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# ORGANIZATION

A VIEW OF THE FRONT PORTICO OF THE WHITE HOUSE IN WASHINGTON, D.C. ©VICTOR LEOPOLD RUSILLO

# ADVISORY COUNCIL ON HISTORIC PRESERVATION

The Advisory Council on Historic Preservation (ACHP) is an independent federal agency with the primary mission to encourage historic preservation in the government and across the nation.

The National Historic Preservation Act (NHPA), which established the ACHP in 1966, directs federal agencies to act as responsible stewards when their actions affect historic properties. The ACHP is given the legal responsibility to assist federal agencies in their efforts and to ensure they consider preservation during project planning.

The ACHP serves as the federal policy advisor to the President and Congress; recommends administrative and legislative improvements for protecting the nation's diverse heritage; and reviews federal programs and policies to promote effectiveness, coordination, and consistency with national preservation policies. A key ACHP function

is overseeing the federal historic preservation review process established by Section 106 of the NHPA. Section 106 requires federal agencies to consider the effects of projects, carried out by them or subject to their assistance or approval, on historic properties and provide the ACHP an opportunity to comment on these projects prior to a final decision on them.

## STRUCTURE OF THE ACHP

The ACHP, served by a professional staff in Washington, D.C., and led by a full-time chairman, comprises 24 members who meet throughout the year to oversee its work.

Members include the following Presidential appointees and other organizations' leadership:

- Senate-confirmed chairman selected from the general public
- Three members of the general public

- Four expert members
- Member of an Indian tribe or Native Hawaiian organization
- Municipal mayor
- State governor
- Department of the Interior
- Department of Agriculture
- Department of Defense
- Department of Education
- Department of Homeland Security
- Department of Housing and Urban Development
- Department of Transportation
- Department of Veterans Affairs
- General Services Administration
- Architect of the Capitol
- National Trust for Historic Preservation
- National Association of Tribal Historic Preservation Officers
- National Conference of State Historic Preservation Officers

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**MISSION STATEMENT:** The Advisory Council on Historic Preservation, an independent federal agency, promotes the preservation, enhancement, and sustainable use of the nation's diverse historic resources and advises the President and the Congress on national historic preservation policy.





US COURTHOUSE AND POST OFFICE,  
CHARLESTON, SC, A SECTION 106 SUCCESS  
STORY (WIKIMEDIA COMMONS)



DESERT VIEW WATCHTOWER  
RESTORATION, GRAND CANYON, AZ,  
A SECTION 106 SUCCESS STORY (NPS)



MERIDIAN BRIDGE PROJECT, SD AND NE,  
A SECTION 106 SUCCESS STORY (NPS)

For more information  
on the ACHP, please visit:

[WWW.ACHP.GOV](http://WWW.ACHP.GOV)



## PROGRAM AREAS

The ACHP's major program areas are reflected in its organizational structure:

The **Federal Agency Programs** office administers the NHPA's Section 106 review process to promote efficient federal project planning that gives due consideration to the historic places that communities value. It works with federal agencies to improve how they incorporate historic preservation considerations into their programs and procedures and their responsibilities under the NHPA. The office manages the ACHP's extensive training program to instruct a diverse range of participants in the Section 106 review process, reaching both federal and non-federal stakeholders.

The **Preservation Initiatives** office undertakes research and development of policies to promote the benefits of historic preservation for advancing economic development, community revitalization, climate resilience, and other public goals. The office analyzes congressional legislation and government policies and programs to support the efforts of the ACHP membership to further the purposes of the NHPA. It also manages the ACHP's intern program.

The **Communications, Education, and Outreach** office conveys the ACHP's vision and message to constituents and the general public through information and education programs, as well as public recognition programs for historic preservation achievement. The office has lead responsibility for ACHP efforts to expand public appreciation for historic preservation, promote the engagement of youth and diverse communities in the national preservation program, and advance education and training in preservation crafts and skills.

The **Native American Affairs** office addresses program and policy matters related to issues of concern to Indian tribes and Native Hawaiian organizations. It provides a wide range of guidance, information, training, and technical assistance to federal agencies and other participants to promote early and effective consultation and engagement with Indian tribes and Native Hawaiian organizations in the Section 106 review process.

## SECTION 106

Section 106 of the NHPA requires each federal agency to take into account the effects of its undertakings on historic properties. It applies when there is a federal, federally assisted, or federally licensed activity, and that activity has the potential to affect properties listed in or eligible for listing in the National Register of Historic Places. The responsible federal agency must identify potentially affected historic properties; evaluate effects upon them; and consider alternatives to avoid, minimize, or mitigate any adverse effects. To do so, the agency consults with appropriate State or Tribal Historic Preservation Officers, other state and local officials, Indian tribes, Native Hawaiian organizations, and applicants for federal assistance. It considers their views and concerns about historic preservation issues, along with those of the public, when making final project decisions. Each year, more than 110,000 undertakings undergo Section 106 review. While the vast majority of cases are resolved at the state or tribal level, others present challenging preservation issues that require the ACHP's involvement to ensure an efficient review process that results in reasoned federal agency decisions. While the Section 106 process in the end is advisory, its outcomes most often represent solutions agreed to by the consulting parties.

## ADVISORY COUNCIL ON HISTORIC PRESERVATION

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From left, OLD MAIN BUILDING, MILWAUKEE SOLDIERS HOME (MATTHEW GILSON); TRANS ALASKA PIPELINE (© SARKOPHOTO); WALNUT STREET BRIDGE, CHATTANOOGA, TN (© BRADFORD LUMLEY)

# OFFICE OF FEDERAL AGENCY PROGRAMS

A key responsibility of the Advisory Council on Historic Preservation (ACHP) is to administer the requirements of Section 106 of the National Historic Preservation Act (NHPA), a review process that ensures historic properties are considered during the development of any federal project. The ACHP's Office of Federal Agency Programs (OFAP) coordinates this responsibility and works with federal agencies to improve their historic preservation programs and historic properties stewardship. It also provides technical assistance, guidance, and training to diverse audiences on how to use the Section 106 process.

## SECTION 106 REVIEW AND CONSULTATION

Section 106 plays a central role in the federal historic preservation program. Federal agencies must consider the effects on historic properties of any project they carry out or which receives federal financial assistance, permits, or approvals, and provide the ACHP an opportunity to comment on these projects prior to making a final decision.

Agencies meet their Section 106 responsibilities through a process set forth in regulations issued by the ACHP. These regulations are published in the Code of Federal Regulations at 36 CFR Part 800, "Protection of Historic Properties," and can be found on the ACHP's website.

A wide variety of federal projects that might affect historic properties, ranging from the construction, rehabilitation, or demolition of roads, buildings, and dams to projects which require federal licenses and permits, or receive federal loans and grants are subject to Section 106 review. Properties listed on or eligible for listing on the National Register of Historic Places, a list maintained by the National Park Service, must be considered under the requirements of Section 106. The National Register includes buildings; structures; sites; objects; and districts of national, state, or local importance.

Section 106 encourages, but does not mandate, preservation outcomes. The process provides for the consideration of alternatives that promote preservation and offers the public

and stakeholders the opportunity to influence federal decision making.

The federal agency implementing the project or providing assistance, licenses, permits, or approvals for a proposed project is responsible for consulting with stakeholders and completing Section 106 prior to making a final decision. Consultation is the cornerstone of the Section 106 process and should be initiated in the early stages of project planning. Agencies work closely with state and tribal officials in Section 106 reviews. Appointed by each state governor, the State Historic Preservation Officer (SHPO) coordinates the state's historic preservation program and consults with agencies during Section 106 review. Agencies also consult with federally recognized Indian tribes and Native Hawaiian organizations when historic properties of religious and cultural significance to them are involved.

Federal agencies are required to include local governments and applicants for federal assistance, permits, licenses, and other approvals in the Section 106 review process. Other consulting parties,

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BUFFALO KILL AREA AT THE  
WARDELL BUFFALO TRAP SITE, WY (BLM)



MUD PLASTERING WORKSHOP,  
OWE'NEH BUPINGEH PRESERVATION  
PROJECT, NM (TANIA HAMMIDI)

For more information  
on the ACHP and the Office  
of Federal Agency Programs,  
please visit:

[WWW.ACHP.GOV](http://WWW.ACHP.GOV)



such as individuals or groups interested in historic preservation, should be invited to consult, too. Federal agencies follow these four steps to carry out a review, which may conclude after any of the steps depending on the agency's findings:

- ▶ INITIATE Section 106 and determine if it applies to a given project;
- ▶ IDENTIFY any historic properties in the area where the project could have effects;
- ▶ ASSESS the effect of the project on identified historic properties; and
- ▶ RESOLVE adverse effects by exploring alternatives to avoid, minimize, or mitigate the effects.

When the project may have substantial effects, if important policy or procedural questions are raised, or if there are issues of concern to Indian tribes or Native Hawaiian organizations, the ACHP may elect to participate in consultation. OFAP manages the ACHP's participation in Section 106 consultation and provides guidance, advice, and technical assistance to federal agencies and other participants in the Section 106 process.

When historic properties will be adversely affected by a federal undertaking, the review usually concludes with the execution of a legally binding agreement that outlines how the federal agency will resolve those effects. In rare circumstances where agreement cannot be reached, the ACHP issues advisory comments to the head of the federal agency who must then consider them in making a final decision about whether the project will proceed.

## FEDERAL PRESERVATION PROGRAMS

The successful completion of Section 106 reviews depends heavily on the quality of federal participation. OFAP works closely with federal agencies to identify opportunities for improving their preservation programs and compliance strategies. These improvements are achieved through the ACHP's participation in individual Section 106 reviews, the development of Section 106 agreements and program alternatives such as Program Comments that tailor the review process to specific program needs, partnerships with federal agencies, and the ACHP's review of triennial progress reports required under Executive Order 13287, "Preserve America" regarding federal agency efforts to identify, protect, and use historic properties. The ACHP also contributes expertise to interagency efforts to increase the efficiency and effectiveness of environmental reviews for infrastructure projects as a member of the Federal Permitting Improvement Steering Council and collaborates to develop ways of balancing historic preservation concerns with the goals of federal initiatives, such as disaster response, that could affect historic properties.

## SECTION 106 TRAINING AND OUTREACH

For more than 30 years, the ACHP has provided training to federal, state, and local agencies; Indian tribes and Native Hawaiian organizations; and the public on the requirements of Section 106. Courses are offered for practitioners with different levels of knowledge and experience about Section 106 and take place at locations around the country each year and online. Current course offerings are posted on the ACHP's website at [www.achp.gov/training](http://www.achp.gov/training). OFAP manages the ACHP's Section 106 training program and often works with federal agencies and others to develop training tailored to specific programs or issues.

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CANYONS OF THE ANCIENTS NATIONAL MONUMENT, CO  
(© ALLEN LIVINGSTON / SHUTTERPOINT)

# OFFICE OF NATIVE AMERICAN AFFAIRS

The Office of Native American Affairs (ONAA) oversees the Advisory Council on Historic Preservation's (ACHP's) Native American responsibilities and initiatives. ONAA staff works closely with the ACHP's tribal/Native Hawaiian member to address critical issues brought to the ACHP by Indian tribes, Native Hawaiian organizations (NHOs), and intertribal organizations.

The program's primary responsibilities are the following:

- ▶ Advising the ACHP chairman, members, executive director, and staff on policy matters and historic preservation issues affecting Indian tribes and NHOs;
- ▶ Ensuring the ACHP meets its government-to-government consultation and trust responsibilities to Indian tribes;
- ▶ Providing technical assistance and outreach regarding tribal and NHO consultation in the Section 106 review process; and,

- ▶ Participating in interagency initiatives focused on Native American issues.

## WHAT DOES ONAA DO?

### Policy Development

With staff support from ONAA, the ACHP has undertaken several major policy initiatives including the adoption of:

- ▶ Plan to Support the U.N. Declaration on the Rights of Indigenous Peoples
- ▶ Policy Statement Regarding the ACHP's Relationships with Indian tribes
- ▶ Policy Statement Regarding the ACHP's Interaction with Native Hawaiian organizations
- ▶ Policy Statement Regarding Federal Relationships with Tribal Historic Preservation Officers
- ▶ The ACHP's statement on its Trust Responsibility

### Major Initiatives

ONAA develops and manages major program initiatives that support greater and more effective involvement of Indian tribes and NHOs in federal decision making.

**Improving Tribal Consultation in Infrastructure Projects** – a report that responds to tribal input about their involvement in federal infrastructure development and offers recommendations for federal agencies that focus on improving the pre-application process and assisting applicants with tribal coordination.

**Early Coordination with Indian Tribes for Infrastructure Projects** – a 90-minute online/on-demand course for federal agencies and applicants.

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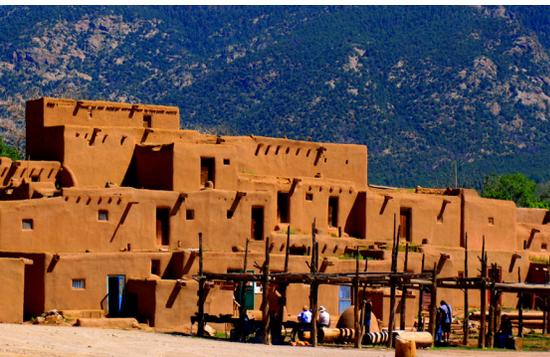




BIGHORN MEDICINE WHEEL, WY



CAVE HILLS, SD



TAOS PUEBLO, NM  
WIKIMEDIA PHOTO BY KAROL M.

## Plan to Support the U.N. Declaration on the Rights of Indigenous Peoples

In 2013, the ACHP adopted a plan to support the Declaration and has issued two guidance documents on the intersection of the Declaration and the Section 106 process and offered webinars and other training and outreach regarding the Declaration. ONAA staff also assists the State Department in its interactions with U.N. bodies regarding indigenous issues.

## Protection of Indian Sacred Sites

In December 2012, the Departments of Defense, the Interior, Agriculture, and Energy and the ACHP (signatories) entered into a Memorandum of Understanding (MOU) regarding interagency coordination and collaboration for the protection of Indian sacred sites. The signatories have adopted a policy on the confidentiality of sensitive information, published a general information paper on Indian sacred sites, developed an online course on the federal government and sacred sites, and conducted an extensive study on the federal legal protections for Indian sacred sites.

## Training and Guidance

ONAA develops and delivers in-person training and webinars for Indian tribes, NHOs, federal agencies, and other Section 106 participants. ONAA has also begun offering online/on-demand training; the first such course is Early Coordination with Indian Tribes for Infrastructure Projects.

The ACHP has also entered into a partnership with Salish Kootenai College in Montana to offer students in the Tribal Historic Preservation Program access to the ACHP's subject matter experts, in-person and through remote lectures and curriculum materials, mentoring and internship opportunities. The ACHP Foundation is a partner and provides financial support for the ACHP to accomplish its work with the college.

ONAA has developed an extensive body of guidance on a wide range of topics including handbooks on both tribal and NHO consultation, addressing traditional cultural landscapes in the Section 106 process, recommendations for improving tribal-federal consultations, and the role of the Tribal Historic Preservation Officer in the Section 106 process.

There are also several information papers that introduce Section 106 participants to topics such as the challenges facing Indian tribes that were removed from their ancestral homelands and how to work with non-federally recognized tribes.

For more information and additional guidance, please visit:

[WWW.ACHP.GOV/INDIAN-TRIBES-AND-NATIVE-HAWAIIANS](http://WWW.ACHP.GOV/INDIAN-TRIBES-AND-NATIVE-HAWAIIANS)

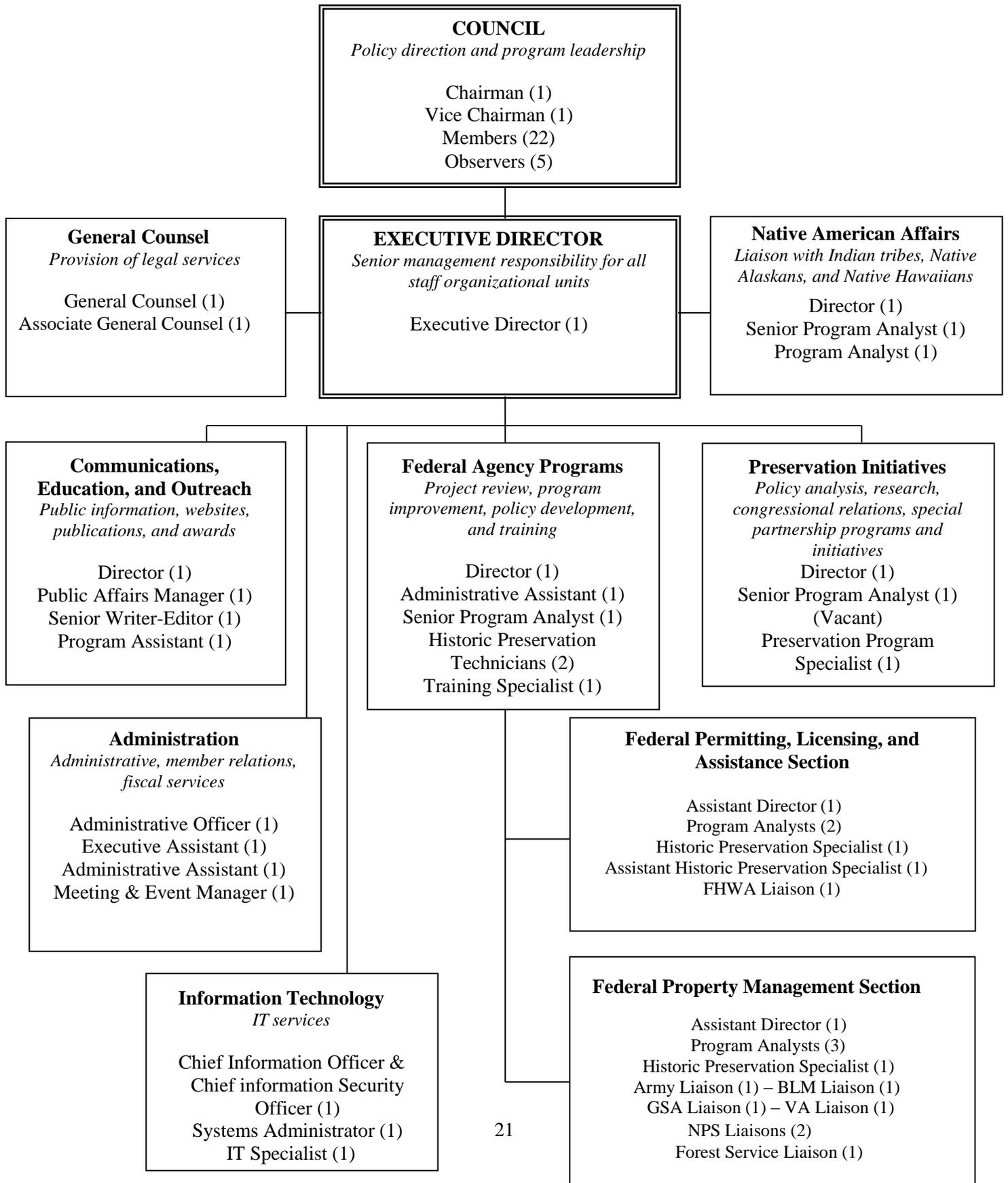


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**Figure 6. ACHP Organizational Structure  
(September 2020)**



# ACHP STRATEGIC PLAN



# ADVISORY COUNCIL ON HISTORIC PRESERVATION

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## 2019 STRATEGIC PLAN

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The **Advisory Council on Historic Preservation** (ACHP), an independent federal agency, is charged with the mission to promote the preservation of the nation’s diverse historic resources. The ACHP advises the President and Congress on national historic preservation policy and also provides a public forum for stakeholders and the public to influence federal agency decisions regarding federal projects and programs that affect historic properties.

