniversary of the National Historic Preservation Act (NHPA) to stimulate dialogue regarding the strengths and weaknesses of the program. While NCSHPO agrees that dialogue is needed, we find that the NHPP@50 document, as currently written, does not invite this discussion. Instead, it seems to suggest that there is already consensus on where the program should go and how it should get there. As the following comments will demonstrate, NCSHPO has fundamental issues with some of the basic assumptions that underlay the *NHPP@50* document as well as concerns about the nature and impact of policy positions that it appears to promote.

The vision offered by the ACHP, in our opinion, is one that focuses on perceived shortcomings that rest upon revised interpretations of our very purpose. For fifty years, practitioners in the federal historic preservation program have relied upon a consensus that historic preservation, as addressed in the NHPA is a place-based discipline. While we recognize the power of place to transform lives and provide countless other social and environmental benefits, and we have considered a wide range of resource types and an evolving sense of significance, we question whether a primary objective for historic preservation, as referenced in the ACHP document, should be as a means for achieving "social and environmental justice" or as an expanded vehicle for the protection of "intangible heritage."

This is not at all to say that we do not value "intangible heritage." Rather we see historic preservation as one tool in a larger toolbox consisting of other partners and disciplines that, in concert, can lead to the preservation of our broader cultural history. Intangible heritage can certainly be part of the equation when considering the preservation of place under the legislative and regulatory framework from which we operate, and we should never consider the protection of resources in a contextual vacuum. But we

question whether the framework of the NHPA is the best place to achieve the protection of everything that different cultural disciplines want.

In order to move towards a solution to this complex problem, we offer the following suggestions:

- Recognize that the federal preservation program was designed for preserving tangible places and that it has successfully done so for 50 years (we need to better identify success, promote that success, and evaluate how that success has changed communities for the better).
- Recognize that intangible heritage may not fit within the existing federal preservation framework because of its unique and varied composition unrelated to place (language, art, culture, lifeways, foodways, etc.). Attempting to make it fit may result in alterations to the existing program that will halt its success and create something that cannot really preserve either tangible or intangible heritage.
- Recognize that intangible heritage has a very important part to play in creating the significance of tangible places and that its contribution to that significance can and should be recognized.
- Research tools already in place to help identify, recognize, preserve, and promote intangible heritage that may not have a connection to place (NEH, Sites of Conscience, LOC's Poet Laureate, etc.) and identify ways the federal preservation program could partner/collaborate/promote those existing tools. This would be a win/win – it will help us identify places that might fit under our traditional historic preservation programs but that we might not have thought to investigate because we didn't recognize them as significant.
- If there are not sufficient tools for preserving intangible heritage, identify ways the federal preservation program could partner with other organizations to create them.
- Systems always need continuous quality improvement (and sometimes complete overhauls). How can our processes be updated to address known consultation issues, quality of life issues, intangible heritage, etc. How can we better align NEPA and 106 in a streamlined process that adequately gathers information and analyzes impacts to the overall environment (natural, built, and otherwise intangible).

Aside from the fundamental issue related to “intangible heritage,” we have concerns about the language of the document. Overall, instead of a forward-looking, aspirational document that everyone can rally around, we find the tone to be generally negative and scolding. It is also rather declaratory – assuming that certain positions have already been settled. Despite the call for additional dialogue, we think the document can have the opposite effect and, honestly, is part of the reason why our comments have not been submitted sooner.

We recognize that the times in which we live rightly call upon all of us to consider whether we are doing an adequate job of reflecting, including, and acknowledging the great diversity of our nation. This is something for which we are all responsible – and improvement is necessary. But we feel that while the document thoroughly explores these important social issues, it does not adequately explore capacity or resource issues and does not at all consider the political landscape. Even if we were to agree with all of the observations in this document, how would we reconcile an expanded scope for historic preservation

with legislators determined to limit scope and streamline process? We think the political landscape needs to be taken into account just as much as the ideological one. A more surgical approach to improving the historic preservation program may be more appropriate here – and to allow for that possible outcome we think this document needs to be revised. In order to assist in identifying our specific concerns with the document, attached you will find a redlined version with comments inserted as well as several general comments at the end.

In terms of recommendations to the ACHP for the improvement of the national historic preservation program, our overarching belief is that most shortcomings cited are not the result of stagnant policy or outdated structure. Instead, they are due to a system-wide lack of resources, a loss of focus on core responsibilities, and mission creep. Given this, we offer the following improvements the ACHP can make or undertake to improve the program:

Adequate Resources – We contend that the majority of any shortcomings of the federal historic preservation program are the result of lack of resources at virtually every level. Congressional appropriations from the Historic Preservation Fund to State and Tribal Historic Preservation Offices continue to be inadequate to fund the work required under the NHPA. On top of that, some Federal Agencies neither employ adequate staff trained in Section 106 and tasked with compliance nor have the funds necessary to assure adequate compliance. Yet at the same time there is substantial pressure to “streamline,” or to do “more” and “faster.” To accomplish this, there is an increasing reliance on technology – sophisticated data, GIS and archaeological modelling systems can help a great deal. However, once again, without adequate resources, many states and tribes do not have the resources not only for the technology, but for the underlying surveys required to drive it.

Recommendation: Continue to seek full funding of the Historic Preservation Fund with increased funding for State and Tribal Historic Preservation Officers as well as other means of providing or acquiring the funding necessary to adequately perform the functions as envisioned under the National Historic Preservation Act.