The ACHP promotes the importance of historic preservation to foster an understanding of the nation’s heritage and the contribution that historic preservation can make to contemporary communities, along with their economic and social well-being. This Strategic Plan sets forth how and why the ACHP undertakes these activities by highlighting the agency’s duties and authorities, its mission and vision, and its strategic goals and objectives.

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## PLAN OVERVIEW

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The ACHP's mission statement and vision statement guide the agency's work under this plan, as does the following cross-cutting objective:

*While encouraging efficiencies, collaboration, and consultation, strive to ensure that the national historic preservation program reflects the full American story, engages all constituencies, and benefits the public.*

This commitment to both efficiency and inclusion is central to each of the plan's five "pillars."

- I. Foster the Preservation of Historic Properties Through Effective Review of Federal Undertakings
- II. Promote Federal Preservation Programs

- III. Promote the Importance of Historic Preservation
- IV. Advance Historic Preservation Policy and Programs
- V. Enable the ACHP's Mission Through Organizational Excellence

As the premier federal preservation agency, the ACHP is committed to furthering stewardship of historic properties for all Americans. Through this commitment, the ACHP strives to promote effective consideration of historic preservation in federal agency projects and programs.

## STRUCTURE OF THE ACHP

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The ACHP, led by a Senate-confirmed chairman and served by a professional staff, comprises 24 members who meet throughout the year to oversee its work.

Members include the following Presidential appointees, Cabinet Secretaries and agency heads, and other organizations' leadership:

- Chairman (general public)
- Three members of the general public
- Four expert members
- Member of an Indian tribe or Native Hawaiian organization
- Municipal mayor
- State governor
- Department of the Interior
- Department of Agriculture
- Department of Defense
- Department of Education
- Department of Homeland Security
- Department of Housing and Urban Development
- Department of Transportation
- Department of Veterans Affairs
- General Services Administration
- Architect of the Capitol
- National Trust for Historic Preservation
- National Association of Tribal Historic Preservation Officers
- National Conference of State Historic Preservation Officers

## DUTIES AND AUTHORITIES

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### National Historic Preservation Act

The ACHP was created by the National Historic Preservation Act (NHPA) of 1966, which sets forth most of the ACHP's duties and authorities. Passage of the NHPA was a watershed event that launched a transformation of the federal government from an

agent of indifference—frequently responsible for needless loss of historic resources—to a facilitator, an agent of thoughtful change, and a responsible steward of historic properties for future generations.

The ACHP, created by the NHPA, is the only federal agency whose sole mission is promoting the

preservation of the nation's diverse historic resources. ACHP members and partners enhance this charge.

The NHPA includes a series of congressional findings setting forth why historic preservation is important to the nation. Of these, the following are particularly important foundational concepts for the work of the ACHP. (Sec. 1 PL 89-665, amended PL 96-515)

*The spirit and direction of the Nation are founded upon and reflected in its historic heritage.*

*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.*

*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.*

*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 keeping with these concepts, the ACHP is responsible for overseeing the federal historic preservation review process established by Section 106 of the NHPA (now codified as 54 U.S.C. 306108). Section 106 requires federal agencies to consider the effects of federal projects on historic properties and to provide the ACHP an opportunity to weigh in on project impacts. Section 106 states:

*The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, shall take into account the effect of the undertaking on any historic property. The head of the Federal agency shall afford the [ACHP] a reasonable opportunity to comment with regard to the undertaking.*

Based on authority granted by the NHPA, the ACHP has issued regulations (36 CFR Part 800) that spell

out how agencies should meet their Section 106 responsibilities efficiently and effectively while giving due consideration to the historic places that communities value. Administering application of the Section 106 review process is a major ACHP responsibility and, as such, is the focus of one of the ACHP's Strategic Goals.

More duties of the ACHP as spelled out in the NHPA are outlined below. This plan's Strategic Goals and Strategic Objectives specifically address many of the following (54 U.S.C. 304102):

*Advise the President and Congress on matters relating to historic preservation, recommend measures to coordinate activities of federal, state, and local agencies and private institutions and individuals related to historic preservation, and advise on the dissemination of information pertaining to those activities.*

*Encourage (with partners) public interest and participation in historic preservation.*

*Recommend the conduct of studies in such areas as:*

*(a) the adequacy of legislative and administrative statutes and regulations pertaining to historic preservation activities of state and local governments, and*

*(b) the effects of tax policies at all levels of government on historic preservation.*

*Advise as to guidelines for the assistance of state and local governments in drafting legislation relating to historic preservation.*

*Encourage (in cooperation with public and private agencies and institutions) training and education in the field of historic preservation.*

*Review the policies and programs of federal agencies and recommend to federal agencies methods to improve the effectiveness, coordination, and consistency of those policies and programs with the policies and programs carried out under this division.*

*Inform and educate federal agencies, state and local governments, Indian tribes, other national and international organizations and private groups and individuals to the ACHP's authorized activities.*

## Federal Permitting Improvement Steering Council

The Fixing America's Surface Transportation Act of 2015 created the Federal Permitting Improvement Steering Council (Permitting Council) to promote more efficient and effective federal permitting for infrastructure projects. The ACHP is a member of the Permitting Council and fulfills its duty to advance Permitting Council goals by developing and promoting efficiencies in the Section 106 review process and expediting review of major infrastructure projects. The importance of addressing infrastructure needs is referenced at several points in this plan's Strategic Objectives.

## Executive Order 13287

Executive Order (EO) 13287, "Preserve America," directs federal agencies to manage federal historic properties as valuable assets that can support agency missions and also stimulate local economic development. Section 3 of EO 13287 requires that agencies with real property management responsibilities report every three years on progress in their identification, protection, and use of historic properties. The EO requires the ACHP to incorporate the data from these reports into a triennial report to the President on the state of the federal government's historic properties and their contribution to local economic development.

## PROGRAM AREAS

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The ACHP's major program areas are reflected in its organizational structure:

The **Federal Agency Programs** office administers the NHPA's Section 106 review process to promote efficient federal project planning that gives due consideration to the historic places that communities value. It works with federal agencies to improve how they incorporate historic preservation considerations into their programs and procedures and their responsibilities under the NHPA. The office manages the ACHP's extensive training program to instruct a diverse range of participants in the Section 106 review process, reaching both federal and non-federal stakeholders.

The **Preservation Initiatives** office undertakes research and development of policies to promote the benefits of historic preservation for advancing economic development, community revitalization, climate resilience, and other public goals. The office analyzes congressional legislation and government policies and programs to support the efforts of the ACHP membership to further the purposes of the NHPA. It also manages the ACHP's intern program.

The **Communications, Education, and Outreach** office conveys the ACHP's vision and message to constituents and the general public through information and education programs, as well as public recognition programs for historic preservation achievement. The office has lead responsibility for ACHP efforts to expand public appreciation for historic preservation, promote the engagement of youth and diverse communities in the national preservation program, and advance education and training in preservation crafts and skills.

The **Native American Affairs** office addresses program and policy matters related to issues of concern to Indian tribes and Native Hawaiian organizations (NHOs). It provides a wide range of guidance, information, training, and technical assistance to federal agencies and other participants to promote early and effective consultation and engagement with Indian tribes and NHOs in the Section 106 review process.

The ACHP's strategic plan will guide the work of these offices as they carry out the ACHP's mission in the coming years, enabling it to fulfill its role as a leader in the national historic preservation program.



# Advisory Council on Historic Preservation STRATEGIC PLAN

## MISSION STATEMENT

The Advisory Council on Historic Preservation (ACHP) promotes the preservation, enhancement, and sustainable use of the nation’s diverse historic resources, and advises the President and Congress on national historic preservation policy.

## VISION STATEMENT

A nation in which all Americans understand and appreciate their history, and public policy supports the preservation of historic resources.

## CROSS-CUTTING OBJECTIVE

While encouraging efficiencies, collaboration, and consultation, strive to ensure that the national historic preservation program reflects the full American story, engages all constituencies, and benefits the public.



### FOSTER THE PRESERVATION OF HISTORIC PROPERTIES THROUGH EFFECTIVE REVIEW OF FEDERAL UNDERTAKINGS

Foster the identification, protection, and enhancement of historic properties through the Section 106 process to advance the purposes of the National Historic Preservation Act.



### PROMOTE FEDERAL PRESERVATION PROGRAMS

Assist federal agency preservation program initiatives to enhance the identification, preservation, and stewardship of all types of historic properties, and encourage contributions to tribal, state, local, and private preservation efforts.



### PROMOTE THE IMPORTANCE OF HISTORIC PRESERVATION

Foster broader appreciation for and knowledge of historic preservation, history, and the work of the ACHP among diverse audiences, and communicate the value and benefits of preserving historic resources.



### ADVANCE HISTORIC PRESERVATION POLICY AND PROGRAMS

Formulate and advance effective public policies and programs that support and encourage historic preservation activities carried out by the federal government, Indian tribes, states, local governments, Native Hawaiian organizations, and private organizations and individuals.



### ENABLE THE ACHP’S MISSION THROUGH ORGANIZATIONAL EXCELLENCE

Obtain and effectively manage the ACHP’s resources to ensure its mission is accomplished while meeting high standards of service.

# ADVISORY COUNCIL ON HISTORIC PRESERVATION STRATEGIC PLAN

Adopted December 5, 2019

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## Mission Statement

The Advisory Council on Historic Preservation (ACHP) promotes the preservation, enhancement, and sustainable use of the nation's diverse historic resources, and advises the President and Congress on national historic preservation policy.

## Vision Statement

A nation in which all Americans understand and appreciate their history, and public policy supports the preservation of historic resources.

## Cross-Cutting Objective

While encouraging efficiencies, collaboration, and consultation, strive to ensure that the national historic preservation program reflects the full American story, engages all constituencies, and benefits the public.

## Strategic Goals and Objectives

### I. Foster the Preservation of Historic Properties Through Effective Review of Federal Undertakings

#### Strategic Goal

Foster the identification, protection, and enhancement of historic properties through the Section 106 process to advance the purposes of the National Historic Preservation Act (NHPA).

#### Four-Year Strategic Objectives

- A. Enhance the awareness, knowledge, and capabilities of participants in Section 106 reviews to better carry out their roles in the process, and to improve communication among these parties.
- B. Focus ACHP involvement in individual Section 106 cases to serve the public interest and advance preservation outcomes, particularly with infrastructure projects.
- C. Collaborate with federal agencies to tailor the Section 106 process to meet specific agency needs, with the goal of improving the efficiency and effectiveness of the Section 106 process in the context of agency missions, project schedules, and budgets.
- D. Assist federal agencies in meeting their Section 106 consultation responsibilities with Indian tribes and Native Hawaiian organizations and encourage early engagement with tribes and NHOs during project planning.
- E. Improve coordination of the Section 106 process with other provisions of the NHPA, related federal environmental and preservation processes, and federal regulatory accountability requirements and initiatives, with particular attention to infrastructure project reviews.
- F. Assist agencies in meeting their responsibilities in the Section 106 process and encourage agencies to engage all stakeholders and the public early in project planning and Section 106 review.
- G. Promote availability of accurate and accessible digital and geospatial information about historic properties in order to assist agencies in avoiding and minimizing adverse effects of their projects on historic properties and in expediting project delivery.

## **II. Promote Federal Preservation Programs**

### **Strategic Goal**

Assist federal agency preservation program initiatives to enhance the identification, preservation, and stewardship of all types of historic properties, and encourage contributions to tribal, state, local, and private preservation efforts.

### **Four-Year Strategic Objectives**

- A. Assess and advise on the effectiveness of the federal preservation program established by the NHPA with particular attention to collaboration with federal agencies and other stakeholders to make the federal preservation program more effective and meaningful.
- B. Collaborate with federal agencies and other stakeholders to publicize (and assist in implementing, where appropriate) federal agency program initiatives and achievements that demonstrate the successful preservation and productive use of historic properties.
- C. Assist federal agencies in meeting the goals and requirements for stewardship of historic properties set forth in the NHPA and Executive Order 13287, "Preserve America," as they carry out agency missions.
- D. Facilitate collaboration and partnerships among federal agencies and other parties to help agencies meet their preservation program needs and goals, with particular attention to the challenges of underutilized federal historic properties.
- E. Promote consideration of historic preservation concerns and techniques in agency efforts to address issues of sustainability, resilience, and adapting to a changing climate.
- F. Assist agencies in developing federal policies and programs that address infrastructure and energy development while minimizing impacts on historic properties and meeting mission needs.

## **III. Promote the Importance of Historic Preservation**

### **Strategic Goal**

Foster broader appreciation for and knowledge of historic preservation, history, and the work of the ACHP among diverse audiences, and communicate the value and benefits of preserving historic resources.

### **Four-Year Strategic Objectives**

- A. Raise the level of understanding of the value of the nation's historic preservation program and of a preservation ethic, particularly among youth.
- B. Increase awareness of and participation in ACHP programs and activities nationally and internationally.
- C. Advise executive and legislative branch officials and staff regarding the benefits of historic preservation and the federal historic preservation program.

## **IV. Advance Historic Preservation Policy and Programs**

### **Strategic Goal**

Formulate and advance effective public policies and programs that support and encourage historic preservation activities carried out by the federal government, Indian tribes, states, local governments, NHOs, and private organizations and individuals.

### **Four-Year Strategic Objectives**

- A. Advise and assist the executive branch and the Congress in formulating policies, budgets, and programs that support the goals of the NHPA.
- B. Collaborate on, develop, and advance policies and initiatives that promote the economic, environmental, educational, and social benefits of historic preservation and the national preservation program.
- C. Encourage and advance federal policies and programs that support the engagement of Indian tribes and NHOs in the national historic preservation program.
- D. Promote and encourage assistance and incentive programs for preservation at all levels of government.

## **V. Enable the ACHP's Mission Through Organizational Excellence**

### **Strategic Goal**

Obtain and effectively manage the ACHP's resources to ensure its mission is accomplished while meeting high standards of service.

### **Four-Year Strategic Objectives**

- A. Develop and implement a financial and human capital strategy that recognizes and responds to the ACHP's mission, maximizes expertise and effectiveness among members and staff, and reflects the diversity of America in a discrimination-free workplace dedicated to equal opportunity.
- B. Maximize effective collaboration with current and new preservation partners and explore ways to more fully utilize the ACHP's authority to receive assistance to carry out its duties.
- C. Maximize internal operational performance through analysis of work processes, enhancements to information technology resources, changes to administrative procedures, implementation of effective records management, and the refinement of fiscal controls.
- D. Identify and provide enhanced services to all parties that interact with the ACHP, leading to measurable results.
- E. Engage members of stakeholder groups and the public to share their expertise with the ACHP through working groups, advisory groups, and other collaborations.
- F. Institute policies and internal processes to guide interaction and communication among the chairman, members, and staff, particularly regarding controversial Section 106 cases, development of Section 106 program alternatives, preservation policy development, and congressional communications.



ADVISORY COUNCIL ON HISTORIC PRESERVATION

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# ACHP PERFORMANCE GOALS



## ADVISORY COUNCIL ON HISTORIC PRESERVATION 2019 STRATEGIC PLAN With Performance Goals

Performance goals are noted in italics under the related Four-Year Strategic Objectives.

### I. FOSTER THE PRESERVATION OF HISTORIC PROPERTIES THROUGH EFFECTIVE REVIEW OF FEDERAL UNDERTAKINGS

**Strategic Goal:** Foster the identification, protection, and enhancement of historic properties through the Section 106 process to advance the purposes of the National Historic Preservation Act (NHPA).

#### Four-Year Strategic Objectives

- A. Enhance the awareness, knowledge, and capabilities of participants in Section 106 reviews to better carry out their roles in the process, and to improve communication among these parties.
  - 1. Develop Section 106 advice and guidance on priority topics and issue periodic Section 106 newsletters*
  - 2. Utilize the ACHP website, social media, and informational materials to expand stakeholder and public awareness of the Section 106 process*
  - 3. Refine existing training courses, add new webinars, and convert existing webinars to new formats*
  - 4. Conduct periodic meetings with Federal Preservation Officers to address issues of mutual concern*
  - 5. Communicate with SHPOs and THPOs on Section 106 matters through targeted newsletters, teleconferences, webinars, and workgroups*
  - 6. Develop and deliver online and in-person Section 106 training for Indian tribes and NHOs*
  - 7. Work with NATHPO, the Federal Permitting Improvement Steering Council, and federal agencies to develop a reliable tribal contact database system*
- B. Focus ACHP involvement in individual Section 106 cases to serve the public interest and advance preservation outcomes, particularly with infrastructure projects.
  - 1. Engage the ACHP in those individual cases where potential outcomes warrant the investment of ACHP resources as specified in Appendix A of the ACHP's regulations and where systemic compliance problems with agencies can be addressed*

- 2. Engage ACHP members in complex or controversial cases that raise policy-level issues warranting attention in order to successfully conclude Section 106 reviews*
- C. Collaborate with federal agencies to tailor the Section 106 process to meet specific agency needs, with the goal of improving the efficiency and effectiveness of the Section 106 process in the context of agency missions, project schedules, and budgets.
- 1. Encourage, educate and assist agencies in developing flexible approaches to Section 106 compliance that support project delivery within reasonable timelines and budgetary constraints*
  - 2. Assist those agencies that have requested program alternatives in developing and issuing them within reasonable timeframes in order to promote more efficient Section 106 reviews*
  - 3. Establish and maintain communication platform for ACHP members regarding the status of and need for member input on the development of nationwide program alternatives*
  - 4. Develop further best practices and sample stipulations to assist agencies in developing more consistent and timely Section 106 agreement documents*
- D. Assist federal agencies in meeting their Section 106 consultation responsibilities with Indian tribes and Native Hawaiian organizations (NHOs) and encourage early engagement with tribes and NHOs during project planning.
- 1. Develop guidance and information papers regarding tribal and NHO consultation for federal agencies and applicants*
  - 2. Promote tools for better communication with Indian tribes in Section 106 reviews*
  - 3. Promote the early coordination handbook and training and seek additional opportunities for outreach about early coordination*
  - 4. Assist federal agencies to develop or enhance their consultation plans and capabilities*
- E. Improve coordination of the Section 106 process with other provisions of the NHPA, related federal environmental and preservation processes, and federal regulatory accountability requirements and initiatives, with particular attention to infrastructure project reviews.
- 1. Support program improvements as member of the Federal Permitting Improvement Steering Council*
  - 2. Track applicable projects and support the work and goals of One Federal Decision*
  - 3. Collaborate with CEQ to advance coordination of NEPA and Section 106 reviews under revised CEQ regulations*
  - 4. Engage federal ACHP members and NCSHPO and NATHPO for developing guidance and best practices*
  - 5. Participate in the Unified Federal Review process to support disaster preparedness and responses*

- F. Assist agencies in meeting their responsibilities in the Section 106 process and encourage agencies to engage all stakeholders and the public early in project planning and Section 106 review.

- 1. Work with FPOs and the Permitting Council to provide information and guidance that facilitates early engagement of stakeholders and the public*

- G. Promote availability of accurate and accessible digital and geospatial information about historic properties in order to assist agencies in avoiding and minimizing adverse effects of their projects on historic properties and in expediting project delivery.

- 1. Complete the Digital Information Task Force report and implement recommendations*

- 2. Assist SHPOs, THPOs, and NHOs in managing workloads and building organizational capacity through technology and digital information that supports Section 106 reviews*

## **II. PROMOTE FEDERAL PRESERVATION PROGRAMS**

**Strategic Goal:** Assist federal agency preservation program initiatives to enhance the identification, preservation, and stewardship of all types of historic properties, and encourage contributions to tribal, state, local, and private preservation efforts.

### **Four-Year Strategic Objectives**

- A. Assess and advise on the effectiveness of the federal preservation program established by the NHPA with particular attention to collaboration with federal agencies and other stakeholders to make the federal preservation program more effective and meaningful.

- 1. Develop guidance for agency preparation of reports required by Section 3 of E.O. 13287, review agency progress reports, and prepare report and recommendations to submit to the President*

- 2. Seek information from other executive branch reporting requirements and executive orders that may address or relate to preservation issues*

- B. Collaborate with federal agencies and other stakeholders to publicize (and assist in implementing, where appropriate) federal agency program initiatives and achievements that demonstrate the successful preservation and productive use of historic properties.

- 1. Recognize federal agency historic preservation achievements through the ACHP's awards and recognition programs*

- 2. Identify and collaborate with new partners to publicize the preservation work of the federal government*

- C. Assist federal agencies in meeting the goals and requirements for stewardship of historic properties set forth in the NHPA and Executive Order 13287, "Preserve America," as they carry out agency missions.

- 1. *Work collaboratively with agencies to identify and implement better tools and processes to promote stewardship*
- D. Facilitate collaboration and partnerships among federal agencies and other parties to help agencies meet their preservation program needs and goals, with particular attention to the challenges of underutilized federal historic properties.
  - 1. *Develop and implement recommendations to expand outleasing of federal historic buildings through the Leveraging Federal Historic Buildings Working Group*
  - 2. *Engage with private sector experts to identify challenges and solutions*
  - 3. *Identify, develop, and disseminate examples of undertakings that successfully utilized Section 111 of the NHPA to lease and protect historic properties under federal ownership or control*
- E. Promote consideration of historic preservation concerns and techniques in agency efforts to address issues of sustainability, resilience, and adapting to a changing climate.
  - 1. *Seek opportunities to provide a preservation voice in federal discussions of climate resilience and adaptation*
- F. Assist agencies in developing federal policies and programs that address infrastructure and energy development while minimizing impacts on historic properties and meeting mission needs.
  - 1. *Address emerging issues in historic preservation to promote solutions to address the impact on historic properties*

### **III. PROMOTE THE IMPORTANCE OF HISTORIC PRESERVATION**

**Strategic Goal:** Foster broader appreciation for and knowledge of historic preservation, history, and the work of the ACHP among diverse audiences and communicate the value and benefits of preserving historic resources.

#### **Four-Year Strategic Objectives**

- A. Raise the level of understanding of the value of the nation’s historic preservation program and of a preservation ethic, particularly among youth.
  - 1. *Expand content on the ACHP website to convey the importance and impact of the national historic preservation program*
  - 2. *Expand the Touching History: Preservation in Practice initiative to promote greater diversity in the national historic preservation program*
  - 3. *Implement the memorandum of understanding with Salish Kootenai College and the ACHP Foundation to advance educational programs for tribal historic preservation professionals*
  - 4. *Pursue opportunities to promote historic preservation through speakers and other forms of ACHP participation at events, conferences and other venues*

*5. Sustain and enhance the ACHP Internship Program, seeking additional partnerships and resources to support and expand year-round opportunities for college and graduate students exploring careers related to historic preservation*

B. Increase awareness of and participation in ACHP programs and activities nationally and internationally.

*1. Seek opportunities to participate in events and explore new venues both via ACHP members and staff*

*2. Grow the use of the ACHP's social media channels to strengthen existing outreach and connect with new audiences*

*3. Participate as a member of the Federal Interagency Panel on the World Heritage to promote U.S. engagement in the World Heritage program*

*4. Collaborate with US/ICOMOS to advance U.S. goals in international preservation*

*5. Work with the State Department on issues regarding the heritage of indigenous peoples*

*6. Encourage and assist as appropriate the Department of the Interior to develop and disseminate additional guidance on Section 402 of the NHPA*

C. Advise executive and legislative branch officials and staff regarding the benefits of historic preservation and the federal historic preservation program.

*1. Develop an ACHP Congressional communications and outreach strategy as part of the agency legislative agenda*

*2. Develop initiatives, such as promoting preservation trades training that advance Administration goals*

*3. Convey to members of Congress examples of successful Section 106 cases and other work of direct interest to them, such as Preserve America activities or case studies relevant to their states and districts*

*4. Disseminate information on the economic and job-creation benefits of historic preservation to key policy makers in the executive and legislative branches*

*5. Pursue opportunities to promote historic preservation and educate key decision-makers through special events, briefing materials, testimonials, and other means*

#### **IV. ADVANCE HISTORIC PRESERVATION POLICY AND PROGRAMS**

**Strategic Goal:** Formulate and advance effective public policies and programs that support and encourage historic preservation activities carried out by the federal government, Indian tribes, states, local governments, NHOs, and private organizations and individuals.

#### **Four-Year Strategic Objectives**

- A. Advise and assist the executive branch and the Congress in formulating policies, budgets, and programs that support the goals of the NHPA.
  - 1. Manage an ACHP legislative agenda and engage on proposed legislation that advance historic preservation interests and programs*
  - 2. Promote Administration and congressional implementation of the recommendations in the ACHP's Preservation 50 report on the national historic preservation program*
  - 3. Finalize and implement the work plan for the partnership with the American Battle Monuments Commission*
  
- B. Collaborate on, develop, and advance policies and initiatives that promote the economic, environmental, educational, and social benefits of historic preservation and the national preservation program.
  - 1. Utilize the opportunity of the upcoming U.S. Semiquincentennial celebration (America 250) to increase support for the national preservation program and its value in understanding our shared history*
  - 2. Collaborate with federal agencies and the private sector to address the gap in skilled preservation craft workers through education, apprenticeships, and qualification standards*
  - 3. Promote federal encouragement of historic property preservation in Opportunity Zones*
  - 4. Engage with federal agencies to encourage reuse of historic buildings for affordable housing*
  - 5. Examine opportunities to leverage existing Preserve America Communities and Preserve America Stewards in promoting preservation's benefits*
  
- C. Encourage and advance federal policies and programs that support the engagement of Indian tribes and NHOs in the national historic preservation program.
  - 1. Seek opportunities with the Assistant Secretary for Indian Affairs to promote tribal participation in historic preservation*
  - 2. Coordinate with White House staff regarding opportunities to advance tribal involvement in historic preservation*
  - 3. Support legislative initiatives that further the engagement of Indian tribes and NHOs in the national preservation program*
  - 4. Assist federal agencies in communicating federally-funded opportunities for Indian tribes, including native language preservation, artifact curation, and economic development*
  
- D. Promote and encourage assistance and incentive programs for preservation at all levels of government.
  - 1. Seek opportunities to promote preservation through new partnerships with groups such as the National Governors Association, National Conference of State Legislatures, U.S. Conference of Mayors, National League of Cities, and National Association of Counties*

2. *Explore options for revitalizing the authorized Preserve America grants*
3. *Encourage federal support of historic preservation trades training, particularly with the Departments of Labor and Education and the National Park Service*

## **V. ENABLE THE ACHP'S MISSION THROUGH ORGANIZATIONAL EXCELLENCE**

**Strategic Goal:** Obtain and effectively manage the ACHP's resources to ensure its mission is accomplished while meeting high standards of service.

### **Four-Year Strategic Objectives**

- A. Develop and implement a financial and human capital strategy that: recognizes and responds to the ACHP's mission, maximizes expertise and effectiveness among members and staff, and reflects the diversity of America in a discrimination-free workplace dedicated to equal opportunity.
  1. *Seek adequate resources through the annual budget formulation and appropriations process to support ACHP programs and initiatives*
  2. *Analyze current financial management platform and processes to identify opportunities for improved efficiency and responsiveness*
  3. *Expand efforts to recruit and support interns from a variety of backgrounds*
- B. Maximize effective collaboration with current and new preservation partners and explore ways to more fully utilize the ACHP's authority to receive assistance to carry out its duties.
  1. *Support and, where possible, expand current partnerships between the ACHP and other agencies*
  2. *Collaborate with the ACHP Foundation to obtain financial resources and expertise to support ACHP activities*
- C. Maximize internal operational performance through analysis of work processes, enhancements to information technology resources, changes to administrative procedures, implementation of effective records management, and the refinement of fiscal controls.
  1. *Improve information technology and cybersecurity operational levels to meet federal standards, ensuring compliance to mandated executive orders, operational directives and NIST guidance*
  2. *Identify and streamline operational processes to improve the pursuit of mission outcomes and increase the effectiveness and efficiency of agency operations*
- D. Identify and provide enhanced services to all parties that interact with the ACHP, leading to measurable results.
  1. *Review and update as needed ACHP Customer Service Standards*

*2. Utilize updated website and other Internet-based tools to improve customer access to ACHP information and to communicate with the ACHP*

- E. Engage members of stakeholder groups and the public to share their expertise with the ACHP through working groups, advisory groups, and other collaborations.

*1. Build relationships with intergovernmental organizations and professional and industry associations*

*2. Employ advisory groups to help the ACHP address issues such as digital information, affordable housing, and preservation trades training*

- F. Institute policies and internal processes to guide interaction and communication among the Chairman, members, and staff, particularly regarding controversial Section 106 cases, development of Section 106 program alternatives, preservation policy development, and congressional communications.

*1. Use contemporary communications technologies to promote information sharing among Council members and staff*

*2. Review Operating Procedures to determine changes needed to better facilitate communication and effective ACHP meetings*

*3. Implement communication system to inform and engage members in ACHP actions to develop Section 106 program alternatives*

# MEMBERSHIP

**MEMBERS**  
**Advisory Council on Historic Preservation**  
**(November 2020)**

*(more information about the members can be found at <https://www.achp.gov/about/council-members>)*

**Chairman**

Hon. Aimee K. Jorjani (Virginia)

**Vice Chairman**

Rick Gonzalez, AIA (Florida)

**Expert Members**

Kristopher B. King (South Carolina)

Luke A. Nichter, Ph.D. (Ohio)

Jay D. Vogt (South Dakota)

**General Public Members**

John G. Finley (New York)

Hon. John H. Frey (Connecticut)

Jordan E. Tannenbaum (Virginia)

**Native American Member**

Reno Keoni Franklin (Kashia Band of Pomo Indians; California)

**Governor**

Vacant

**Mayor**

Hon. Robert Simison (Meridian, Idaho)

**Architect of the Capitol**

Hon. J. Brett Blanton

**Secretary of Agriculture**

Hon. Sonny Perdue

**Secretary of Defense**

Hon. Christopher C. Miller, Acting

**Secretary of Education**

Hon. Elizabeth Prince DeVos

**Secretary of Homeland Security**

Hon. Chad F. Wolf, Acting

**Secretary of Housing and Urban Development**

Hon. Benjamin S. Carson, MD

**Secretary of the Interior**

Hon. David Bernhardt

**Secretary of Transportation**

Hon. Elaine L. Chao

**Secretary of Veterans Affairs**

Hon. Robert L. Wilkie

**Administrator, General Services Administration**

Hon. Emily W. Murphy

**Chairman, National Trust for Historic Preservation**

Jay C. Clemens (California)

**President, National Conference of State Historic Preservation Officers**

Mark Wolfe (Texas)

**General Chair, National Association of Tribal Historic Preservation Officers**

Shasta C. Gaughen (Pala Band of Luiseno Mission Indians; California)

**Observers:**

**Preserve America Youth Summit**

Ann Alexander Walker

**Chair, Council on Environmental Quality**

Hon. Mary Neumayr

**Secretary of Energy**

Hon. Dan Brouillette

**Chair, National Alliance of Preservation Commissions**

Cory Kegerise (Pennsylvania)

**President, ACHP Foundation**

Katherine Slick

**ACHP  
COMMITTEES and TASK FORCES**



## ACHP COMMITTEES, TASKFORCES, AND WORKING GROUPS

### **Communications, Education, and Outreach Committee**

Chairman: Luke A. Nichter, Ph.D.  
Vice Chairman: Department of the Interior

### **Federal Agency Programs Committee**

Chairman: Jay Vogt  
Vice Chairman: National Trust for Historic Preservation

### **Native American Affairs Committee**

Chairman: Reno Keoni Franklin  
Vice Chairman: Vacant

### **Preservation Initiatives Committee**

Chairman: Rick Gonzalez  
Vice Chairman: National Conference of State Historic Preservation Officers

### **Credentials Committee**

Chairman: Rick Gonzalez  
Members: Architect of the Capitol  
National Conference of State Historic Preservation Officers  
National Association of Tribal Historic Preservation Officers

### **Digitizing Information for Preservation Planning Task Force**

Chairman: Jordan Tannenbaum  
Members: Department of the Interior  
Department of Transportation  
National Conference of State Historic Preservation Officers  
National Association of Tribal Historic Preservation Officers  
National Trust for Historic Preservation  
Observer: National Alliance of Preservation Commissions

**Leveraging Federal Historic Buildings Working Group**

Chairman: Aimee Jorjani (*working with Office of Federal Agency Programs*)  
Members: Department of Agriculture  
Department of Veterans Affairs  
General Services Administration  
National Aeronautics and Space Administration  
National Conference of State Historic Preservation Officers  
National Park Service  
National Trust for Historic Preservation  
U.S. Postal Service

**Traditional Trades Training Task Force**

Chairman: Aimee Jorjani (*supported by Office of Preservation Initiatives*)  
Vice Chairman: Moss Rudley, National Park Service  
Vice Chairman: Nicholas Redding, Preservation Maryland  
Members: Rick Gonzalez, ACHP Expert Member  
Casey K. Sacks, Department of Education  
Ryan Hambleton, Department of the Interior  
Simeon A. Warren, National Park Service  
Katherine Wonson, National Park Service  
Brian Lusher, National Endowment for the Arts  
Milan Jordan, National Trust for Historic Preservation  
Benjamin R. Curran, Savannah Technical College  
James A. Turner, Turner Restoration

*December 2020*

# ACHP POLICY STATEMENTS

Traditional Trades (2020)

Controversial Commemorative Works (2018)

Historic Preservation and Community Revitalization (2016)

Diversity and Inclusiveness (2016)

Archaeology, Heritage Tourism, and Education (2008)

Burial Sites, Human Remains, and Funerary Objects (2007)

Affordable Housing (1995, 2006)

Balancing Cultural and Natural Values (2002)



## ACHP POLICY STATEMENTS

According to the ACHP's operating procedures, "*policy and positions on legislative proposals shall be established by action of the Membership.*" From time to time the ACHP prepares and issues policy statements based on identified needs to help guide its own work, the actions of federal agencies, and others in meeting historic preservation requirements and the policy and program goals laid out in the National Historic Preservation Act and related authorities. Such policy statements are usually developed through a task force or other working group of ACHP members, in cooperation with the ACHP staff. They are often informed by specific historic preservation cases, as well as site visits and other information gathering. Other federal and non-federal partners will be invited to consult with the members and staff, and such policy statements are usually published in the *Federal Register* or otherwise made available for public review and comment before being finalized.

Traditional Trades  
(2020)



## ACHP POLICY STATEMENT ON PROMOTION AND VALUE OF TRADITIONAL TRADES TRAINING

Quality restoration work on historic buildings requires skilled workers in the traditional trades. Masons, carpenters, painters, plasterers, and others in the construction trades who know how to—and why we should—preserve, repair, replicate, and maintain historic materials and finishes are essential to historic preservation projects. However, the unfortunate reality is that there is an increasingly short supply of such craftspeople. More recognizable opportunities for workforce development and training in the traditional trades not only would help address this problem critical to the maintenance of our nation’s historic places, but also would contribute to economic recovery and wellbeing through career pathways that benefit local communities.

The importance and value of the skilled craftworker and the need to support traditional trades training has been recognized in the historic preservation field for many years. The National Trust for Historic Preservation addressed the issue in its 1968 *Whitehill Report on Professional and Public Education for Historic Preservation* and revisited it almost 40 years later in a 2005 issue of its *Forum Journal* titled “Building Trades Education in the 21st Century.” The National Park Service (NPS) also addressed the importance of traditional trades training in a 1997 issue of its publication *Cultural Resource Management* titled “Preservation Trades and Crafts: Working in Preservation and Fostering the Trades.” In the years since these publications were issued, with an aging workforce and building stock, the need to increase the number of skilled craftspeople has only become more acute.

The federal government can play an important role in promoting traditional trades training. NPS already makes a significant contribution through the work of the agency’s Historic Preservation Training Center, Western Center for Historic Preservation, and National Center for Preservation Technology and Training. Expanding the scope and scale of traditional trades training in America will require broadening federal engagement.

The Advisory Council on Historic Preservation (ACHP), an independent federal agency created by the National Historic Preservation Act (NHPA), works to promote the preservation, enhancement, and sustainable use of our nation’s diverse historic resources, and advises the President and the Congress on national historic preservation policy. One of the ACHP’s stated duties in the NHPA is to encourage training and education in the field of historic preservation. In this policy statement, the ACHP discusses the need for and the benefits of expanded traditional trades training; suggests key principles that should guide federal, state, and local workforce development and training efforts; and offers recommendations for action.