Renewed Focus on Section 106 – It is hard to contemplate sweeping changes to the federal historic preservation program when core elements, such as Section 106, are still not functioning as they should. States are not clear about the criteria that will actually trigger ACHP involvement and frequently find themselves desiring more assistance on cases than the ACHP has capacity to deliver. The result places stress upon relationships between all stakeholders in the Section 106 process. Additionally, to address the push for “efficiencies,” the move towards more program alternatives results in complex negotiations that would be aided immensely by additional technical expertise. The key individuals responsible for these negotiations are simply stretched too thin. Dedicating more time, energy and resources to Section 106 can yield a smoother process, better Agency compliance, and improved image within the Administration and elected officials. We would like to see the Advisory Council spend more time on its core Section 106 responsibilities by dedicating more resources to the development of program alternatives, greater engagement in consultation, and periodic check-ins on the effectiveness of agreements already in place.

Recommendation: Provide greater focus on the successful administration of the Section 106 process and invest in the resources necessary to provide assistance, oversight and innovation.

Embrace Existing Framework, Explore Additional New Ones – In our view, historic preservation is a place-based discipline. Since it involves property, it is also inexorably linked to regulatory process. In order for the regulatory process to be carried out successfully, there must be clarity. As we explore additional types of resources with broader, more complex or different qualities, our existing place-based framework should continue to serve as our guide. We encourage clarification and improved guidance in Bulletin #38 or on the nomination of resources such as landscapes to the National Register. However, should it become apparent that the existing regulatory framework that is designed to address preservation of place is not compatible with efforts to protect intangible heritage, then we should seek to create new mechanisms and partnerships outside of the national historic preservation program that can accomplish those goals. Such processes can and should complement each other and it is appropriate for historic preservation entities to play a key role in furthering such an effort.

Recommendation: Restate and embrace the place-based discipline of historic preservation. Provide improved guidance and training regarding how to accommodate different resource types into the existing recognition and regulatory framework. In partnership with affinity organizations, identify existing and seek to create new tools outside of the federal historic preservation program that can help identify, recognize, preserve, and promote intangible cultural heritage.

Thank you for considering our views and concerns. As we stated, this is the position of the Board of Directors of the NCSHPO – we continue to encourage our individual members to share their own views.



Elizabeth Hughes
President

cc: John Fowler, ACHP Executive Director

The National Historic Preservation Program at 50: Challenges, Opportunities, and Priorities

Legacy of the National Historic Preservation Act

Fifty years after enactment of the National Historic Preservation Act of 1966 (NHPA), many of the major issues that drove the creation of the NHPA – energy, education, community revitalization – still resonate. The program has matured and can count many successes:

- Over 90,000 places worthy of preservation have been listed on the National Register of Historic Places
- Federal historic preservation tax credits have stimulated nearly \$120 billion in private investment in the rehabilitation of historic properties
- Nearly 125,000 federal actions are reviewed each year for their impact on historic properties
- Federal agencies have programs and policies in place that promote stewardship of historic properties
- State, tribal, and local governments partner with the federal government to extend the national preservation program into virtually every American community.

Despite these and many other accomplishments, there are promises and visions of the NHPA that remain unfulfilled and preservation continues to face the challenges of a growing and diversifying nation. Acknowledging this landscape, the membership of the ACHP has begun to analyze and discuss the challenges and the opportunities confronting the national historic preservation program at fifty. Recognizing that the NHPA has produced a comprehensive national program with a variety of highly-evolved tools and techniques to advance historic preservation goals, the task today is not to invent a completely new system, as the NHPA did in 1966. Instead, the need is to identify innovations that build on the NHPA foundations and to refine and adjust the tools currently in use, rethinking their application, to meet current and future demands. The following framework is offered as the basis for a dialogue on developing public policy recommendations to do just that.

A Look at the Future

The United States of 2016 is a vastly different nation from 1966, and over the coming decades it will continue to change significantly. Likely changes include the country's overall population size and demographic composition; settlement and work patterns as they relate to the economy; the relationship of communities to ~~the a changing~~ environment ~~and climate, including interaction with climate change and adaptation; changes advances in~~ technology ~~and how it is accessed and used; the interrelationship of all these factors as well as yet to be~~ ~~determined~~ potential shifts in the global economy; energy production and consumption; security; and other cross-cutting issues.

Why preserve, what should be preserved, and how should it be accomplished in the future have and will continue to be key questions.² While the focus of historic preservation is place-based, there are factors beyond physical characteristics and artifacts that come into play in determining significance. Does the preservation field adequately take into account the cultural values and traditions associated with these places? Do the places preserved adequately tell the story of our diverse country? Are all Americans being sufficiently educated and engaged regarding the shared, complex, multi-faceted history of the United States, including their local community's history, often not of their making, to appreciate our nation's historic places and to advocate for their preservation? How do we combat apathy about the fate of historic places, an apathy that is often rooted in a grave lack of awareness of their importance and role in our history? These are additional questions that should be addressed to assure the ~~The focus since 1966 has been on the built environment of communities as well as other tangible~~ historic resources and their preservation. Many now believe that insufficient attention has been paid to the social and cultural values and traditions – the “intangible” aspects of heritage associated with properties. ~~Other factors may come into play in deciding priorities, such as a desire for enhanced public engagement or considerations of social and environmental justice. The “why” of preservation matters just as much as the “what” and the “how.”~~

Commented [EH1]: If we are going to site unfulfilled promises and visions we should probably identify what they are....

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Commented [EH2]: We feel these are unnecessarily loaded words. We think overall there is a more positive way to say this that will engage people on both sides of this argument – because we know full well there is not agreement.

Development and Other Pressures

There continue to be activities carried out by both the public and private sectors, and often supported by the federal government, that threaten the nation's historic resources in much the same way that federal urban renewal and highway construction programs did 50 years ago:

Energy development and transmission. Large-scale traditional and renewable energy projects are impacting cultural landscapes, traditional cultural sites, and archaeological resources in a massive way.

Infrastructure development. Rail and highway construction, harbor development, bridge replacement, transmission corridors and pipelines, and broadband build-out are posing preservation challenges.

Urban change and redevelopment. Economic and demographic shifts have left communities with abandoned properties, excess infrastructure, and insufficient financial resources to maintain services and facilities, threatening historic properties and neighborhoods in both large cities and small towns. On the flip side, some historic urban areas are undergoing rapid development and rehabilitation with substantial pressure to increase density - driving different demographic shifts and threats to historic places.

Sprawl and suburbanization. Many regions of the U.S. have experienced extensive suburban and exurban sprawl, transforming both rural landscapes and communities and as well as older suburbs.

Reducing the federal footprint. Changes in government priorities and the methods of delivering public services leave historic federal properties without a current use and ripe for demolition or sale.

Commented [EH3]: You forgot the "redevelopment" end of the spectrum

Commented [EH4]: Have property rights issues gone away? What about anti-federalists?

Continuing Challenges and Priorities for the Preservation Program

Developing public and political support. Even after fifty years, there is a broad lack of public understanding of and appreciation for the value and relevance of historic preservation to contemporary America. While many individual communities may "get it" with regard to thriving, culturally vibrant downtowns or historic residential neighborhoods, this does not necessarily translate to legislative or public funding support. In particular, the economic and environmental benefits of preservation are insufficiently measured and explained by the preservation community. Building an appreciation for and re-instituting a strong role for history education in basic curricula about history, the historic built environment, cultural landscapes, and cultural diversityour historic places among the American public, especially young people, is are a critical part components of this challenge.

Commented [EH5]: The challenges seem to be completely independent of the threats....

Obtaining adequate and sustainable financial support. Competition for scarce public dollars and chronic underfunding of the governmental structure for preservation affects the delivery of needed services to stakeholders. Failure to provide the full amount of funding authorized in the Historic Preservation Fund hampers the effectiveness of the tools provided in the NHPA. It prevents many states and tribes from fully identifying and protecting our historic places and it makes it much harder to fully involve the public. Among other things, this includes critical support for protection of properties not eligible for tax incentives, as well as adequate support for tribal preservation programs. Repeated calls for simplifying the tax code threaten the continuation of highly-successful federal tax credits for the rehabilitation of historic structures and the ensuing uncertainty undermines public-private partnerships that are increasingly important for preservation. The credits could also be made more useful for a wide range of preservation needs.

Providing leadership and expertise. The national preservation program needs forceful and consistent leadership at the policy level in the federal government to advance preservation as a national policy and priority. At the professional level, there are insufficient numbers and types of qualified and experienced practitioners (in both

public and private sectors) in the various preservation fields and succession planning is needed to address an aging workforce.

Promoting inclusiveness and diversity. ~~Historic preservation needs to foster and support environmental and social justice considerations in community planning and preservation. Similarly, the changing face of~~ great diversity of America needs to be ~~better~~ reflected both in the resources recognized as historic and in the composition of the professional preservation community. ~~A more expansive approach to significance is needed, and~~ Diverse communities must be more effectively engaged and supported in preserving their own heritage and telling the places that tell their part of the American story. This includes telling difficult or complex stories that illustrate both the positive and negative interactions of different people and institutions in evolving contexts over the course of the nation's history.

Recognizing the full range of the nation's heritage. ~~In addition to acknowledging the heritage of the many diverse groups that will increasingly comprise the American public, the~~ The preservation program community needs to do a better job of incorporating concepts of intangible heritage and non-traditional resources ~~examine the appropriate role of intangible cultural and traditional values within a~~ within the place-based context of historic preservation program. ~~This includes not only cultural landscapes and sites sacred to native peoples, but also less obvious culturally significant sites that~~ do may not meet other typical preservation tests like age or integrity. ~~New tools, skills, and standards will be required to do this. Approaches to archaeological resources need to be examined to distinguish those that warrant long-term preservation from those appropriate for research that genuinely contributes to scientific knowledge.~~ Historic sites associated with the recent past, including 20th century "modern" architecture, and sites appropriate for research contributing to scientific knowledge also need to be evaluated to identify those worthy of preservation.

Improving preservation processes and systems. Current criteria for evaluating historic significance and legal protective mechanisms need to be ~~updated to reflect the~~ evaluated to assure the values communities place on their heritage ~~and to elevate outcomes over process~~ are as important as the process. ~~Complexity and over-reliance on professional expertise often stifles public engagement and impedes the preservation of what citizens really value.~~ A fresh look at the procedures and criteria that guide the recognition, protection and enhancement of historic properties offers opportunities for achieving greater transparency, stakeholder and public participation, and efficiency. Such a re-examination could also promote better integration of preservation with other environmental and ~~social impact assessment~~ planning systems or partnerships with other cultural endeavors. It could also ~~and~~ spur innovative thoughts about ~~process, tools, techniques, and technology. Critical to this evaluation is the recognized need to balance individual property rights with the public good and to ensure legal consistency in regulation. Likewise fundamental is the need to maintain straightforward, robust, and objective sets of criteria for the tools and programs applicable to historic places – from designation to historic tax credit programs to review processes.~~

~~Respecting~~ Embracing the cultures, views, and concerns of indigenous peoples. While the NHPA provides for formal participation of Indian tribes and Native Hawaiian organizations, in practice they are often overlooked or excluded. The result is that the resources important to their identity and culture, and the intangible and tangible cultural heritage associated with them, are not properly recognized or valued by the larger society. Tribes and Native Hawaiian organizations ~~They~~ are often not fully considered in mandated preservation processes. At times this is an obvious oversight, but there are also times when good intentions are met with challenges in identifying all of the appropriate stakeholders associated with ancestral lands and in fostering the necessary communication and consultation.

Additional Opportunities for the Preservation Program

~~Democratizing preservation and~~ Expanding and encouraging public engagement. Social media, technology, and an expanding ~~perception of historic significance~~ consideration of significant historic places can open the preservation program more broadly to the public. ~~This~~ Such efforts could have the added benefit of building public support.