### ***Scope of Need and Potential Benefits of Expanded Training***

The recent societal trend to devalue the skilled trades as an alternative to college and a worthwhile career path has led to a shortage of new workers entering the construction trades. This is occurring at the same time that many in the existing workforce are retiring. According to a 2019 survey by the Associated General Contractors of America, 80 percent of construction firms reported having difficulty in filling craft positions that represent the bulk of the construction workforce. Similarly, a survey by the National

Association of Home Builders found 82 percent of respondents expected labor shortages to be their top issue in 2019. This lack of skilled workers is further magnified for the specialized traditional trades often needed for historic preservation projects.

The relative scarcity of skilled workers in the traditional trades is brought into sharp relief in the wake of natural disasters. After addressing immediate emergency issues, full rehabilitation of damaged historic buildings is often delayed or compromised because of a lack of craftspeople who have expertise working with historic building materials.

Despite this shortage, various public policies promote historic preservation projects that require skilled traditional trades craftspeople. For instance, the Great American Outdoors Act signed into law in 2020 will provide up to \$9.5 billion in funding for deferred maintenance within NPS and at other federal facilities. Historic buildings make up about 46 percent of the NPS deferred maintenance backlog, and their repair will boost the demand for skilled workers in the traditional trades. Another relevant policy example is incentivizing preservation through tax credits. The federal Historic Tax Credit for rehabilitation of income-producing historic properties and similar historic tax credits in 37 states require that projects meet quality standards (generally the Secretary of the Interior’s Standards for Rehabilitation). Meeting such standards often requires work by craftspeople trained in the traditional trades.

Growing the ranks of skilled traditional trades workers would help to build preservation capacity in the construction trades and ensure that precious historic resources are preserved for future generations. Expanded traditional trades training also would bolster local economies, helping to fill vacant jobs. Enhancing traditional trades training opportunities—notably for youth and veterans—would allow people to acquire marketable knowledge, skills, and abilities that employers are seeking. Resulting jobs often are well-paid and secure. Median wages in construction have been outpacing the national median wage, according to the National Association of Home Builders. Additionally, the current shortage of traditional trades workers coupled with projected continued demand will provide new entrants into those trades with considerable job security.

### ***Framework for Expanding Traditional Trades Training***

The effectiveness of efforts to expand training opportunities in the traditional trades will be maximized if grounded upon the following key concepts.

- **Training opportunities in the traditional trades should be widely available.** There should be national and regional traditional trades training opportunities with a variety of options and pathways of different durations (immersion, apprenticeships, degree programs) and educational levels (high school, vocational school, community college, college) in order to maximize the number of new workers entering the field. Tradespeople already working in related fields also should have opportunities to add traditional trades expertise to their skill set. Likewise, craftspeople already in the traditional trades would benefit from continuing education opportunities.
- **Importance of open-source training curriculum.** Each traditional trades training program currently has to create its own curriculum. This problem of reinventing the wheel would be minimized if open-source curriculum options were available. Standardized programs of study that could be tailored to unique local needs would ease creation of training programs, make them more sustainable, and encourage the growth of a community of instructors in such programs.
- **Apprenticeship programs are essential.** By its very nature, traditional trades training requires hands-on instruction and mentoring. Apprenticeships provide that gateway for entry-level students to

learn from experienced craftspeople. They can alleviate the burden of student loans. Apprenticeships also are a key way of matching students with the companies that need their services for direct job placement.

- **Importance of industry-recognized credentials and/or qualification standards.** Currently, there are no third-party credentialing organizations bestowing credentials for the traditional trades and no specific qualification standards that must be met in order to claim proficiency. Such formal recognition verifies a person's competence in their chosen skill, is sought after by employers, and would be advantageous for traditional trades craftspeople seeking to document their expertise. Credentialing would be a significant step toward enhancing the stature of traditional trades craftspeople relative to the other professionals (architectural historians, architects, engineers, etc.) who collaborate to restore and rehabilitate historic properties.

### *Recommendations for Federal Action*

The federal government can play an important role in promoting traditional trades training and workforce development. The following recommendations address both use of existing federal programs and consideration of new policies and programs.

- **Integrate traditional trades into existing Department of Labor (DOL) apprenticeship programs.** DOL oversees the National Apprenticeship Program, a system of registered apprenticeships implemented by DOL and state apprenticeship agencies that in 2020 was supplemented with a new model of industry-recognized apprenticeships. There are significant untapped opportunities to accommodate and encourage traditional trades apprenticeships in this national apprenticeship framework. DOL should include traditional trades in its Occupational Information Network Program and the Standard Occupational Classification Codes upon which that program is based.
- **Encourage states to use existing Department of Education (ED) career and technical education funding for traditional trades training in state Perkins plans.** Under the Carl D. Perkins Career and Technical Education Act, ED awards more than \$1 billion a year in state formula grants and competitive discretionary grants for the improvement of career and technical education programs across the nation. While decisions about how the money is spent rests at the state and local level, there is ED oversight of state plans and implementation. In that context, ED should pursue opportunities to advise states on the potential benefits of traditional trades training in meeting the labor market need for such craftspeople.
- **Encourage recipients of existing Department of Housing and Urban Development (HUD) funding to address traditional trades training when meeting workforce development requirements.** Under Section 3 of the Housing and Urban Development Act, recipients of certain HUD financial assistance must, to the greatest extent feasible, provide job training, employment, and contracting opportunities for low- or very-low income residents in connection with projects and activities in their neighborhoods. To meet Section 3 requirements, HUD grantees and their contractors sometimes run or participate in training and apprenticeship programs that prepare community residents for jobs. HUD should pursue opportunities to encourage addressing the traditional trades, particularly for projects involving historic properties and the rehabilitation of affordable housing.
- **Consider options for federal support in development of open-source traditional trades training curriculum.** NPS's Historic Preservation Training Center, Western Center for Historic Preservation, and National Center for Preservation Technology and Training are logical focal points for a federal response to the need for traditional trades training curriculum, with development work either being done in-house or through contracts. As a first step, there should be a review of existing programs and

curriculum to serve as a baseline for next steps in curriculum development. Once curriculum is developed, federal support might also assist in “training the trainers” to help institutions and individuals become familiar with the curriculum.

- **Develop federal qualification standards for the traditional trades.** As directed by the NHPA, the Secretary of the Interior has developed advisory Historic Preservation Professional Qualification Standards (Qualification Standards). The intent is to assist federal agencies in ensuring that the employees and contractors responsible for preservation of federally managed historic properties have the knowledge, skills, and abilities to do so effectively. Published in 1983, the Qualification Standards focus on the academic disciplines of history, archaeology, architectural history, architecture, and historic architecture, as identified in the NHPA. Left unaddressed is the competency of the craftspeople in the traditional trades performing the work of applying the preservation treatments. NPS should include the traditional trades in any future revision of the Secretary’s Qualification Standards or should explore development of a parallel set of standards that could be used to assess and document proficiency in the traditional trades.
- **Include traditional trades training in implementation of the Great American Outdoors Act.** The passage of the Great American Outdoors Act is anticipated to create a significant demand for skilled workers in the traditional trades to address deferred maintenance at properties managed by NPS (principally) and also the USDA Forest Service, Fish and Wildlife Service, Bureau of Land Management, and Bureau of Indian Education. Using a small portion of the billions of dollars that will become available under the law for traditional trades training would be a strategic investment to address an immediate need as well as a way of having a lasting positive impact on the current shortage of traditional trades craftspeople.
- **Promote traditional trades training in the work of conservation corps.** Used by federal agencies, Indian tribes, states, and local communities, conservation corps engage young adults and veterans in service projects addressing recreation, conservation, disaster response, and other needs. While many corps focus principally on natural resources, conservation corps also assist in the preservation of historic properties, with a few focusing solely on historic preservation projects. Such projects offer important opportunities to introduce corps members to the traditional trades and provide training. Federal land-managing agencies should set an example by maximizing use of conservation corps to address historic preservation needs on public lands.
- **Explore use of COVID-19 recovery/stimulus funding to create jobs and job training in the traditional trades.** Much of COVID-19 recovery funding to date has focused on direct aid for individuals, businesses, organizations, and institutions (including museums and non-profits), and funding for agencies to directly respond to the pandemic. If future legislation is passed that addresses economic recovery from COVID-19 more broadly, there may be opportunities to support traditional trades training as part of enhanced funding for existing programs or creation of new programs. For instance, any new or augmented programs to create affordable housing might incorporate job training for local residents in the rehabilitation of existing older housing stock. New programs might build—both literally and figuratively—upon the example of Depression-era public works programs. Buildings and structures created by the Works Progress Administration and Civilian Conservation Corps are now historic properties, and a program to train youth in restoring those properties would be one economic stimulus program restoring the work of another.
- **Utilize the Historic Preservation Fund (HPF) for traditional trades training grants, as authorized by the NHPA.** The NHPA authorizes the Department of the Interior (DOI) to administer a grants program for “the training and development of skilled labor in trades and crafts, and in analysis and curation, relating to historic preservation” (54 U.S.C. § 302904). The funding source is

the HPF. This skilled labor component of the HPF remains to be funded. DOI should seek funding to support this grants program in future fiscal year budget requests.

- **Explore development of sustainable, dedicated funding that would be a continuing source of revenue for traditional trades training.** While funding from the HPF for traditional trades training already is authorized and would help in combatting the current shortage of craftspeople, there are other important programs competing for HPF dollars. Creation of dedicated, sustainable sources of funding specifically for traditional trades training would be a significant step forward. Such funding should be established not only at the federal level but also through state and local government action. The shape that such funding might take and the ways in which the federal government might support it merit further development and consideration. The ACHP should promote a dialogue on the issue with key partners, including DOI, the National Conference of State Historic Preservation Officers, the National Association of State Workforce Agencies, Certified Local Governments, the National Alliance of Preservation Commissions, and the National Trust for Historic Preservation.

Traditional trades are critically important to preserving the heritage of our historic built environment for future generations. They also can translate into secure, well-paying jobs that help revitalize communities both physically and economically. Expanding training opportunities and networks in the traditional trades is essential. It is critical to do what we can to enable this important field to expand into pathways that are available to the American worker.

Wide ranging in lines of expertise, it is the skilled craftworker who is making preservation happen through hands-on and on-site work. The connection to preservation is the central theme that brings many different skill sets together. It is the contract worker, the stone mason, the woodcrafter, the conservator, the trade union member, the craft guild member, maintenance crews, and building managers—all preserving on a daily basis.

Placing trust with the decision making on the qualified tradesperson or providing the opportunity to share the responsibility at the preservation job site with both the preservation professional and the skilled tradesperson empowers this field. By broadening this vision of the preservation expert—the skilled craftworker—the ACHP has adopted this policy statement to encourage and help guide efforts and partnerships to address this urgent need while offering rewarding careers and professional fulfillment.

*Adopted October 19, 2020*

**Controversial Commemorative Works  
(2018)**



*Preserving America's Heritage*

## **ACHP POLICY STATEMENT ON CONTROVERSIAL COMMEMORATIVE WORKS**

The National Historic Preservation Act (NHPA) of 1966 states as policy 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.” Achieving this balance of past, present, and future can be challenging in the case of commemorative works—memorials, statues, markers, or other landscape features erected to honor, recognize, or memorialize individuals, groups, or events that played a prominent role in U.S. history.

In recent years, increasing numbers of Americans have raised concerns or objections regarding the display of various commemorative works in public spaces in their communities. Monuments commemorating the Confederacy, including prominent generals and leaders of the Confederate States of America, have been opposed for their associations with Civil War era and post-war institutional support for slavery, segregation, and white supremacy. Controversy has also arisen regarding memorials to early European explorers, colonists, and religious leaders, who are viewed by many Native Americans and others as representing the subjugation and genocide of indigenous peoples in the New World. These and other examples of commemorative works associated with controversial periods, events, and individuals raise complex issues for governments, communities, and preservationists.

The Advisory Council on Historic Preservation (ACHP), an independent federal agency created by the NHPA, has as its mission to promote the preservation, enhancement, and sustainable use of our nation’s diverse historic resources, and to advise the President and the Congress on national historic preservation policy. Through this policy statement, the ACHP seeks to promote informed decision making and responsible stewardship of potentially controversial but nevertheless historically significant commemorative works. In doing so, the ACHP acknowledges it is essential for decision makers to: directly confront history’s difficult chapters; consult broadly with the public to ascertain contemporary community views; consider a range of management alternatives; and promote public education regarding all aspects (positive and negative) of the nation’s history.

### **GUIDING PRINCIPLES**

The following guiding principles have been adopted by the ACHP to assist federal, state, and local government entities facing decisions about the management or disposition of controversial commemorative works. This includes federal agencies complying with the review requirements of Section 106 of the NHPA (54 U.S.C § 306108).

1. **Stewardship.** The fundamental goal of decision making about historically significant commemorative works should be to balance stewardship responsibilities for publicly-owned

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commemorative works with recognition of the sensibilities, cultural responses, and emotions over memorialization and remembrance of difficult chapters in the nation's history.

2. **Changing values.** It is essential to acknowledge that societal values are fluid, and such values, particularly those associated with a memorial or monument, may be very different today from when it was created. Management decisions must necessarily take into account the views and needs of the contemporary community. For example, when the Congress created Custer Battlefield National Monument in 1946, it honored only the U.S. Army soldiers who died there. However, 45 years later, Congress renamed the site (which is within or adjacent to two large Indian reservations) as the Little Bighorn Battlefield National Monument, and memorials commemorating the Native American combatants began to be added to the battlefield landscape.
3. **Historical context.** The historical context shaping the original decision to erect a commemorative work needs to be carefully considered in evaluating its significance and deciding its future. For instance, late-19th century monuments on Civil War battlefields commemorating Confederate soldiers' battle actions generally have a different context than memorials to the Confederacy constructed in local public squares during the early 20th century when Jim Crow segregation laws flourished. Decision makers should bear in mind the extent to which the historical context for the placement of the commemorative work is—or is not—understood and supported within the contemporary community.
4. **Historic significance.** It is important to determine whether a commemorative work is “historic” in order to properly assess the overall public interest when making management decisions. The fact that a commemorative work celebrates a historic event or the historic accomplishments of an individual does not necessarily render the commemorative work itself historic. For instance, a Confederate memorial erected during the recent 150th anniversary of the Civil War is likely far too new to be considered historic on its own merit. Likewise, not every older commemorative work is historic. It may have lost its physical integrity over time, be located away from the site of any historic events being commemorated, or simply not be sufficiently significant in terms of its artistic design or the event/person(s) that it is memorializing. Establishing the historic significance of a commemorative work is also essential to determine whether various federal, state, and local environmental review laws would apply during decision making. For example, in the context of Section 106 of the NHPA, a property must be listed in or eligible for listing in the National Register of Historic Places in order to be considered historic, or be a contributing element to a historic district or historic landscape, such as a battlefield or cemetery.
5. **Consultation.** Consulting with affected parties and actively seeking broad public input is critical to reach a responsible stewardship decision. Such consultation is required under many historic preservation laws, including the NHPA, and the public should be made aware of what legal protections apply in those instances. However, regardless of whether historic preservation laws apply, consultation and public involvement in deciding a course of action are essential to a successful outcome. Broad civic involvement and public engagement should be pursued. Parties on all sides, especially those with historic ties to the issue, should be given the opportunity to participate in discussions, provide information, express concerns, and propose alternatives for consideration. Such input should be considered as objectively as possible by decision makers (although admittedly maintaining objectivity can be difficult when discussions are highly charged).
6. **Inclusion.** It is important to be inclusive, to hear the views of all interested groups and individuals, and consider the relationship of their history, heritage, and values to the commemorative work in the decision-making process. For example, decision makers considering the future of a statue to Christopher Columbus need to hear from both Native Americans—who generally view Columbus as a

symbol of European conquest—and Italian Americans—who frequently view him as a hero and symbol of Italian American contributions to American history.

7. **Treatment alternatives.** A broad range of alternatives should be considered in determining the future of a historically significant commemorative work that is publicly owned. Generally, commemorative works should not be destroyed since they have lessons to teach about difficult issues in the country's history. Reviewing the experiences of other agencies and communities can provide important examples of other possible outcomes. Some typical alternatives to consider include the following:
  - a. Retaining the commemorative work unchanged on its site. This alternative might be warranted where the work is of such exceptional historical significance that alteration or relocation is inappropriate, in which case off-site interpretation might be pursued.
  - b. Retaining the commemorative work on its site and providing context through on-site interpretation. One example is the interpretive plaque placed at the Confederate monument on the campus of the University of Mississippi in 2016. Such interpretation must be handled sensitively given the painful or emotional chapters of history being addressed. Context might also be achieved by adding an accompanying commemorative work to balance the story told by the original memorial. This was done when Congress passed legislation to add the Vietnam Women's Memorial to the Vietnam Veterans Memorial on the National Mall after objections that the original memorial did not acknowledge the service and sacrifices of women who served during the war. Similarly, concerns from disability rights advocates led Congress to approve adding a statue of Franklin Delano Roosevelt in a wheelchair to the Franklin Delano Roosevelt Memorial in Washington, D.C.
  - c. Modifying the commemorative work to address community concerns while maintaining the overall integrity of it or its historic environs. Illustrative of this approach, the City of San Francisco is considering removing one of five statues that comprise its Pioneer Monument, since the statue depicts a Native American in a demeaning manner.
  - d. Preserving the commemorative work, but removing it from prominent display in a public space. Relocated commemorative works can be preserved through appropriate curation, display, and interpretation in a museum setting, or re-erection in a non-public venue. One example is the relocation of a statue of Confederate President Jefferson Davis from the grounds of the University of Texas to the university's Briscoe Center for American History.
8. **Public education.** Controversy over a commemorative work offers significant opportunities to increase public understanding of American history and the complexities of its more difficult aspects. This can be important given the sometimes limited public knowledge of and appreciation for U.S. history and its lessons. The public involvement process is a platform for providing information on the history of the commemorative work in question and for having advocates and opponents hear their differing perspectives. More informed public participation will pay dividends for decision makers in exploring various alternatives. Likewise, any interpretation proposed for commemorative works is a chance for further public education.

*Adopted March 22, 2018*

Historic Preservation and  
Community Revitalization  
(2016)

**ADVISORY COUNCIL ON HISTORIC PRESERVATION**

**Notice of Adoption of Policy Statement on Historic Preservation and Community Revitalization**

**AGENCY:** Advisory Council on Historic Preservation.

**ACTION:** Adoption of Policy Statement on Historic Preservation and Community Revitalization.

**SUMMARY:** The Advisory Council on Historic Preservation (ACHP) adopted a Policy Statement on Historic Preservation and Community Revitalization.

**DATES:** The final policy was adopted, and went into effect, on October 26, 2016.

**FOR FURTHER INFORMATION CONTACT:** Charlene Dwin Vaughn, AICP, Assistant Director, Office of Federal Agency Programs, ACHP, at 202-517-0207, or [cvaughn@achp.gov](mailto:cvaughn@achp.gov).