Commented [EH6]: Repetitive

Commented [EH7]: Isn't it contradictory to say on one hand that we have too much professionalism and then turn around and say on the other hand that we need more trained professionals? You can suggest that process needs to be improved to better garner public engagement without knocking professional expertise.

Commented [EH8]: We read this as a response to disrespect. That may be the case, but we think we can find a more positive way to say it...

Commented [EH9]: We can't just ignore the fact that good consultation with tribes can be difficult for very practical reasons. It is not always because of willful disregard. There are resource and logistical issues that should be addressed as well.

Commented [EH10]: This word is an odd choice – it makes it sound like we have acted like an oligarchy or something non-democratic. Even if there are those who think this, we think the term is a turn off.

Community engagement in deciding what is important and how it should be managed can strengthen public and political support and promote diversity throughout the program. Preservation planning and the Section 106 process ~~– both designed to be public consultative processes --~~ need to look at ways to foster even greater public involvement~~make public involvement more effective.~~

Furthering collaboration and partnership. Increasing recognition of the contributions historic preservation can make to economic development and quality of life can foster greater public-private partnerships that benefit preservation including identifying tools for preserving intangible heritage. Focusing on collaborative solutions can redirect regulatory review processes constructively and better reflect federal agency mission needs and program goals. More effective outreach to the business community, to organizations beyond typical preservation constituencies, and to other non-traditional partners could expand preservation’s horizons and potential.

Expanding environmental sustainability. Pioneering work done on the environmental benefits of historic preservation demonstrates its value as a tool for sustainable development as well as its relevance in addressing the challenges of climate change. Historic preservation and concern for historic resources at the community level need to be fully integrated into climate adaptation and resilience planning as well as local and regional sustainability goals in order to ~~maximize the potential environmental and economic benefits assure effective decision-making that does not unnecessarily harm our historic places.~~

Enhancing appreciation for heritage through formal and informal education. Integrating cultural heritage awareness into education systems can build a better understanding among young Americans of the importance of history and historic preservation – and their connection to place. Targeted youth conservation and service learning programs can train young people in trades necessary to preserve our historic places and keep historic technologies alive. ~~Expanded~~along with expanded professional and vocational training can lead to careers in preservation and broaden participation in the field.

May 10, 2016

GENERAL COMMENTS:

- The ACHP Document covers a lot of ground. In many ways, however, we feel it at times veers into being a “manifesto” instead of a document aimed at generating dialogue. It uses words like “social justice,” “environmental justice,” and “democratization.” It even suggests that professional expertise “stifles” public engagement – which can sound quite divisive, pitting one against the other. In fact the majority of the document seems to rely solely on an observation that the preservation field is elitist, racist, classist, opaque, inflexible, bureaucratic and old. Some of those charges may be fair, others not. But either way, we think it is a better approach to validate and celebrate what has been accomplished and consider paths for improvement. Without it, the document is inherently negative and can elicit a defensive reaction. As such, we think it is hard to rally around and will discourage the evolution of the program to keep it relevant.
- Despite the call for “dialogue,” some of the conclusions – such as the statement of fact that we have to do a better job if incorporating intangible heritage, or that new tools or standards WILL be required, or current criteria for evaluation NEED to be updated seem to indicate that the conversation has already taken place and the decision made. We don’t think anyone disputes that we can do better – but we think the way you bring everyone along for the journey is to make them part of the diagnosis. And while we are prescribing that diagnosis, some data would be

helpful. We can all point to a case that did not end well or for which an outcome was undesirable. But is this really representative of the entire preservation program? Is the whole program really that out of whack? Are the charges that the preservation program fails to take into account a diverse history accurate? We all know that in the early years of the program the focus was entirely on physical descriptions – but didn't we turn that corner a long time ago? How much of this is a matter of the past catching up with the present?

- All of the discussion on intangible heritage is controversial – ignoring that fact is just plain wrong. This concept can have a radical impact on historic preservation. It, in effect, could redefine what we mean by historic preservation. That is a discussion much larger than this document – which assumes that discussion and agreement has already taken place. There is an obvious tension between the academic world and the practitioner world. The former accuses the latter of being too dismissive of "intangible" heritage. The latter charges the former of not understanding the purpose or fundamentals of the regulatory historic preservation process. That is frankly the root of this entire problem and we don't see the opportunity for that debate in this document. Instead it would appear the academic world has prevailed. We think that there needs to be a broader discussion about the incorporation of intangible heritage and whether the historic preservation program is the appropriate venue to accommodate all of the associated aspirations. If we decide it is not it does not mean we do not support intangible heritage. We should stand ready to work with other partners and disciplines to find creative solutions in a complementary framework.
- The threats (Development and Other Pressures) are all physical and external, yet it is unclear how the "Continuing Challenges and Priorities" for the program relate to these the threats. Four of the challenges – Recognizing the full range of the nation's heritage, Respecting the cultures and views and concerns of indigenous peoples, promoting inclusiveness and diversity, and democratizing and encouraging public engagement are all variations of the same social theme. They are important, to be sure. But there are also serious capacity and resource issues that accompany complex project reviews that I don't think are addressed as thoroughly as social issues. Other than a reference to a need for more HPF funding, partnerships and improving processes I don't see much substance on this issue. Particularly if we are talking about being more expansive, there are legitimate political, policy and resource issues associated with such a move.

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**National Trust *for*
Historic Preservation**

Save the past. Enrich the future.

June 22, 2016

Mr. Wayne Donaldson
Chairman
Advisory Council on Historic Preservation
401 F Street NW
Suite 308
Washington, DC 20001

Re: The National Historic Preservation Program at 50: Challenges, Opportunities, and Priorities

Dear Chairman Donaldson:

The National Trust for Historic Preservation appreciates the opportunity to comment on the Advisory Council's work to identify the challenges, opportunities, and priorities for the National Historic Preservation Program at 50. This is very important work for the preservation movement as it looks to the future.