**SUPPLEMENTARY INFORMATION:** The Advisory Council on Historic Preservation (ACHP) is an independent agency, created by the National Historic Preservation Act (54 U.S.C. 300101 et seq), that promotes the preservation, enhancement, and productive use of our Nation's historic resources, and advises the President and Congress on national preservation policy.

Section 106 of the National Historic Preservation Act (Section 106), 54 U.S.C. 306108, requires Federal agencies to consider the effects of projects that require federal approval, that receive federal financial assistance, or that are carried out by federal agencies, on historic properties and provide the ACHP a reasonable opportunity to comment with regard to such projects. ACHP has issued the regulations that set forth the process through which Federal agencies comply with these duties. Those regulations are codified under 36 CFR part 800.

**I. Background**

In March 2014, the ACHP issued the report entitled *Managing Change: Preservation and Rightsizing in America*, which can be accessed at <http://www.achp.gov//RightsizingReport.pdf>. This report focused on communities that were addressing rightsizing. The concept of rightsizing applies to communities undergoing substantial change due to economic decline population loss, increased amounts of vacancy and abandonment, decline in local services, increased homelessness and poverty, declining educational opportunities,

and systemic blight. Rightsizing has been occurring in communities around the Nation for several decades as they respond to transformative events. The report contained the findings and recommendations of extensive research, on-site visits, and ACHP participation in panels and seminars during which diverse stakeholders shared their views regarding the effect on rightsizing in the community.

As the ACHP explored options to implement the recommendations in the report, it was concluded in 2015 that the development of a policy statement would be appropriate to advance historic preservation principles. Therefore, the purpose of developing the Policy Statement on Historic Preservation and Community Revitalization is to ensure that preservation is considered as a tool that will assist federal, state, and local governments plan and implement revitalization projects and programs in a manner that will consider the reuse and rehabilitation of historic properties.

In 2014, the Chairman of the ACHP convened a Working Group to assist in developing a draft policy statement. Representatives of the Working Group included the U.S. Department of Housing and Urban Development (HUD), U.S. Department of Agriculture, U.S. Department of Health and Human Services, the National Park Service, the National Trust for Historic Preservation, the American Assembly, the Cleveland Restoration Society, Preservation Research Office, Historic Districts Council, Preservation Rightsizing Network, the Michigan State Historic Preservation Officer, and ACHP expert member Bradford White, Chair of the Working Group.

Following the development of the draft, the ACHP posted the proposed draft in the **Federal Register** on March 3, 2016, and comments from the public were accepted through April 4, 2016. Information regarding the March 3, 2016, **Federal Register** notice, was posted on the ACHP Web site. It was widely distributed by members of the Working Group to their respective constituencies through broadcast emails and electronic LISTSERVs including communities receiving Community Block Grant funds from HUD, the National Trust for Historic Preservation's Forum, the Preservation Rightsizing Network members, and the National Conference of State Historic Preservation Officers (NCSHPO). In addition, a broadcast email was sent to Tribal Historic Preservation Officers for their review. To ensure that all local communities received the draft, it was sent to organizations actively involved

in Legacy Cities and rightsizing activities.

Only thirteen (13) comments were submitted by the public on the draft policy statement. The majority of these commenters supported the draft and were eager for the ACHP to adopt the policy statement so that it could be implemented to advance local historic preservation. Four commenters, however, expressed concerns regarding a number of substantive issues and were basically critical about the ACHP's development of the draft policy. Major issues expressed by the four commenters included recommendations that the document should be revised to improve grammar and tone and references to the Section 106 process. They also took exception to the ACHP's use of flexible and programmatic solutions given their opinion that the ACHP had approved many contradictory systems over the years.

Other noteworthy comments made by the objectors to the draft policy statement included the following: (1) The sequencing of the principles needed to be changed; (2) best practices and case studies needed to be incorporated in the draft to illustrate the principles; (3) failure to encourage flexibility when applying the Secretary of Interior's Standards for Rehabilitation (Secretary Standards); (4) more communities needed to be encouraged to become Certified Local Governments (CLGs); (5) allow CLGs to determine the National Register eligibility of properties; (6) educate stakeholders about how to apply the principles in the policy statement; (7) revise the ACHP's regulations as they include a dated framework for problem-solving; (8) acknowledge the benefits of state and local tax credits to communities; (9) public-private partnerships should be creative and incentivize the revitalization of neighborhoods; (10) allow residents to identify the resources they care about; (11) the policy is overly concerned with buildings and properties instead of concepts of place and landscapes; (12) acknowledge the immense scale of challenges for vacant and distressed buildings nationwide; (13) present the principles in the format of a Section 106 document; (14) public subsidy of historic preservation projects must avoid reinvestment in unsustainable areas; (15) all mitigation should be creative; and (16) change the title to "Community Revitalization and Historic Preservation."

ACHP staff developed a Comment Matrix of the 104 substantive comments submitted by the 13 commenters. In addition to summarizing the comments and clarifying the ACHP's response, the

draft Policy Statement was extensively revised to incorporate all pertinent recommendations. The title of the Policy Statement was retained as it ensured that the document would be used as a historic preservation tool. Further, the number of principles were increased from ten (10) to 13 and the sequencing was modified to ensure that the principles addressed the comments received from the public. The Working Group was advised that the policy statement should be inclusive and applicable to all communities. As such, it does not have the urban focus that was recommended. Principle III of the draft became Principle IV in the final policy. It recognizes the importance of technology and community input in the preparation of local inventories and surveys. Principle IX was revised to acknowledge that tax credits benefit small as well as large projects, and that beyond financial benefits in the form of equity, social and other economic benefits may also be accrued.

While Section 106 applies to most projects that meet the definition of undertaking as outlined in 36 CFR 800.16(y), "when the agency determines that the undertaking is a type of activity that does not have the potential to cause effects on historic properties, assuming such historic properties were present, the official has no further obligations under section 106." 36 CFR 800.3(a)(1). Therefore, the commenter that suggested that the use of all federal dollars should require compliance with Section 106 did not consider this provision or the fact that a Section 106 program alternative may also exclude certain federal activities. Likewise, the recommendation that federal funds must be allocated to support the development of comprehensive planning and revitalization strategies is incorrect. While the ACHP agrees with this recommendation in theory, a federal agency like HUD or the Rural Development under the Department of Agriculture would have to adopt this concept into their grant programs.

The inclusion of references to Indian tribes in the policy statement was specifically requested by ACHP members. If they were excluded, the perspectives and concerns of Indian tribes would be minimized. Since Indian tribes are participants in the Section 106 consultations and provide expertise on the importance and significance of historic properties on tribal lands as well as historic properties located off-tribal lands which have religious and cultural significance to them, it is important that they be involved in the development of community revitalization strategies for

communities located throughout the Nation.

Comments submitted asserting that the National Register criteria are viewed as an impediment, and restrict effective citizen engagement were not specifically addressed in the final policy statement. These comments and the related suggestions argue that Section 106 of the NHPA is a dated framework. This is beyond the scope of the development of this policy statement. However, it should be noted that Principle V is revised to allow communities to recognize the value of places that are important to local residents. In addition, Principle VII emphasizes the need for diverse citizen engagement, which encourages that all residents should participate in the identification of historic properties.

The Working Group determined that it was important to publish a current policy statement that reaffirmed the importance of historic preservation to the revitalization of all communities that must adapt to changing physical, social, and economic conditions. Federal urban policies disseminated since 2008 have not always consistently endorsed the importance of historic preservation in assistance programs. This policy statement will continue to promote the importance of federal leadership in historic preservation. Further, the policy statement will be continually updated to illustrate for stakeholders the application of the principles, and to educate citizens about the benefits of historic preservation as part of the revitalization of their communities. In collaboration with federal agencies and preservation organizations, the policy statement will be distributed to local, area, field, and regional staff so that the principles assist staff in planning and reviewing projects and developing new programs to help reverse the loss of historic properties as cities implement public-private programs throughout the community.

The policy statement, which represents the conclusion of the research and public outreach efforts of the Working Group, ACHP staff, and deliberation of its members, was adopted by the ACHP by an unassembled meeting vote on October 26, 2016. The final text of the policy statement is provided in Section II of this notice.

## II. Text of the Policy

This is the final text of the policy, as adopted by the ACHP on October 26, 2016:

## Advisory Council on Historic Preservation (ACHP) Policy Statement on Historic Preservation and Community Revitalization

### Introduction

The 2010 U.S. Census revealed that, as a result of the significant decline in the economy beginning in 2008, an estimated 19 million properties were abandoned throughout the nation. As a result of the economic downturn, many buildings, in particular older and often historic properties, became vacant and abandoned. This has led to blighted conditions in many communities around the nation. Economists have compared the impacts of the economic downturn in 2008 to that of the Great Depression in the 1930s. Natural disasters, economic downturns, and the mortgage foreclosure crisis all occurred at the beginning of the 21st century, collectively eroding urban, rural, and tribal communities.

While these events resulted in significant economic impacts across the country, they accelerated declines in population, tax base, industry, jobs, and housing markets caused by structural changes to the economy. Impacts were most severe in the Midwest, Northeast, Mid-Atlantic, and the South. The estimated demolition of 200,000 properties exemplifies the extreme actions taken by many communities, resulting in the loss of residences, commercial buildings, and even entire neighborhoods. Many of the properties that were lost included historic buildings that were listed in or eligible for listing on the National Register of Historic Places. The focus of media attention on these issues centered on "legacy cities," the term used to describe older, industrial communities. But research has revealed that suburban, rural, and tribal communities also have dealt with similar problems.

Communities identified as industrial centers were hit particularly hard and continue to struggle. These communities experienced shrinking population, declining property values, and high rates of residential vacancies and abandonments and required a holistic approach to bring about their revitalization.

In 1966, Congress passed the National Historic Preservation Act (NHPA) and declared that "the historical and cultural foundations of the nation should be preserved in order to give a sense of orientation to the American people." It further stated 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. In overseeing federal project reviews required by Section 106 of the NHPA, the ACHP has seen that historic preservation reviews are often not completed before federal funds are allocated. Further, the funds are often ineffectively or inappropriately used to manage redevelopment in struggling communities. Preservation options are not considered, and opportunities to reuse existing assets are missed because of the severity of the issues confronted by communities.

The ACHP sees a need to raise awareness of the potential community revitalization benefits from programs authorized by the NHPA and to provide an alternative framework for communities that have needs beyond the traditional historic preservation practices. To confront the challenge, community revitalization plans must be developed that address the disposition of vacant and abandoned properties, promote rehabilitation, create affordable housing, direct growth to target areas that have the infrastructure, and utilize new infill construction to stabilize neighborhoods or develop mixed use projects. Such plans can benefit from using the Secretary of the Interior's Standards for the Treatment of Historic Properties (1995) (Secretary's Standards), as appropriate, as the framework for revitalizing housing, infrastructure, and commercial facilities. Further, involving historic preservation professionals who meet the Secretary's Standards as employees or contractors of local, regional, and state agencies can aid in developing and implementing effective community revitalization plans that build on historic assets.

In March 2014, the ACHP issued a report entitled *Managing Change: Preservation and Rightsizing in America*, which focused on communities addressing "rightsizing." Rightsizing applies when communities have shrinking populations, rising vacancy and abandonment, and systemic blight issues. The report clarified the role of historic preservation

in rightsizing as well as noting relevant existing federal programs and policies. Reviewing extensive research, newspaper and journal articles, and organizational and institutional reports on rightsizing revealed that consideration of historic preservation issues in rightsizing decisions was often the exception. The ACHP report noted that rightsizing should include revitalization of historic fabric. Likewise, it noted that rightsizing is not uniquely an urban phenomenon. Rather, it encompasses a variety of communities, including older suburbs and rural and tribal communities. All are in need of technical assistance, education, and outreach to help residents, developers, and local officials approach revitalization using historic preservation tools that can be adapted to the 21st century.

#### Purpose

In accordance with Section 202 of the NHPA, the ACHP is issuing this Policy Statement to provide federal agencies; the individuals, organizations, and governments that apply for federal assistance; and their public and private partners with a flexible and creative approach to developing local community revitalization plans that involve historic properties. Likewise, the Policy Statement is intended to equip residents and community organizations with information on available tools and assist them in creating realistic strategies to integrate into revitalization plans the conservation and rejuvenation of the places and properties that define their neighborhoods.

A major goal of the Policy Statement is assisting federal agencies and their grantees and applicants, State Historic Preservation Officers (SHPOs), Tribal Historic Preservation Officers (THPOs), Certified Local Governments (CLGs), and state and local governments in complying with the requirements of Section 106 of the NHPA. Section 106 requires federal agencies to take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment. With a predictable and consistent policy framework, or an alternative framework developed to address the unique circumstances faced by a community, federal agencies and applicants will be encouraged to integrate historic preservation principles in holistic community revitalization strategies. The policy acknowledges that consideration of alternatives to avoid or minimize harm to historic properties is essential when planning community revitalization

projects. Further, by engaging varied stakeholders in the early stages of project planning, community revitalization projects can achieve multiple community goals.

This Policy Statement builds on an earlier ACHP Policy Statement on Affordable Housing issued in 2006 ([www.achp.gov/polstatements.html](http://www.achp.gov/polstatements.html)), continuing the ACHP's efforts to promote historic preservation in community revitalization and encourage the use of it as a tool to stabilize and enhance communities that have suffered from massive structural changes to their economy. It also recognizes that other communities, under less severe economic distress, could benefit from implementing the strategies described in the principles below.

An underlying premise of the Policy Statement is the essential need for and value of local inventories and surveys, particularly in older neighborhoods that may be listed in or eligible for listing in the National Register of Historic Places (National Register) as historic districts. Only when local officials and the public are aware of the historic properties in their communities can they make informed decisions about treatment and reuse of these assets. Likewise, the National Register status also determines whether proposals must be afforded consideration in federal project planning under Section 106, or whether historic properties can qualify as "certified historic structures" eligible to receive the 20 percent Federal Historic Preservation Tax Credit (FHPTC) for the rehabilitation of historic, income-producing buildings. Other tax incentives are often coupled with this credit to revitalize historic neighborhoods, such as the Federal Low-Income Housing Tax Credit and state and local historic preservation tax incentives. Recent studies have documented that these tax incentive programs contribute to economic development and job production, making them a primary tool for revitalizing neighborhoods that were once considered blighted.

The principles outlined below offer useful guidance that can assist communities in their efforts to incorporate historic preservation into planning revitalization efforts. Collaboration among federal, state, and local officials, SHPOs, THPOs, developers, residents, and other stakeholders is essential to successfully implement these principles. To foster such collaboration, this Policy Statement provides a framework that departs from traditional preservation doctrine in order to promote the effective contribution of historic assets

to achieving community revitalization goals.

### Implementation Principles

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

I. Historic preservation principles should guide the preservation and reuse of older community assets.

II. Historic preservation should be incorporated in local planning efforts that focus on sustainability and smart growth.

III. Historic preservation should be incorporated into plans prepared by local governments that receive financial and technical assistance to build resilient communities.

IV. Historic property inventories and surveys prepared by digital mapping and other traditional methods are tools that can assist communities seeking federal, state, and local resources for planning and revitalization projects.

V. The flexibility inherent in the National Register criteria should be recognized by state and local governments when considering the significance of resources within distressed communities.

VI. Early consideration of alternatives to avoid or minimize adverse effects of projects involving historic properties is essential to ensure the proper integration of historic properties in community revitalization plans.

VII. Effective citizen engagement that reflects the diversity of the community can assist in identifying historic properties and cultural resources that should be recommended for preservation.

VIII. Indian tribes may have an interest in urban and rural community revitalization projects and the effects they may have on historic properties to which they attach religious and cultural significance.

IX. Tax credits and tax incentives can be used to promote historic preservation projects that preserve local assets.

X. Flexibility in the treatment of some historic buildings in Section 106 reviews can help achieve broader neighborhood preservation goals.

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

XII. Flexible and programmatic solutions developed as part of Section 106 reviews can expedite historic preservation reviews as well as more effectively address the chronic demolition of historic properties.

XIII. Creative mitigation that balances historic preservation values and program goals should be explored by

stakeholders and incorporated into Section 106 outcomes.

### *I. Historic preservation principles should guide the preservation and reuse of older community assets.*

Responding to the widespread destruction of historic resources during the urban renewal programs of the 1950s and 1960s, the NHPA was established to ensure local community revitalization and economic development projects were responsive to historic preservation principles.

Unfortunately, 50 years later, the provisions of the NHPA requiring consideration of historic properties in project planning are not applied consistently by federal, state, and local governments. This is particularly the case when federal funds are allocated to local communities to address substantial amounts of vacant and abandoned buildings. Historic properties should be considered and evaluated as community assets because of their ability to endure cyclical changes and continue to provide shelter and economic development to residents of all incomes. Their treatment should be informed by an analysis of alternatives, including stabilization, rehabilitation, new infill construction, and, in certain cases, demolition. When integrated into project planning as prescribed by Section 106 of the NHPA, historic preservation tools can be beneficial to achieving local revitalization goals. Rather than being viewed as part of the problem, historic properties can be adapted and reused as a viable alternative. They should be given due consideration by federal, state, and local officials when developing comprehensive and small area plans and neighborhood vision frameworks. Although historic preservation is often ignored by stakeholders who express a desire for new construction, decades of successful historic preservation projects affirm that renewed historic assets can meet community expectations for modern uses while maintaining the character that traditionally defined the area.

### *II. Historic preservation should be incorporated in local planning efforts that focus on sustainability and smart growth.*

The core principles in sustainability and smart growth have been embraced by urban and rural communities nationwide during the past decades. Smart growth is a cohesive group of planning principles that are focused on creating sustainable development patterns. Sustainable communities are focused on conserving and improving

existing resources, including making historic assets such as buildings, neighborhoods, and communities greener, stronger, and more livable. Both smart growth and sustainability can foster historic preservation, emphasizing the value in preserving and reusing historic properties that illustrate the character of communities rather than filling up landfills with building materials. Successful historic preservation techniques often bring together both historic properties and compatible new construction to create a dynamic and attractive environment. Preserving historic properties not only retains streetscapes and original settings but also can create a focal point for a community to embrace its history, culture, and sense of place. This can be a major contribution to achieving community revitalization goals to stabilize distressed communities and to promote long-term viability.