Our comments, which are attached, return to our founding legislation as a benchmark for this look into the future. Despite the many successes of the National Historic Preservation Act over the past 50 years, the inspiring vision from the 1966 Act – which recognizes the cultural, educational, aesthetic, inspirational, economic and energy benefits of our historic and cultural places and looks forward to the everyday use of this vital legacy as a living part of our community life -- has not been fully realized.

The statement prepared by the Advisory Council, *The National Historic Preservation Program at 50: Challenges, Opportunities, and Priorities*, captures many of the continuing challenges and priorities for the preservation program for the future, and puts forth a thoughtful and forward-looking set of challenges and priorities. The statement also, however, indicates that the NHPA has produced a comprehensive national program to advance historic preservation goals, and that the task today is not to invent a completely new system, but to refine and adjust the tools currently in use. The National Trust, while strongly supportive of the NHPA, recognizes that the NHPA has not produced a comprehensive national program to advance historic preservation goals. Many other tools, from community planning and zoning, to flexible building codes, to the reconsideration of governmental programs and subsidies that encourage demolition and new construction, to building reuse ordinances, are necessary as part of a comprehensive

David J. Brown | Executive Vice President & Chief Preservation Officer

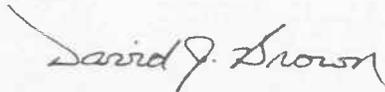
The Watergate Office Building 2600 Virginia Avenue NW Suite 1000 Washington, DC 20037
E dbrown@savingplaces.org P 202.588.6227 F 202.588.6082 www.PreservationNation.org

program to advance historic preservation goals. The fact that the NHPA has not produced a comprehensive national program is evidenced not only by the voices of the many critics of the federal historic preservation program, but more significantly, by the fact that our nation – and our communities and people – continue to lose places of deep and abiding importance to them on a daily basis.

We look forward to a continued discussion on preservation's future with you and all our colleagues.

All the best.

Sincerely,

A handwritten signature in cursive script that reads "David J. Brown". The signature is written in dark ink and is positioned above the printed name.

David J. Brown

Enclosure

cc: Stephanie Meeks, CEO and President, NTHP
John Fowler, ACHP
Elizabeth Merritt, Deputy General Counsel

Improving the National Historic Preservation Program

In the opening of the National Historic Preservation Act, Congress finds and declares that —

- (1) the spirit and direction of the Nation are founded upon and reflected in its historic heritage;
- (2) 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;
- (3) historic properties significant to the Nation's heritage are being lost or substantially altered, often inadvertently, with increasing frequency;
- (4) the preservation of this irreplaceable heritage is in the public interest so that its vital legacy of cultural, educational, aesthetic, inspirational, economic, and energy benefits will be maintained and enriched for future generations of Americans; [emphasis added]

Despite the many successes of the National Historic Preservation Act over the past 50 years, this inspiring vision — which recognizes the cultural, educational, aesthetic, inspirational, economic and energy benefits of our historic and cultural places and looks forward to the everyday use of this vital legacy as a living part of our community life — has not been fully realized.

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While acknowledging that there are many other significant legal tools for historic preservation in addition to the NHPA — both existing tools and tools that we may need to create in the future — the following suggestions for action to improve the National Historic Preservation Program are provided with the understanding that they can be achieved within the existing context of the NHPA and in the spirit of fulfilling the broad and inspiring vision of the Act. These suggestions follow the framework of priorities identified in *The National Historic Preservation Program at 50: Challenges, Opportunities, and Priorities*.

I. Developing public and political support

Engage in a process to change the thinking of people inside and outside of the preservation field about the fundamental importance of historic preservation

It is the policy of the United States, as stated in the NHPA “to foster conditions under which our modern society and our historic property can exist in productive harmony and fulfill the social, economic, and other

requirements of present and future generations.” (54 U.S.C. § 300101(1).) Yet many people in elected positions and in the general public continue to view historic preservation much more narrowly. In order to develop public and political support, it is critically important to change the perception of historic preservation – both inside and outside the field -- from the idea of saving a few places for architectural and historical reasons to the broader concept of reusing our built environment in order to fulfill “social, economic and other requirements.” This will not happen without a conscious effort and process, which should be fostered and funded at the federal, state and local levels. The process should include an examination of the way our existing tools, including the NHPA, fulfill the fundamental purposes of historic preservation.

Fund, support and conduct research in the economic, environmental, and health benefits of historic preservation

The economic, environmental, and health benefits of historic preservation are inadequately researched and understood. It is critically important to fund and perform additional research in the economic, sustainability, and health (including physical, emotional and psychological health) benefits of historic preservation in order to build public and political support. Historic preservation continues to be seen as a narrow “nice” thing to do and not as fundamental to human needs. This research should become a priority for funding and for the National Center for Preservation Technology and Training.

The academic fields that study historic preservation issues, such as cultural geography, environmental psychology and design, aesthetic theory, phenomenology, and others, should be partners in researching the benefits of historic preservation and shaping the application of NHPA.

Implement revised processes to encourage community engagement and democratization in the identification and protection of historic cultural resources

The implementation of the recommendations below for a more inclusive and diverse preservation field are essential to build public and political support for historic preservation, including a more democratic process of community engagement in the identification and protection of historic and cultural resources. The current system continues to privilege architecturally significant buildings and gives less attention to the places that are significant to people’s culture and sense of identity.

Engage in educational activities that emphasize the meaning of historic preservation for people

Develop and engage in educational activities that help people recognize why older and historic places matter to people today, including participatory activities that give people the opportunity to tell the stories of why old places matter to them.

II. *Obtaining adequate and sustainable financial support*

Fully fund the federal/state/local historic preservation programs.

Regardless of the political likelihood of funding, it should nonetheless be stated that federal funding for historic preservation activities is inadequate, and lags in comparison to other industrialized countries. The Historic Preservation Fund (HPF) should receive full and permanent funding at a minimum at its authorized level of \$150 million annually. The HPF is a principal source of funding for State and Tribal Historic Preservation Offices, as well as Certified Local Governments.

In addition, the HPF has been the source of competitive grant programs for the survey and nomination of properties associated with communities currently underrepresented in the National Register of Historic Places, preservation of the sites and stories of the Civil Rights movement, and Historically Black Colleges and Universities. The HPF has also been the source of funding for both the Save America's Treasures and Preserve America programs, which should again be funded.

Expand the historic tax credit program and encourage state and local tax incentives.

The federal historic tax credit is the most significant federal investment in historic preservation. Since President Reagan signed it into law in 1981 it has led to the rehabilitation of over 41,250 buildings, created over 2.3 million jobs, and leveraged more than \$117.6 billion in private investment. The tax credit, like some tax credits in the states, should be expanded to include homeowners and non-profit owners.

As Congress considers improvements to the tax code, the RTC should be expanded to better serve the needs of small projects in Main Street communities, including increasing the tax credit to 30% for projects under \$2.5 million. In addition, there are several technical changes to the credit that would reflect the practical needs of current industry practice.

The review of tax credit projects by the NPS has been the subject of several studies, which have recommended greater flexibility in the interpretation of the *Secretary's Standards* when reviewing historic tax credit projects.¹ We strongly support these recommendations.

Fully implement financial incentives provided for in the NHPA.

The Preserve America Summit Panel report on "*Protecting Places That Matter*" included a number of recommendations to implement provisions in the NHPA

¹ See, e.g., National Housing & Rehabilitation Ass'n (NH&RA), *Recommendations for Improving the Administration of the Certified Historic Rehabilitation Tax Credit Program* (2003); National Park Service Advisory Board (NPSAB), *The Federal Historic Rehabilitation Tax Credit Program: Recommendations for Making a Good Credit Better* (2006) ("NPS, in consultation with its historic preservation partners, [should] reexamine and revise as appropriate its interpretation of the *Standards* in order to provide some greater measure of flexibility in addressing especially challenging projects") (emphasis added).

that were underutilized or had never been implemented.² Several of those are especially worth highlighting:

- *Loan Guarantees.* Section 104 of the NHPA requires the Secretary of the Interior to establish and maintain a loan guarantee program to finance historic preservation projects for National Register properties (54 U.S.C. § 303901). This program has not been funded and remains unutilized. It should be implemented.
- *Direct Grants for the Preservation of Historic Properties.* The NHPA also authorizes direct grants for the preservation of historic properties (54 U.S.C. § 302904). This program should be implemented as well. Making funds available on a competitive basis will help to foster innovation and leverage the economic impact of the grants.

Expand the use of public-private partnerships and historic leasing.

In an era of increasing competition for limited federal dollars, it is more important than ever for federal land managing agencies to find ways to leverage federal funds by creating incentives and opportunities for public-private partnerships. The NPS recently issued a draft revision to Director's Order 21, which represents a commendable effort to address these issues. Other federal agencies need to improve their policies as well.

OMB's existing budget scoring rules often weigh against historic rehabilitation, and make it difficult to establish public-private partnerships based on long-term lease agreements.³ These need to be revised.

The Enhanced Use Leasing authority of the Department of Veterans Affairs is generally limited to uses that serve homeless veterans. Expansion of this authority to serve the broader veteran population would significantly improve the ability to use private investment to rehabilitate historic properties owned by the VA.

The National Park Service should expand the use of historic leasing within the national park system to better utilize public-private partnerships that can leverage private capital to reduce the multi-billion dollar maintenance backlog.

III. Providing leadership and expertise

Update historic preservation professional qualification standards.

Develop professional expertise in cultural significance and social engagement, including intangible heritage.

In considering professional qualification standards, it will be important to consider the professions that require qualification standards and those

² See Preserve America Summit, Panel Report, *Protecting Places That Matter* at 6 (2007).

³ See Preserve America Summit, Panel Report, *Protecting Places That Matter* at 10 (2007). For example, leased buildings are still counted as excess space, thus perpetuating pressure to "reduce the footprint" through demolition.

that do not. In order to diversify the movement and to remove barriers to full inclusion, and engage with the public, it is essential that the citizen preservationist not be excluded from participation in the preservation program.

The Secretary of the Interior's Historic Preservation Professional Qualification Standards have not been formally updated since 1983. A revised draft of these standards was published in 1997, 62 Fed. Reg. 33,707 (June 20, 1997), but has never been finalized. This update is long overdue for completion.

Improve the Certified Local Government program.

The CLG program has been administered in a way that lacks consistency and fails to enforce local government compliance with the basic requirements of the program.⁴ The National Park Service should:

- Develop a stronger program to improve the operations of CLGs, including specifically a review of the application of commission standards for consistency and flexibility.
- Enforce compliance with basic requirements and terminate CLG status for local governments who fail to comply.
- Enhance funding for the program to increase incentives for local compliance. Full funding of the HPF would substantially increase funding for CLGs.

IV. *Promoting inclusiveness and diversity*

Increase the Representation of Diverse Cultural Heritage.

Expand the National Register to recognize greater diversity of cultural resources. The preservation field must 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. Impediments to that recognition should be re-conceived or eliminated, including the existing narrow approach to issues such as "integrity," "period of significance." The National Register eligibility criteria are 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.

Update Guidance on Traditional Cultural Properties and Cultural Landscapes.