### *III. Historic preservation should be incorporated into plans prepared by local governments that receive financial and technical assistance to build resilient communities.*

In the aftermath of natural disasters, climate change events, and unanticipated emergencies, disaster recovery projects are often designed to revitalize and rebuild resilient communities. Communities also adopt practices before disasters strike to make them more resilient. Resilient communities are better able to recover from disasters and disruptions in a sustainable way and maintain their vitality and viability. Achieving community resiliency goals consistent with local historic preservation priorities requires aligning federal funding with local rebuilding visions, cutting red tape for obtaining assistance, developing region-wide plans for rebuilding, and ensuring that communities are rebuilt to better withstand future threats. Maintaining, rehabilitating, and reusing existing historic buildings can contribute to stabilizing and revitalizing neighborhoods. Community recovery and revitalization plans should be specific in their use and treatment of historic properties and coordinated with plans for new construction and infrastructure. Recognizing that historic preservation strategies are compatible with resilient community goals will enable planners to create housing choices, foster a sense of place, generate jobs, maintain walkable neighborhoods, and preserve open spaces. All these factors are critical to promoting resilient communities that include integration of historic properties.

*IV. Historic property inventories and surveys prepared by digital mapping and other traditional methods are tools that can assist communities seeking federal, state, and local resources for planning and revitalization projects.*

Historic property inventories and surveys developed by qualified professionals documenting historic properties within a local community are frequently incomplete and dated or too often completely lacking. The absence of this basic information can result in the inadvertent loss of historic properties as well as delays in project planning and implementation. Without the historical context explaining the evolution of neighborhoods and the significance of existing building stock, decision making is uninformed. In contrast, communities that have current, up to date historic property inventories and surveys which provide historic context; identify architecture, archaeological sites, and cultural resources; and define historic districts are able to assist local officials and developers in preparing effective revitalization strategies. When local governments use this tool in advance of applying for grants and loans, they can identify areas that should be given special attention in project planning and gather input from residents on what is important to them about their neighborhoods. Also, inventory and survey information allows local officials the flexibility of de-listing National Register properties when the integrity is lost due to neglect and extensive amounts of abandonment of historic properties.

*V. The flexibility inherent in the National Register criteria should be recognized by state and local governments when considering the significance of resources within distressed communities.*

The National Register is broad enough to recognize and include under-represented communities and find creative approaches to recognize the history and culture of areas and resources preserved against tremendous odds. It should be recognized that as communities have aged and assets have been neglected, particularly in distressed communities, physical integrity may suffer. However, such resources may still possess cultural and social significance that may qualify them nonetheless for their associative value to the community and as embodiment of broad patterns of history. Where local communities have prepared lists of local landmarks unique to the city, those resources may very

well meet the National Register criteria for eligibility on the local level. Section 106 reviews can factor in this information when considering alternatives and mitigation. Federal and state agencies that prepare National Environmental Policy Act documents should already be including local heritage and culture under chapters on Social and Economic Conditions and Cultural Resources.

*VI. Early consideration of alternatives to avoid or minimize adverse effects of projects involving historic properties is essential to ensure the proper integration of historic properties in community revitalization plans.*

Effective utilization of historic properties to support community revitalization goals requires that preservation be an integral part of local planning from the outset. Strategic efforts to stabilize local neighborhoods in communities experiencing unprecedented amounts of vacancies and abandonment and substantial population loss should consider alternatives that can have a positive impact. Comprehensive neighborhood plans, small area plans, and more targeted vision frameworks should disclose the criteria and processes local officials use to determine specific treatment for buildings and sites. SHPOs can also provide technical assistance when resources are available. Likewise, communities with CLGs that work closely with SHPOs can participate in local administrative reviews and provide advice regarding how historic properties may be affected by community revitalization plans. SHPOs and CLGs can work with the local community development agencies and land banks to determine how they can facilitate building preservation, rehabilitation, and revitalization, as well as plans proposed for substantial demolitions in target areas or on a community-wide basis. Essential to effective early planning is the engagement of the local community that is affected by the proposed action.

*VII. Effective citizen engagement that reflects the diversity of the community can assist in identifying historic properties and cultural resources that should be recommended for preservation.*

The consultation process carried out under Section 106 is designed to elicit effective and informed citizen engagement. Public participation will help to identify places and historic properties important to the community early in the consultation process and foster creative solutions that

accommodate the community's heritage with revitalization. Special attention should be given to including diverse residents in communities that have been overlooked in prior identification efforts. Places associated with under-represented communities are not broadly listed on the National Register, so it is important that local officials make citizen engagement a priority when evaluating properties for National Register eligibility in the Section 106 process or developing surveys and inventories. SHPOs can often assist local officials in providing historic context statements for such properties and existing information on community resources. Involving local academic institutions, civic organizations, professional associations, neighborhood associations, and tribal representatives in the work of local preservation commissions and architectural review boards can help ensure that the views of all segments of the community inform the identification and evaluation of historic properties. Citizen engagement also is critical in the analysis of project alternatives to deal with adverse effects of revitalization projects on historic properties. Many of the outcomes from Section 106 reviews are shaped by recommendations from citizens who participate as consulting parties in the process. Federal and local officials provide guidance and technical assistance to facilitate citizen engagement in completing inventories and surveys, developing local project plans, and participating in the required project review processes.

*VIII. Indian tribes may have an interest in urban and rural community revitalization projects and the effects they may have on historic properties to which they attach religious and cultural significance.*

It is important to involve Indian tribes in Section 106 reviews, particularly in the identification and evaluation of historic properties and assessment of effects. Since THPOs and Indian tribes are required to be invited to participate in Section 106 as consulting parties, federal and local officials should become familiar with those Indian tribes that have ancestral and historic associations with their communities. It is important that planners look beyond archaeologists in assessing the significance of sites, as these resources often have traditional cultural or religious value to Native Americans. Indian tribes can also contribute to local sustainability efforts based on their ecological and environmental knowledge of geographic areas to which they have traditional ties. Involving

THPOS and Indian tribes early in Section 106 consultations allows them to advise the federal agency of protocols that should be followed in the event of unanticipated discoveries of sites. Finally, Indian tribes can provide relevant input to the agency officials in developing mitigation measures when sites cannot be avoided.

*IX. Tax credits and tax incentives can be used to promote historic preservation projects that preserve local assets.*

Recent research conducted on the impacts of using Federal Historic Preservation Tax Credits (FHPTC) have revealed that investments in historic rehabilitation have greater positive impact on employment, state and local taxes, and the financial strength of the state than new construction. The use of FHPTCs, Low Income Housing Tax Credits, state historic tax credits, and local historic tax credits can often be combined to provide neighborhoods with financial, social, and economic benefits. Local governments should consider how these incentives can be used to fund not only major projects but also small and mid-size neighborhood projects that involve local historic properties. SHPOs are uniquely situated to leverage FHPTC projects, having worked closely with the National Park Service and developers on previous projects. Further, local officials can collaborate with federal regional and field offices, land banks, SHPOs, and local real estate agents to identify vacant and abandoned buildings that are candidates for rehabilitation. By focusing on stabilizing anchor buildings in a neighborhood, local governments can protect these sites and make them available to developers who intend to revitalize target areas with major projects such as those for affordable housing and transit-oriented development.

*X. Flexibility in the treatment of some historic buildings in Section 106 reviews can help achieve broader neighborhood preservation goals.*

Sometimes historic neighborhoods confront significant abandonment and serious deterioration of building stock, such that rehabilitation and reuse becomes an overwhelming challenge. Participants in Section 106 consultations should be receptive to considering different treatment measures, including new infill construction meeting the Secretary's Standards, substitute materials, and strategic demolition, when there is concurrence that such an approach is the best approach to achieving broader community revitalization and

preservation goals. It is strongly encouraged that federal agencies and applicants utilize historic preservation professionals to help determine when and how it may be appropriate to apply flexibility in the treatment of individual buildings.

*XI. Private resources can contribute to local revitalization efforts and also leverage public funds.*

Private resources are instrumental in ensuring most community revitalization efforts are successful and transformative. Examples of federal grant and loan programs used in conjunction with private resources for local revitalization efforts include 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, hospitals, foundations, banks, land banks, and local businesses are frequently the source for matching funds. In addition, they often partner with developers on multi-use projects that benefit the community as a whole. Banking institutions are able to get credit under the federal Community Reinvestment Act (CRA) program when they contribute to local revitalization efforts. A bank's CRA performance record is taken into account when evaluating its overall performance. Therefore, project proponents and local officials should reach out to local banking institutions to discuss strategies regarding loans for commercial and residential community revitalization projects. When using private resources to assist with revitalization projects, local officials should inform the funding entity of the importance of the local historic preservation principles to the community to ensure they are not inadvertently compromised.

*XII. Flexible and programmatic solutions developed as part of Section 106 reviews can expedite historic preservation reviews as well as more effectively address the chronic demolition of historic properties.*

Community revitalization projects with federal involvement require compliance with Section 106 and other federal environmental laws. Frequently, programmatic solutions that address the broad effects resulting from the implementation of multiple projects can expedite compliance with regulatory requirements, improving the efficiency of project delivery. Section 106 Programmatic Agreements, which are

quite varied, are intended to manage multiple projects that result in similar types of effects, can respond to local conditions, foster community preservation goals, and expedite project reviews. Such agreements often clarify that plans and specifications developed for local community revitalization projects should adhere to the recommended approaches in the Secretary's Standards, when feasible, and qualify for simplified reviews. When communities cannot consistently adhere to the Secretary's Standards, they should consider developing project plans that are based largely on the Secretary's Standards but provide greater flexibility. The public interest in preservation should guide planning, such as focusing reviews on exterior features and limiting reviews of interior spaces to those areas open to the public. Planning for larger scale revitalization projects should occur in advance of submitting applications for federal monies, and allow local officials to target any grants received into grants and loans to areas that can be stabilized. Given the often changing financial market and the passage of time in many communities where revitalization activities are limited, securing and stabilizing buildings may be a useful interim measure. It can avoid the loss of substantial numbers of historic properties in areas that may ultimately rebound.

*XIII. Creative mitigation that balances historic preservation values and program goals should be explored by stakeholders and incorporated into Section 106 outcomes.*

"Creative mitigation" is a concept that allows federal agencies, in consultation with stakeholders, to use non-traditional approaches to compensate for adverse effects that cannot be avoided or offset by using standard mitigation techniques. In Section 106 reviews, standard mitigation measures are customarily directed at the affected historic property and may include recordation, data recovery, or curation. Sometimes the public benefit of using these standard measures is minimal, and allocation of funds for other preservation activities would be prudent. Federal agencies, SHPOs, CLGs, and other consulting parties are encouraged to be open to creative mitigation when consulting to resolve adverse effects on historic properties. Any mitigation for the loss of historic properties or materials should both provide public benefit and be commensurate with the extent of loss. The activities proposed in creative mitigation measures also should

leverage the federal assistance in a manner that produces broader public benefits. Discussions about creative mitigation should be initiated early in the Section 106 review process when options can be objectively evaluated and before project plans and commitments become firm. Creative mitigation measures ultimately should advance community-wide preservation goals discussed during Section 106 reviews. Examples of creative mitigation that have been successful include the development of local historic preservation ordinances; acquisition and relocation of historic properties to alternate sites in a historic district; funding for landscaping and streetscape improvements in a district; and guidance on managing vacant and abandoned properties in the community.

#### Conclusion

Federal, state, and local officials; applicants; residents; and preservationists are encouraged to use the above principles when developing community revitalization plans and coordinating Section 106 reviews. Please visit the ACHP's Web site, [www.achp.gov](http://www.achp.gov), to view helpful case studies and best management practices and to learn about webinars that can further expand knowledge of these historic preservation tools and how they are being used throughout the nation.

Authority: 54 U.S.C. 304102

Dated: November 9, 2016.

John M. Fowler,

Executive Director.

[FR Doc. 2016-27536 Filed 11-15-16; 8:45 am]

BILLING CODE 4310-K6-P

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

[Docket ID FEMA-2016-0021; OMB No. 1660-0110]

#### Agency Information Collection Activities: Submission for OMB Review; Comment Request; FEMA Preparedness Grants: Urban Areas Security Initiative (UASI) Nonprofit Security Grant Program (NSGP)

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of

Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (*i.e.*, the time, effort and resources used by respondents to respond) and cost, and the actual data collection instruments FEMA will use.

**DATES:** Comments must be submitted on or before December 16, 2016.

**ADDRESSES:** Submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the Desk Officer for the Department of Homeland Security, Federal Emergency Management Agency, and sent via electronic mail to [oir.submission@omb.eop.gov](mailto:oir.submission@omb.eop.gov).

#### FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection should be made to Director, Records Management Division, 500 C Street SW., Washington, DC 20472-3100, or email address [FEMA-Information-Collections-Management@fema.dhs.gov](mailto:FEMA-Information-Collections-Management@fema.dhs.gov).

**SUPPLEMENTARY INFORMATION:** This information collection previously published in the **Federal Register** on August 22, 2016, 81 FR 56679 with a 60 day public comment period. No comments were received. The purpose of this notice is to notify the public that FEMA will submit the information collection abstracted below to the Office of Management and Budget for review and clearance.

#### Collection of Information

*Title:* FEMA Preparedness Grants: Urban Areas Security Initiative (UASI) Nonprofit Security Grant Program (NSGP).

*Type of information collection:* Revision of a currently approved information collection.

*OMB Number:* 1660-0110.

*Form Titles and Numbers:* FEMA Form 089-25, NSGP Investment Justification Template; FEMA Form 089-24, NSGP Prioritization of the Investment Justifications.

*Abstract:* The NSGP is an important tool among a comprehensive set of measures to help strengthen the Nation against risks associated with potential terrorist attacks. FEMA uses the information to evaluate applicants' familiarity with the national preparedness architecture and identify how elements of this architecture have been incorporated into regional/state/

local planning, operations, and investments. Information collected provides narrative details on proposed activities (Investments) that will be accomplished with grant funds and prioritizes the list of applicants from each requesting State. This program is designed to promote coordination and collaboration in emergency preparedness activities among public and private community representatives, State and local government agencies, and Citizen Corps Councils.

*Affected Public:* Not-for-profit Institutions; State, Local or Tribal Government.

*Estimated Number of Respondents:* 1,129.

*Estimated Total Annual Burden Hours:* 94,575 hours.

*Estimated Cost:* The estimated annual cost to respondents for the hour burden is \$3,380,775. There are no annual costs to respondents operations and maintenance costs for technical services. There is no annual start-up or capital costs. The cost to the Federal Government is \$258,006.

Dated: November 9, 2016.

Richard W. Mattison,

Records Management Program Chief, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2016-27554 Filed 11-15-16; 8:45 am]

BILLING CODE 9111-46-P

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

[Docket ID: FEMA-2016-0020; OMB No. 1660-0113]

#### Agency Information Collection Activities: Submission for OMB Review; Comment Request; FEMA Preparedness Grants: Tribal Homeland Security Grant Program (THSGP)

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

**SUMMARY:** The Federal Emergency Management Agency (FEMA) will submit the information collection abstracted below to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995. The submission will describe the nature of the information collection, the categories of respondents, the estimated burden (*i.e.*, the time, effort and resources used by respondents to respond) and cost, and

Diversity and Inclusiveness  
(2016)



*Preserving America's Heritage*

## **STATEMENT OF POLICY ON DIVERSITY AND INCLUSIVENESS**

The changing demographics of America pose opportunities as well as challenges for the national historic preservation program. The diversity of cultures in our country shape and enrich the American experience, and the federal government can continue to encourage wider involvement and representation in the program. This includes determining what historic sites are worthy of recognition and preservation; how history and cultural heritage should be valued, interpreted, and preserved; and how we can ensure the American public as a whole can take advantage of the programs and tools created under the National Historic Preservation Act. The ACHP is pursuing efforts in all aspects of its work to build a more inclusive preservation program to further these goals.

### **Pursuing the ACHP's Programs and Goals**

The ACHP is committed to using the tools provided to it by the National Historic Preservation Act and other authorities to advance diversity and inclusiveness in its daily work. This commitment is reflected in the ACHP's development of national preservation policies, its administration of the Section 106 process, and the great variety of interagency and public-private initiatives it undertakes.

The ACHP respects the diverse cultures that make up the national heritage. In that spirit, it seeks and considers the views and values of all Americans as it conducts its authorized activities. The ACHP is committed to providing a consistent voice for diversity and inclusiveness in all aspects of the national historic preservation program and to encouraging federal agencies and the ACHP's non-federal partners to pursue the same goals in their work concerning cultural heritage.

### **Maintaining a Diverse and Inclusive Membership and Staff**

In order to successfully achieve goals of diversity and inclusiveness in its work, the ACHP must promote the diversity and inclusiveness in its human resources, existing in the membership and staff of the agency. Recognizing that the President appoints the non-ex officio membership of the ACHP, the ACHP will recommend to the President candidates that reflect the diversity of the nation. Acknowledging that the ex officio members designate their representatives to the ACHP, the ACHP encourages those members to consider and promote the goals of the ACHP's diversity policy in their designations.

Diversity in the ACHP staff means valuing employees in all occupations, at all levels, and providing opportunities for them to work at their full potential, making maximum contributions toward achieving the agency's mission and goals. Diversity encompasses more than the differences in race, religion, national origin, disabilities, age, gender, or sexual orientation. It includes the following:

- respecting and appreciating individual differences, empowering and motivating staff, and ensuring all employees are included as fully contributing and influential team members
- creating and maintaining an inclusive approach to all systems, policies, and practices
- providing equitable treatment and opportunities
- educating the workforce on the benefits of diversity

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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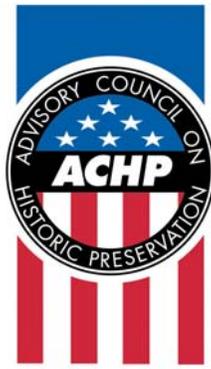
Inclusiveness involves bringing people together to draw upon their varied skills, perspectives, and resources in a way that is beneficial to all. Inclusiveness puts the concept and practice of diversity into action by creating an environment of involvement, respect, and connection—where the richness of ideas, backgrounds, and perspectives are harnessed to accomplish goals.

The ACHP supports a diverse and inclusive workplace that uses the skills, abilities, and talents of each employee, volunteer, and intern to effectively accomplish its goals and mission. To further that goal, the ACHP is committed to recruiting, selecting, developing, promoting, and retaining employees of differing viewpoints, backgrounds, experience, education, socioeconomic status, occupations, and geographic locations. To maximize the contributions of a diverse membership and staff, the ACHP strives to maintain a workplace where the views and perspectives of all members and employees are welcome and their talents, skills, and abilities are recognized and appreciated.

### **Conclusion**

The ACHP's ongoing commitment to achieving the goals of this policy statement enables it to continue to be a vibrant and meaningful leader of the national historic preservation program and an effective advocate for the recognition and preservation of the heritage of all Americans in the years to come.

Archaeology, Heritage Tourism,  
and Education  
(2008)



*Preserving America's Heritage*

## **ACHP Policy Statement:**

### **Archaeology, Heritage Tourism, and Education**

#### **Introduction**

The National Historic Preservation Act of 1966 (NHPA) aims, among other things, “to insure future generations a genuine opportunity to appreciate and enjoy the rich heritage of our nation” (16 U.S.C. 470(b)(5)). The NHPA goes on to state that “it shall be the policy of the federal government, in cooperation with other nations and in partnership with the states, local governments, Indian tribes, and private organizations and individuals to - (1) use measures, including financial and technical assistance, to foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations” (16 U.S.C. 470-1).

Executive Order 13287, “Preserve America,” signed by President George W. Bush on March 3, 2003, builds on this mandate, stating that “it is the policy of the federal government to provide leadership in preserving America’s heritage by actively advancing the protection, enhancement, and contemporary use of the historic properties owned by the federal government, and by promoting intergovernmental cooperation and partnerships for the preservation and use of historic properties.” Executive Order 13287 recognizes the importance of preserving “the unique cultural heritage of communities and of the nation, and to realize the economic benefit that these properties can provide.”

#### **The value of archaeological resources**

As used in this policy, the term “archaeological resources” includes archaeological sites (properties or districts), material collections derived from field investigations, related records and data, and results of archaeological investigations. This definition of “archaeological resources” is consistent with the definition used in the Archaeological Resources Protection Act (16 U.S.C. 470aa-mm) and its implementing regulations: “any material remains [including physical evidence] of human life and activities ... which are of archaeological interest” (43 CFR 7.3(a)). “Of archaeological interest” is defined in those regulations as being “capable of providing scientific or humanistic understandings of past human behavior, cultural adaptation, and related topics through the application of scientific or scholarly techniques such as controlled observation, contextual measurement, controlled collection, analysis, interpretation and explanation.”

Many archaeological resources have significant value and benefits as part of our common heritage, and can contribute to public understanding and appreciation of the past through heritage education programs and heritage tourism initiatives at a local, statewide, or regional level. Archaeological resources can have many associated values, including research, cultural, spiritual, aesthetic, and economic values, among

others. Some of these values can support heritage tourism uses, as well as a broader public education component. As demonstrated in a public opinion poll conducted in 2000 by Harris Interactive for the Society for American Archaeology, archaeological resources and the archaeological process hold particular fascination and interest for many members of the public. The Harris Poll found that most Americans “support the goals and practice of archaeology, endorse laws protecting archaeological sites and artifacts, and think archaeology is important to today’s society.” Many of these same individuals are likely to be active heritage tourists.

### **Heritage tourism, education, and archaeology**

Heritage tourism is a component of heritage education, a way to augment the learning experience through onsite visitation and appreciation of archaeological resources and what they tell us. A major goal of visitation and education is to create informed advocates and stewards for such resources and their preservation. Heritage tourism programs and projects also include actively attracting visitors as a form of local or regional economic development. Heritage tourism is defined in Executive Order 13287 as “the business and practice of attracting and accommodating visitors to a place or area based especially on the unique or special aspects of that locale’s history, landscape, and culture.” The National Trust for Historic Preservation further defines cultural heritage tourism as “travel to experience the places and activities that authentically represent the stories and people of the past and present” (*Getting Started: How to Succeed in Cultural Heritage Tourism*, <http://www.culturalheritagetourism.org/howToGetStarted.htm>).

The practice of archaeology, its potential to generate public appreciation of the stories about the past, and public access to interpreted sites and archaeological collections have long been recognized internationally as subjects worthy of educational programs as well as tourism development. Opportunities abound for using archaeological resources in both K-12 and higher education programs, as well as for informal or continuing heritage education activities for the broader public. A number of popular tourism destinations in the United States, such as Mesa Verde or Jamestown, are significant archaeological resources that provide visitors an opportunity to view visible remains in their original context, see collections in museum exhibits, and read, hear, and see interpretations of what has been learned.

At other locations, engaging visitors to actively participate in archaeology under controlled and limited conditions may also be appropriate. Such “participatory archaeology” can offer an excellent opportunity for educating a segment of the public about archaeology and resource stewardship, as well as providing a rewarding leisure activity. While an “admission” or other fee may be charged in order to defray the costs of operating such programs, rarely is this considered a business development activity in its own right capable of returning a profit for commercial investment.

### **Stewardship of archaeological resources**

Legitimate concerns have been raised about tourism development in general, the visitor experience, and the potential impact of visitors and related development on the archaeological record. Such issues may include the adequacy of resource conservation, sustainability, and management; the appropriateness of public access and associated site improvements at a particular location; the cultural sensitivity of some remains as well as their interpretation; and the economic viability of open sites and necessary visitor facilities. Careful consideration of these issues, either informally or more formally through consultation called for under applicable law, may conclude that it is appropriate to use archaeological collections and the results of archaeological research in heritage tourism projects and programs, but not to engage the public at the physical “site.” In such cases, other means of interpreting and presenting the results of archaeological study should be considered, including, but not limited to, electronic “virtual” tours, exhibits, film, and offsite interpretation. Presentations such as these, made available in several languages

where warranted, can foster broad understanding and support heritage tourism initiatives. In other cases, the conclusion may be that a site should not be used for heritage tourism.

Management and economic issues also need to be assessed in reaching decisions about the longer-term viability and sustainability of archaeological heritage tourism. Just because an archaeological site is opened and presented to the public does not mean it will be visited or appreciated, or that visitor use can be supported financially. A sound and realistic business plan is necessary. Issues to consider here include the potential market and audience for this form of tourism; whether site development is an appropriate use of the resources; the impact of a site's location and ownership on public access; immediate and long-term financial and management needs; and the ability and willingness of responsible parties to prepare and implement necessary development, interpretive, and public use plans.

### PRINCIPLES

It is the policy of the Advisory Council on Historic Preservation (ACHP) to foster public understanding and appreciation of archaeological resources through heritage education programs and, where appropriate, heritage tourism initiatives while encouraging their conservation for future generations in a spirit of stewardship.

The following principles and accompanying guidance have been adopted by the ACHP to assist ACHP staff, federal agency decision-makers, and other parties when, in the effort to foster a greater appreciation and understanding of the American past, they are or will be making decisions about incorporating archaeology and archaeological resources into heritage tourism projects and programs as well as broader education initiatives.

These principles and guidance should also be useful for State and Tribal Historic Preservation Officers, local communities with significant archaeological resources that may be of public interest (including, but not limited to, Preserve America and Main Street communities), tourism industry professionals, businesses, not-for-profit organizations, and private individuals involved in heritage development projects.

1. *The public interest in archaeological resources and their interpretation makes them an excellent focus for heritage tourism and related public education efforts.*
2. *While some archaeological resources may be especially appropriate and even desirable for public heritage tourism and education programs, other resources may not.*
3. *Decisions about when, where, how, and even whether to interpret and present archaeological resources to the public should be made in consultation with a broad range of parties. Parties to be consulted include those with particular legal interests or ties to the place or resources that would be interpreted, as well as those with interests in heritage tourism, public education, historical and scientific research, and natural as well as cultural resource conservation*
4. *Responsible public interpretation for heritage tourism initiatives should include current scholarship and findings from archaeological study and other forms of knowledge to bring the past and its investigation to life for the general public.*
5. *Archaeological resources that are made part of public education programs and/or heritage tourism initiatives should be supportable and sustainable through professional, adequately funded, and well-developed and -executed management programs.*

## GUIDANCE

***1. The public interest in archaeological resources and their interpretation makes them an excellent focus for heritage tourism and related public education efforts.***

- a. The Society for American Archaeology's public opinion poll has demonstrated the strong public interest in and appreciation for archaeological knowledge, archaeological resources, and the archaeological discovery process.
- b. There is often great interest in the process of interpreting the lives of people, places, and events of the past, especially those that are reconstructed as a result of archaeological research or are presented in museum contexts.
- c. The discipline of archaeology can foster a greater understanding of and appreciation for peoples and cultures of the past as well as the traditions, events, and places valued by living peoples today.
- d. Through tourism projects, public education programs can assist in mutual understanding and respect between peoples and societies, and between the present and the past.
- e. Tourism can serve to educate the public through both short-term archaeology projects that are open for visitation and long-term archaeology interpretive programs.
- f. Public awareness and appreciation of the value of archaeology and its contribution to our knowledge about both past and living cultures is an important goal consistent with the National Historic Preservation Act and other national heritage policies.

***2. While some archaeological resources may be especially appropriate and even desirable for public heritage tourism and education programs, other resources may not.***

- a. In making decisions about whether a given archaeological resource's preservation and use is the best and most appropriate way to tell this story to the public, the physical manifestations of the archaeological resources, and how their physical features lend themselves to being viewed and understood, need to be carefully considered.
- b. Many archaeological resources are valued for religious or cultural reasons by Indian tribes (including Alaska Native Villages, Regional and Village Corporations), Native Hawaiian organizations, or other cultural and lineal descendants of the site's creators. Although these uses may be of interest to the public, such ascribed religious or cultural values associated with the archaeological resources may ultimately be in conflict with public access or display. Cultural or lineal descendants should be consulted early about potential public uses of such resources to ensure their views and perspectives are fully considered.
- c. Archaeological resources are fragile and non-renewable, and their conservation and long-term preservation must be considered when weighing plans for increased public access. In addition, some resources may be physically inaccessible to the public, such as those located on a military reservation, on tribal lands, or in difficult terrain. This ability to manage visitation should be considered in reaching decisions about appropriate uses of archaeological resources for tourism.
- d. Where public access is inappropriate or difficult, or cannot be effectively managed, alternative means of presenting archaeological resources and information to the public for both educational and tourism purposes may be desirable. Such alternatives may include offsite videos, Web sites, interactive interpretation and exhibits, and "virtual" tours.
- e. If present, and when properly researched and presented, archaeological resources associated with a standing historic property or location of a past historic event can add considerably to the interpretation and appreciation of that property. An archaeological resource does not have to be listed on or meet the criteria for listing on the National Register of Historic Places in order to be a candidate for heritage tourism or public education if it has a compelling story to tell and is

interpretable.

- f. The issue of human remains is particularly sensitive; decisions should consider the potential for encountering human remains and associated grave goods and have plans in place to deal with the discovery, care, and treatment of any such remains that may be encountered. In all cases, human remains and associated grave goods should be treated with respect and dignity and in accordance with applicable laws and regulations.
- g. In some cases, archaeological heritage tourism or public interpretation of archaeological resources may not be appropriate. This can be a valid decision to make after considering all perspectives.

**3. *Decisions about when, where, how, and even whether to interpret and present archaeological resources to the public should be made in consultation with a broad range of parties. Parties to be consulted include those with particular legal interests or ties to the place or resources that would be interpreted, as well as those with interests in heritage tourism, public education, historical and scientific research, and natural as well as cultural resource conservation.***

- a. Decisions should also consider knowledge of the values placed on the resources by living groups, and any associated concerns about privacy, preservation, interpretability, and appropriate uses of the resources.
- b. If a site proposed for tourism is of significance to an Indian tribe or Native Hawaiian organization, their views and perspective on the proposed project should be sought and considered at the earliest possible time in the planning process.
- c. Any ascribed spiritual or cultural values associated with the archaeological resources should be fully and carefully considered in making decisions about appropriate public visitation. Whether or how such associated values are interpreted and presented to the broader public should be determined in consultation with those who ascribe such significance to the archaeological resources.
- d. Decisions should be based on a broad understanding of historical and cultural context. This should include the rarity, state of preservation, and current state of knowledge about the resources.
- e. There should be an appropriate consideration of protection and access. Such consideration should include a weighing of current or anticipated long-term threats, and adequate provision for the maintenance and sustainability of any archaeological resources that are used for tourism or other educational purposes.

**4. *Responsible public interpretation for heritage tourism initiatives should include current scholarship and findings from archaeological study and other forms of knowledge to bring the past and its investigation to life for the general public.***

- a. Scholarship includes sufficient and accurate professional research, including, when appropriate, reference to oral histories and traditional knowledge provided by cultural or lineal descendants, and the results of avocational archaeological studies.
- b. There needs to be reliable and accurate information about the resources in order to present the relevant facts and tell a compelling story.
- c. Archaeological resources as interpreted today are the end results of physical and cultural processes in operation over long periods of time. Heritage tourists and other students of archaeology will benefit from an understanding of the process of formation, discovery, and interpretation.
- d. Public interpretation for heritage tourism should be germane to the particular archaeological resource as well as broader educational goals. Information should illuminate not only the specific

archaeological site and its remains but also past lifeways, cultural practices, and development patterns.

- e. Archaeological resources used for heritage tourism should also, as practicable, provide a context that helps visitors appreciate a site's value to any cultural and lineal descendants living today.

**5. *Archaeological resources that are made part of public education programs and/or heritage tourism initiatives should be supportable and sustainable through professional, adequately funded, and well-developed and -executed management programs.***

- a. A broad range of governmental and non-governmental organizations can and should participate in decisions about the uses of archaeological resources for heritage tourism or educational purposes, to ensure these projects combine excellent scholarship, responsible stewardship, and sustainable development and management.
- b. Developing partnerships with others who may have a stake in the success of the venture can be very important in the development and the sustainability of heritage tourism or public education that focuses on archaeological resources.
- c. Governmental entities, non-governmental organizations, private non-profit, and business enterprises that control archaeological resources should include archaeological interpretation and public access where appropriate as part of project planning and mitigation programs (such as those negotiated through Section 106 of the NHPA).
- d. In some cases, publicly owned archaeological resources may best be protected and managed through public interpretation and controlled public access. In other cases, threatened archaeological resources should be considered for more formal public interpretive development and/or control of public access in order to help protect them.
- e. Archaeological resources with active non-managed visitation will need to be carefully monitored to ensure that resulting impacts (including looting, vandalism, erosion, or over-use) are controlled and managed.
- f. The appropriateness of archaeological excavation in the first place, and the future care of archaeological resources (including any resulting collections), should be determined prior to a decision about whether and under what circumstances to excavate a site for tourism or public education purposes.
- g. With adequate professional supervision and support, members of the public, including volunteers and cultural and lineal descendants, can all play a role in “participatory archaeology” at certain sites. This participation could involve all phases of archaeological research (as appropriate, background research, oral histories, field investigation, artifact preparation, cataloging, analysis, description, and site monitoring) so that participants gain an understanding of the range of activities that encompass archaeology.

**Select references and resources on heritage tourism**

(To be added to and updated prior to dissemination)

Burial Sites, Human Remains,  
and Funerary Objects  
(2007)



*Preserving America's Heritage*

## ADVISORY COUNCIL ON HISTORIC PRESERVATION

### POLICY STATEMENT REGARDING

### TREATMENT OF BURIAL SITES, HUMAN REMAINS AND FUNERARY OBJECTS

**Preamble:** This policy offers leadership in resolving how to treat burial sites, human remains, and funerary objects in a respectful and sensitive manner while acknowledging public interest in the past. As such, this policy is designed to guide federal agencies in making decisions about the identification and treatment of burial sites, human remains, and funerary objects encountered in the Section 106 process, in those instances where federal or state law **does not prescribe a course of action**.

This policy applies to all federal agencies with undertakings that are subject to review under Section 106 of the National Historic Preservation Act (NHPA; 16 U.S.C. § 470f), and its implementing regulations (36 CFR Part 800). To be considered under Section 106, the burial site must be or be a part of a historic property, meaning that it is listed, or eligible for listing, in the National Register of Historic Places.

The Advisory Council on Historic Preservation (ACHP) encourages federal agencies to apply this policy throughout the Section 106 process, including during the identification of those historic properties. In order to identify historic properties, federal agencies must assess the historic significance of burial sites and apply the National Register criteria to determine whether a property is eligible. Burial sites may have several possible areas of significance, such as those that relate to religious and cultural significance, as well as those that relate to scientific significance that can provide important information about the past. This policy does not proscribe any area of significance for burial sites and recognizes that the assessment must be completed on a case-by-case basis through consultation.

The policy is not bound by geography, ethnicity, nationality, or religious belief, but applies to the treatment of all burial sites, human remains, and funerary objects encountered in the Section 106 process, as the treatment and disposition of these sites, remains, and objects are a human rights concern shared by all.

This policy also recognizes the unique legal relationship between the federal government and tribal governments as set forth in the Constitution of the United States, treaties, statutes and court decisions, and acknowledges that, frequently, the remains encountered in Section 106 review are of significance to Indian tribes.

Section 106 requires agencies to seek agreement with consulting parties on measures to avoid, minimize, or mitigate adverse effects to historic properties. Accordingly, and consistent with Section 106, this policy does not recommend a specific outcome from the consultation process. Rather, it focuses on issues and perspectives that federal agencies ought to consider when making their Section 106 decisions. In many cases, federal agencies will be bound by other applicable federal, tribal, state, or local laws that do

prescribe a specific outcome, such as the Native American Graves Protection and Repatriation Act (NAGPRA). The federal agency must identify and follow applicable laws and implement any prescribed outcomes.

For undertakings on federal and tribal land that encounter Native American or Native Hawaiian human remains and funerary objects, NAGPRA applies. NHPA and NAGPRA are separate and distinct laws, with separate and distinct implementing regulations and categories of parties that must be consulted.<sup>1</sup> Compliance with one of these laws does not mean or equal compliance with the other. Implementation of this policy and its principles does not, in any way, change, modify, detract or add to NAGPRA or other applicable laws.

**Principles:** When burial sites, human remains, or funerary objects will be or are likely to be encountered in the course of Section 106 review, a federal agency should adhere to the following principles:

**Principle 1:** Participants in the Section 106 process should treat all burial sites, human remains and funerary objects with dignity and respect.

**Principle 2:** Only through consultation, which is the early and meaningful exchange of information, can a federal agency make an informed and defensible decision about the treatment of burial sites, human remains, and funerary objects.

**Principle 3:** Native Americans are descendants of original occupants of this country. Accordingly, in making decisions, federal agencies should be informed by and utilize the special expertise of Indian tribes and Native Hawaiian organizations in the documentation and treatment of their ancestors.

**Principle 4:** Burial sites, human remains and funerary objects should not be knowingly disturbed unless absolutely necessary, and only after the federal agency has consulted and fully considered avoidance of impact and whether it is feasible to preserve them in place.

**Principle 5:** When human remains or funerary objects must be disinterred, they should be removed carefully, respectfully, and in a manner developed in consultation.

**Principle 6:** The federal agency is ultimately responsible for making decisions regarding avoidance of impact to or treatment of burial sites, human remains, and funerary objects. In reaching its decisions, the federal agency must comply with applicable federal, tribal, state, or local laws.

**Principle 7:** Through consultation, federal agencies should develop and implement plans for the treatment of burial sites, human remains, and funerary objects that may be inadvertently discovered.

**Principle 8:** In cases where the disposition of human remains and funerary objects is not legally prescribed, federal agencies should proceed following a hierarchy that begins with the rights of lineal descendants, and if none, then the descendant community, which may include Indian tribes and Native Hawaiian organizations.

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<sup>1</sup> The ACHP's publication *Consulting with Indian Tribes in the Section 106 Process* and the National Association of Tribal Historic Preservation Officers' publication *Tribal Consultation: Best Practices in Historic Preservation* provide additional guidance on this matter.