National Park Service Bulletin 38 (*Guidelines for Identifying and Evaluating Traditional Cultural Properties*) has not been updated since

⁴ *E.g.*, Belleair, Florida approved the demolition of its most significant historic building in 2015, the Belleview Biltmore Hotel, in direct violation of its comprehensive plan and local ordinances, but with no consequences whatsoever to its status as a CLG.

1998. This guidance needs to be updated to reflect significant developments in the past 15-20 years.

In addition, guidance is needed for identifying and evaluating cultural landscapes, as there is growing public interest in protecting these resources.

V. *Recognizing the full range of the nation's heritage*

Increase the recognition of broader community-wide resources.

Although the National Historic Preservation Act was intended to broaden dramatically the recognition and use of historic properties as a living part of our communities, the reality is that the National Register and the systems continue to emphasize individual architecturally significant buildings over districts, townscapes, communities and landscapes. The criteria and processes for identification and recognition, particularly the National Register criteria, should be reviewed and modified to increase the recognition of a broader range of community-wide resources.

Reconsider the Criteria for listing in the National Register of Historic Places.

Develop and implement more guidance for determining significance based on *culture* in addition to architecture and history.

Reconsider the concept of *integrity*, which serves as an impediment to the recognition of places representative of diverse communities, and fails to consider the significance that may attach to a historic or culturally significance of a place because of the way it has changed over time.

Reconsider the concept of the *period of significance*, which has tended to focus the importance of historic places on the past rather than the meaning of the place for people in the present.

Develop plans to simplify the nomination process to make it more affordable; many communities that do not have access to more traditional expertise or funding, and listing on the National Register should not require the retention of consultants.

Eliminate the 50-year rule, which serves as a barrier to the recognition of places that have gained significance within the past 50 years, including many places of significance to diverse communities.

Develop a comprehensive and integrated inventory of historic resources.

Incorporate the use of new mobile, digital and online tools to inventory resources.

Encourage the use of social engagement tools and new technology to engage communities in the identification of places that are culturally significant to them for nomination to the National Register.

Make funding available to federal agencies, state, and Indian tribes through grants to fund survey, inventory, and digitization projects.

Push federal agencies to comply with Section 110(a) of the NHPA, which requires all agencies to identify, evaluate, and nominate their historic properties to the National Register (54 U.S.C. § 306102(b)(1)).

VI. *Improving preservation processes and systems*

National Park Service

- Increase the use of new technological tools in inventories
- Increase social engagement and community identification of culturally and historically important resources
- Reduce the cost of National Register nominations and simplify the process
- Revise the criteria for eligibility for the National Register, as indicated above
- Review and improve the application of the Secretary of the Interior's Standards in the tax credit process
- Reconsider the duplication of reviews at the state and federal level for tax credit review

Advisory Council on Historic Preservation

- Oversight of Section 106 compliance is the most important function of the ACHP, and should be strengthened.⁵
- Increase ACHP staff capacity for greater engagement in Section 106 consultation.
- Provide digital access on ACHP's website to all Section 106 Programmatic Agreements, and all MOAs signed by ACHP.
- Identify agencies with chronic Section 106 compliance problems (e.g., FERC) and work to correct these.⁶
- Require federal agencies to provide for greater involvement by consulting parties, especially for development of PAs.
- Terminate or amend outdated agreements that are no longer consistent with current regulations (e.g., PMOA for WWII Temporary Buildings, 1987). This was an initiative begun in 2007 by the ACHP, but never completed.

VII. *Respecting the cultures, views, and concerns of indigenous peoples*

Engage in a process with Native American, Native Hawaiian and other indigenous populations and organizations to ask how the NHPA can be improved to more fully consider their cultural heritage.

⁵ See generally ACHP Expert Panel, *Recommendations to Improve the Structure of the Federal Historic Preservation Program* at 2, 11-12 (Feb. 20, 2009); Leslie E. Barras, *Section 106 of the Nat'l Historic Preservation Act: Back to Basics* (National Trust for Historic Preservation, 2010).

⁶ See Preserve America Summit, Panel Report, *Protecting Places That Matter* at 6 (2007).

Lynne Sebastian

In general, I think the Preservation 50 paper covers most of the important points. As I pointed out during the Tampa meeting, however, I am concerned about the notion of us branching out into trying to preserve “intangible” heritage, which I take to mean language, cultural traditions, music, dance, foodways, festivals, etc. For one thing, this puts us out on a limb by overstepping our legal mandate, which has to do with historic properties. Then, too, I’m not sure we are doing such a bang-up job of preserving historic places that we have the excess capacity to take on these other kinds of heritage.

It seems to me that we already make an important contribution to preservation of intangible heritage by doing what we do – preserving the places of our past so that they can serve as a tangible link to that past, an anchor for the associated stories, traditions, and activities on into the future. Never underestimate the power of physical, tangible properties from the past for connecting people with who we are and where we came from and inspiring us to preserve our traditions.

A lot of people are already doing a lot of things to preserve intangible heritage. Most of this, though, happens at the grassroots level and isn’t visible at the Federal agency level where the ACHP mostly operates. If we want to become involved in the preservation of intangible heritage, we should be asking what we might do in the course of our efforts to preserve historic properties that would contribute to these ongoing heritage preservation efforts.

The one place where I think we can and should make greater efforts relative to “intangibles” has to do with what our Vice Chairman calls *los cuentos*, the stories. We should encourage agencies to make greater efforts to capture the stories associated with historic properties potentially affected or actually affected by their undertakings. Capturing oral histories and traditions with sound and video to support findings on the historic significance of a property or to serve as partial mitigation of effects can be a huge contribution to both traditional historic preservation and to heritage preservation on the scale of communities.

We are losing the elderly people who know the stories and the history of our communities and our country every day. Perhaps we could partner with the American Folklife Center at the Library of Congress to provide guidance to agencies and communities on collecting and archiving the knowledge associated with historic places before the knowledge holders are gone. It appears that the Folklife Center at one time provided a list of resources for communities, but the link is no longer live. There are some programs at NPS, NEH, and other federal agencies that offer very small grants for different kinds of preservation. Perhaps as part of a partnership with the Folklife Center, we could work with them to create an online portal where information on grants would be accessible. If we wanted to go even farther with this, we could include something in the document like: “the ACHP supports increased funding for existing federal programs that offer grants for the preservation of intangible heritage. The ACHP also supports the creation of a new grant program at the American Folklife Center for local communities to record oral histories.” Obviously we would want to check with the Folklife Center before saying this.

The bottom line is that I don’t think we should open a new front in historic preservation, focused on preserving intangible heritage. But I think there are a number of things that we can do within our current place-based preservation programs to contribute to the wider goals of heritage preservation.

Kak Slick

#1--Future Recommendation - Preservation Mitigation Fund

The concept of establishing mitigation funds to offset damages to resources has been used in natural environmental programs for years but not as commonly used in response to damages to cultural resources. However, the same basic premises are at work - proposed development triggers action; federal laws & regulations are invoked; process requires avoidance, minimize harm or mitigation as appropriate to the action.

I have worked on two 106 related projects in which mitigation funds were established with private sector involvement. The Permian Basin fund has resulted in ~ \$12 million paid into a fund to further study archaeological resources in a specific geographic area, develop better management tools and support public education/outreach. The Cultural Resource Fund established a \$10 million fund distributed to 278 potential grantees (including SHPOs, THPOs and Tribal Nations) in 41 states for cultural and preservation projects determined by the grantees. Beyond being located in 41 states the use are disconnected from the geographic locations where the development occurred nor was consideration given to the resource type.

These funds, and others that may exist, provide alternative ways of thinking about mitigation opportunities, funding preservation and developing preservation priorities especially if a fund is established in a manner disconnected to the location that generated the payment(s). Funds would provide a mechanism for supporting a defined set of stewardship activities administered consistent with legal and regulatory requirements. This could lead to statewide, regional or national preservation funds. In addition, mitigation banking for cultural resource mitigation is a related concept now being pursued by Ft AP Hill.

#2 Data Transfer Standards to Streamline the Process of Planning for Cultural Resources— Recommendation

The ACHP Challenges and Opportunities Paper does a good job of identifying threats, challenges and opportunities facing the preservation community in the future. I offer a very specific recommendation for technology currently in use. The workings of the NHPA and §106 could be significantly improved if the Cultural Resource Subcommittee of the Federal Geographic Data Committee (FGDC) has the support and resources to complete efforts to create a cultural resource data transfer standard. Completion of the standard will facilitate the sharing of data between federal agencies, SHPOs & THPOs, which is so important for emergency response and long-range planning for large scale energy projects and infrastructure development that can threaten historic resources.

Background

Under the NHPA, SHPOs and THPOs are charged with cooperating with the Secretary, the Council, other Federal and State agencies, local governments, and private organizations and individuals to ensure that historic property is taken into consideration at all levels of planning and development. SHPOs and THPOs may keep an inventory of the state's cultural resources to assist federal, state and local agencies in planning projects as to avoid impacts to important cultural resources.

Initially, records were maintained in paper form but with the advent of geographic information systems (GIS) and web based technologies, most SHPOs and many THPOs have developed their own computer based cultural resource information systems. These integrated online computer information systems are designed to support historic preservation, cultural resource management, and academic research, resulting in a streamlined consultation process. These systems integrate geographic, management, and research-

related data such as cultural resource investigations, archeological sites, historic architectural structures, and registered properties.

Web based computer systems have made the 106 process more efficient by providing stakeholders the ability to perform comprehensive searches of historic resources over the internet, without the time and expense of visiting archives or other agency archives. Online access to near-real-time information about cultural resources (both archeological and architectural) expedites applications, review time and citizen involvement. Geographic information systems (GIS) provide the ability to capture, store, manipulate, analyze, manage, and present all types of spatial or geographical data.

Through the numerous data sharing agreements SHPOs and THPOs maintain records on the vast majority of investigations and properties on federal lands as well as some county, municipal, and tribal lands. However, across the various jurisdictions data transfer standards do not exist so the sharing of data is difficult if not impossible. Such standards would establish a common understanding of the meaning or semantics of the data across jurisdictional boundaries and would ensure correct and proper use and interpretation of the data by its owners and users in emergency planning and response as well as to facilitate long-range planning efforts.

SHPOs, and more and more THPOs, will continue to maintain these important datasets. With the finalization of a data transfer standard, states, tribes and agencies will be able to share data seamlessly - regardless of jurisdiction - and the preservation community will be closer to having an integrated national database of cultural resources.

Brad White

As the federal agency responsible for making policy recommendations to the Administration and Congress, I would like the ACHP to recommend the following:

1. Enhance the Section 106 process to ensure that public engagement be required. I believe this should supplement the consulting party system that is currently part of the system. This would include conducting public meetings and online connections designed to get public input prior to identifying alternatives and developing mitigation strategies.
2. Advocate for changes or changes to interpretation of the National Register criteria to ensure intangible heritage is included in the nominations and review particularly when it intersects with the built environment. It is long past time that the NR focus on place, which includes people, oral history, written history, story, etc., as well as the built environment.
3. Broaden the application and use of the 10% credit so that it can be used in neighborhoods that have been part of our focus in Legacy Cities. While downtown areas of many of these cities have been able to take advantage of the 20% credit, the neighborhoods are largely excluded from such development due to project size, ineligibility for the NR, and/or lack of architectural integrity.
4. Recognize that the tax credit program has become an economic development tool in contrast to a restoration program. Adjust the interpretation of the standards to recognize this evolution.

There are many other issues, including appropriate funding for the program, but these are the things I find most compelling.