**DISCUSSION:**

**Principle 1: Participants in the Section 106 process should treat all burial sites, human remains and funerary objects with dignity and respect.**

Because the presence of human remains and funerary objects gives a historic property special importance as a burial site or cemetery, federal agencies need to consider fully the values associated with such sites. When working with human remains, the federal agency should maintain an appropriate deference for the dead and the funerary objects associated with them, and demonstrate respect for the customs and beliefs of those who may be descended from them.

Through consultation with descendants, culturally affiliated groups, descendant communities, and other parties, federal agencies should discuss and reach agreement on what constitutes respectful treatment.

**Principle 2: Only through consultation, which is the early and meaningful exchange of information, can a federal agency make an informed and defensible decision about the treatment of burial sites, human remains, and funerary objects.**

Consultation is the hallmark of the Section 106 process. Federal agencies must make a “reasonable and good faith” effort to identify consulting parties and begin consultation early in project planning, after the federal agency determines it has an undertaking and prior to making decisions about project design, location, or scope.

The NHPA, the ACHP’s regulations, and Presidential Executive Orders set out basic steps, standards, and criteria in the consultation process, including:

- Federal agencies have an obligation to seek out all consulting parties [36 CFR § 800.2(a)(4)], including the State Historic Preservation Officer (SHPO)/Tribal Historic Preservation Officer (THPO) [36 CFR § 800.3(c)].
- Federal agencies must acknowledge the sovereign status of Indian tribes [36 CFR § 800.2(c)(2)(ii)]. Federal agencies are required to consult with Indian tribes on a government-to-government basis in recognition of the unique legal relationship between federal and tribal governments, as set forth in the Constitution of the United States, treaties, statutes, court decisions, and executive orders and memoranda.
- Consultation on a government-to-government level with Indian tribes cannot be delegated to non-federal entities, such as applicants and contractors.
- Federal agencies should solicit tribal views in a manner that is sensitive to the governmental structures of the tribes, recognizing their desire to keep certain kinds of information confidential, and that tribal lines of communication may argue for federal agencies to provide extra time for the exchange of information.

- Properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization may be determined eligible for inclusion on the National Register [16 U.S.C. § 470a(d)(6)(A)], and federal agencies must consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to such historic properties [16 U.S.C. § 470a(d)(6)(B) and 36 CFR § 800.2(c)(2)(ii)(D)].

**Principle 3: Native Americans are descendants of original occupants of this country. Accordingly, in making decisions, federal agencies should be informed by and utilize the special expertise of Indian tribes and Native Hawaiian organizations in the documentation and treatment of their ancestors.**

This principle reiterates existing legal requirements found in federal law, regulation and executive orders, and is consistent with positions that the ACHP has taken over the years to facilitate enfranchisement and promote broad participation in the Section 106 process. Federal agencies must consult with Indian tribes on a government-to-government basis because they are sovereign nations.

Indian tribes and Native Hawaiian organizations bring a special perspective on how a property possesses religious and cultural significance to them. Accordingly, federal agencies should utilize their expertise about, and religious and cultural connection to, burial sites, human remains, and associated funerary objects to inform decision-making in the Section 106 process.

**Principle 4: Burial sites, human remains and funerary objects should not be knowingly disturbed unless absolutely necessary, and only after the federal agency has consulted and fully considered avoidance of impact and whether it is feasible to preserve them in place.**

As a matter of practice, federal agencies should avoid impacting burial sites, human remains, and funerary objects as they carry out their undertakings. If impact to the burial site can be avoided, this policy does not compel federal agencies to remove human remains or funerary objects just so they can be documented.

As this policy advocates, federal agencies should always plan to avoid burial sites, human remains, and funerary objects altogether. When a federal agency determines, based on consultation with Section 106 participants, that avoidance of impact is not appropriate, the agency should minimize disturbance to such sites, remains, and objects. Accordingly, removal of human remains or funerary objects should occur only when other alternatives have been considered and rejected.

When a federal agency determines, based on consultation with Section 106 participants, that avoidance of impact is not appropriate, the agency should then consider any active steps it may take to preserve the burial site in place, perhaps through the intentional covering of the affected area, placement of markers, or granting of restrictive or other legal protections. In many cases, preservation in place may mean that, to the extent allowed by law, the locations of burial sites, human remains, and funerary objects should not be disclosed publicly. Alternatively and consistent with the Section 106 regulations [36 CFR § 800.5(a)(2)(vi)], natural deterioration of the remains may be the acceptable or preferred outcome of the consultation process.

**Principle 5: When human remains or funerary objects must be disinterred, they should be removed carefully, respectfully, and in a manner developed in consultation.**

When the federal agency decides that human remains or funerary objects must be disturbed, they should be removed respectfully and dealt with according to the plan developed by the federal agency in consultation. “Careful” disinterment means that those doing the work should have, or be supervised by people having, appropriate expertise in techniques for recognizing and disinterring human remains.

This policy does not endorse any specific treatment. However, federal agencies must make a reasonable and good faith effort to seek agreement through consultation before making its decision about how human remains and/or funerary objects shall be treated.

The plan for the disinterment and treatment of human remains and/or funerary objects should be negotiated by the federal agency during consultation on a case-by-case basis. However, the plan should provide for an accurate accounting of federal implementation. Depending on agreements reached through the Section 106 consultation process, disinterment may or may not include field recordation. In some instances, such recordation may be so abhorrent to consulting parties that the federal agency may decide it is inappropriate to carry it out. When dealing with Indian tribes, the federal agency must comply with its legal responsibilities regarding tribal consultation, including government-to-government and trust responsibilities, before concluding that human remains or funerary objects must be disinterred.

**Principle 6: The federal agency is ultimately responsible for making decisions regarding avoidance of impact to or treatment of burial sites, human remains, and funerary objects. In reaching its decisions, the federal agency must comply with applicable federal, tribal, state, or local laws.**

Federal agencies are responsible for making final decisions in the Section 106 process [36 CFR § 800.2(a)]. The consultation and documentation that are appropriate and necessary to inform and support federal agency decisions in the Section 106 process are set forth in the ACHP’s regulations [36 CFR Part 800].

Other laws, however, may affect federal decision-making regarding the treatment of burial sites human remains, and funerary objects. Undertakings located on federal or tribal lands, for example, are subject to the provisions of NAGPRA and the Archaeological Resources Protection Act (ARPA). When burial sites, human remains, or funerary objects are encountered on state and private lands, federal agencies must identify and follow state law when it applies. Section 106 agreement documents should take into account the requirements of any of these applicable laws.

**Principle 7: Through consultation, federal agencies should develop and implement plans for the treatment of burial sites, human remains, and funerary objects that may be inadvertently discovered.**

Encountering burial sites, human remains, or funerary objects during the initial efforts to identify historic properties is not unheard of. Accordingly, the federal agency must determine the scope of the identification effort in consultation with the SHPO/THPO, Indian tribes and Native Hawaiian

organizations, and others before any archaeological testing has begun [36 CFR § 800.4(a)] to ensure the full consideration of avoidance of impact to burial sites, human remains, and funerary objects.

The ACHP's regulations provide federal agencies with the preferred option of reaching an agreement ahead of time to govern the actions to be taken when historic properties are discovered during the implementation of an undertaking. In the absence of prior planning, when the undertaking has been approved and construction has begun, the ACHP's post-review discovery provision [36 CFR § 800.13] requires the federal agency to carry out several actions:

- (1) make reasonable efforts to avoid, minimize, or mitigate adverse effects to such discovered historic properties;
- (2) notify consulting parties (including Indian tribes and Native Hawaiian organizations that might attach religious and cultural significance to the affected property) and the ACHP within 48 hours of the agency's proposed course of action;
- (3) take into account the recommendations received; and then
- (4) carry out appropriate actions.

NAGPRA prescribes a specific course of action when Native American and Native Hawaiian human remains and funerary objects are discovered on federal or tribal lands in the absence of a plan—cessation of the activity, protection of the material, notification of various parties, consultation on a course of action and its implementation, and then continuation of the activity. However, adherence to the plan under Principle 5 would cause new discoveries to be considered “intentional excavations” under NAGPRA because a plan has already been developed, and can be immediately implemented. Agencies then could avoid the otherwise mandated 30 day cessation of work for “inadvertent discoveries.”

**Principle 8: In cases where the disposition of human remains and funerary objects is not legally prescribed, federal agencies should proceed following a hierarchy that begins with the rights of lineal descendants, and if none, then the descendant community, which may include Indian tribes and Native Hawaiian organizations.**

Under the ACHP's regulations, “descendants” are not identified as consulting parties by right. However, federal agencies shall consult with Indian tribes and Native Hawaiian organizations that attach religious and cultural significance to burial sites, human remains and associated funerary objects, and be cognizant of their expertise in, and religious and cultural connection to, them. In addition, federal agencies should recognize a biological or cultural relationship and invite that individual or community to be a consulting party [36 CFR § 800.3(f)(3)].

When federal or state law does not direct disposition of human remains or funerary objects, or when there is disagreement among claimants, the process set out in NAGPRA may be instructive. In NAGPRA, the “ownership or control” of human remains and associated funerary objects lies with the following in descending order: specific lineal descendants; then tribe on whose tribal lands the items were discovered; then tribe with the closest cultural affiliation; and then tribe aboriginally occupying the land, or with the closest “cultural relationship” to the material.

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## Definitions Used for the Principles

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- **Burial Site:** Any natural or prepared physical location, whether originally below, on, or above the surface of the earth, into which as a part of the death rite or ceremony of a culture, individual human remains are deposited [25 U.S.C. 3001.2(1)].
- **Consultation:** The process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the Section 106 review process [36 CFR § 800.16(f)].
- **Consulting parties:** Persons or groups the federal agency consults with during the Section 106 process. They may include the State Historic Preservation Officer; the Tribal Historic Preservation Officer; Indian tribes and Native Hawaiian organizations; representatives of local governments; applicants for federal assistance, permits, licenses, and other approvals; and/or any additional consulting parties [based on 36 CFR § 800.2(c)]. Additional consulting parties may include individuals and organizations with a demonstrated interest in the undertaking due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties [36 CFR § 800.2(c)(6)].
- **Disturbance:** Disturbance of burial sites that are listed in or eligible for listing in the National Register of Historic Places will constitute an adverse effect under Section 106. An adverse effect occurs when "an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, setting, materials, workmanship, feeling, or association" [36 CFR § 800.5(a)(1)].
- **Federal land:** Lands under a federal agency's control. Mere federal funding or permitting of a project does not turn an otherwise non-federal land into federal land (see *Abenaki Nation of Mississquoi v. Hughes*, 805 F. Supp. 234 (D. Vt. 1992), *aff'd*, 990 F. 2d 729 (2d Cir. 1993) (where the court found that a Clean Water Act permit issued by the US Army Corps of Engineers did not place the relevant land under federal "control" for NAGPRA purposes).
- **Funerary objects:** "items that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains" [25 U.S.C. 3001(3)(B)].
- **Historic property:** "Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. It includes artifacts, records, and remains that are related to and located within such properties, and it includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register of Historic Places criteria" [36 CFR § 800.16(1)].
- **Human remains:** The physical remains of a human body. The term does not include remains or portions of remains that may reasonably be determined to have been freely given or naturally shed by the individual from whose body they were obtained, such as hair made into ropes or nets [see 43 CFR § 10.2(d)(1)].
- **Indian Tribe:** "An Indian tribe, band, nation, or other organized group or community, including a Native village, Regional Corporation or Village Corporation, as those terms are defined in Section 3 of the Alaska Native Claims Settlement Act [43 U.S.C. 1602], which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians" [36 CFR § 800.16(m)].
- **Native American:** Of, or relating to, a tribe, people, or culture that is indigenous to the United States [25 U.S.C. 3001 (9)]. Of, or relating to, a tribe, people, or culture indigenous to the United States, including Alaska and Hawaii [43 CFR 10.2(d)].

- **Native Hawaiian:** Any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the state of Hawaii [36 CFR § 800.16(s)(2)].
- **Native Hawaiian Organization:** Any organization which serves and represents the interests of Native Hawaiians; has as a primary and stated purpose the provision of services to Native Hawaiians; and has demonstrated expertise in aspects of historic preservation that are significant to Native Hawaiians [36 CFR § 800.16(s)].
- **Policy statement:** A formal statement, endorsed by the full ACHP membership, representing the membership's collective thinking about what to consider in reaching decisions about select issues, in this case, human remains and funerary objects encountered in undertakings on federal, tribal, state, or private lands. Such statements do not have the binding force of law.
- **Preservation in place:** Taking active steps to ensure the preservation of a property.
- **Protection of Historic Properties:** Regulations [36 CFR Part 800] implementing Section 106 of the National Historic Preservation Act.
- **Section 106:** That part of the National Historic Preservation Act which establishes a federal responsibility to take into account the effects of undertakings on historic properties and to provide the Advisory Council on Historic Preservation a reasonable opportunity to comment with regard to such action.
- **State Historic Preservation Officer:** The official appointed or designated pursuant to Section 101(b)(1) of NHPA to administer the state historic preservation program.
- **Tribal Historic Preservation Officer:** The official appointed by the tribe's chief governing authority or designated by a tribal ordinance or preservation program who has assumed the responsibilities of the SHPO for purposes of Section 106 compliance on tribal lands in accordance with Section 101(d)(2) of NHPA.
- **Treatment:** Under Section 106, "treatments" are measures developed and implemented through Section 106 agreement documents to avoid, minimize, or mitigate adverse effects to historic properties.

#### **Acronyms Used for the Policy Statement**

- **ACHP:** Advisory Council on Historic Preservation.
- **ARPA:** Archaeological Resources Protection Act [16 U.S.C. 470aa-mm].
- **NHPA:** National Historic Preservation Act [16 U.S.C. § 470f].
- **NAGPRA:** The Native American Graves Protection and Repatriation Act [25 U.S.C. 3001 et seq].
- **SHPO:** State Historic Preservation Officer
- **THPO:** Tribal Historic Preservation Officer

*[The members of the Advisory Council on Historic Preservation unanimously adopted this policy on February 23, 2007]*

Affordable Housing  
(1995, 2006)

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**Advisory Council on Historic Preservation Policy Statement:**

# **Affordable Housing and Historic Preservation**

**(adopted June 26, 1995)**

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**Developed by the Council's Affordable Housing and  
Historic Preservation Task Force:**

Stephen B. Hand, New Orleans, Louisiana, Chairman

Mayor Emanuel Cleaver, II, Kansas City, Missouri

Richard Moe, President, National Trust for Historic Preservation

W. Ray Luce, President, National Conference of State Historic Preservation Officers

Thelma J. Moore, Deputy Assistant Secretary, Department of Housing and Urban Development

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**Council Policy Statement:**  
**AFFORDABLE HOUSING AND HISTORIC PRESERVATION**

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**Background**

**T**he National Historic Preservation Act of 1966 (NHPA) encourages preservation of the historical and cultural foundations of the Nation as a living part of community life and development in order to provide the American people with a sense of orientation. It further states that increased knowledge about historic resources, establishment of a better means to identify and administer them, and encouragement of their preservation will not only improve planning and execution of Federal and federally assisted projects but also assist economic growth and development. Toward that end, NHPA directs the Federal Government to foster conditions under which modern society and and prehistoric and historic resources can exist in productive harmony and "fulfill the social, economic, and other requirements of present and future generations."

Federal agencies that assist in the construction and rehabilitation of housing, most notably the Department of Housing and Urban Development (HUD) and the Department of Agriculture, are tasked with meeting American's basic needs for safe, decent, and affordable housing. Historic properties have played a vital role in fulfilling this objective; this must continue. It is, however, important that Federal and State agencies, local governments, housing providers, and the preservation community in general actively seek ways to reconcile national historic preservation goals with the special economic and social needs associated with affordable housing, given that this is now one of the Nation's most challenging and controversial issues.

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**Statement of Policy**

**I**n issuing this policy statement, the Council seeks to promote a new, flexible approach toward affordable housing and historic preservation which is embodied in the following Principles for Implementation.

State Historic Preservation Officers (SHPOs), Federal and State agencies, and local governments involved in the administration of the Section 106 review process for affordable housing projects funded or assisted by Federal agencies are encouraged to use these principles as a framework for Section 106 consultation and local historic preservation planning.

The Council also encourages HUD, in consultation with the national preservation community, including the National Conference of State Historic Preservation Officers, the National Park Service, and the National Trust for Historic Preservation, to develop comprehensive historic preservation training programs for HUD staff, State, county, and local officials, and housing providers who implement affordable housing projects.

Such training should advance the Principles for Implementation and the initiatives outlined in the Secretary of HUD's May 5, 1995 Historic Preservation Directive, focusing on: 1) improving coordination of Section 106 reviews; 2) evaluating the National Register eligibility of historic properties; 3) applying the Secretary's *Standards*; 4) providing technical assistance for routine maintenance and repairs to historic buildings; 5) developing financial packages for affordable housing projects; and 6) integrating historic preservation into Consolidated Plan Documents and local comprehensive plans.

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## Principles for Implementation

The Council will, and other participants in the Section 106 review process for affordable housing projects should, be guided by the following principles in applying the policy set forth above:

### **I. Emphasize consensus-building**

Section 106 reviews for affordable housing projects should place principal emphasis on broad-based consensus reflecting the interests, desires, and values of affected communities, neighborhoods, and residents. Consensus-building should be facilitated through training, education, and consultation focused on historic preservation values, collaborative planning, and dispute resolution.

### **II. Elicit local views**

Identification of historic properties and evaluation of their eligibility for the National Register for Historic Places should include discussions with the local community and neighborhood residents to ensure that their views concerning architectural and historic significance and traditional and cultural values receive full consideration by the Federal agency, State, county, or local government, and the SHPO.

### **III. Focus on the broader community**

When assessing the effects of affordable housing projects on historic properties, consultation should focus not just on individual buildings which may contribute to a historic district but on the overall historic preservation potentials of the broader community, neighborhood, or "target area." This practice will ensure proper consideration is given to the cumulative impacts of projects within a designated area. Historic preservation issues should be related to social and economic development, housing, safety, and programmatic issues integral to community viability.

### **IV. Adhere to Secretary's *Standards* when feasible**

Plans and specifications for rehabilitation, new construction, and abatement of hazardous conditions associated with affordable housing projects should adhere to the recommended approaches in the Secretary of the Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, when feasible. Where economic or design constraints preclude application of the *Standards*, consulting parties may develop alternative design guidelines tailored to the district or neighborhood to preserve historic materials and spaces. Alternative guidelines shall be incorporated into executed Memoranda of Agreement or Programmatic Agreements.

### **V. Include adequate background documentation**

Proposals for non-emergency demolitions of historic properties should include adequate background documentation to demonstrate to the SHPO and/or the Council that rehabilitation is not economically or structurally feasible, or that retention of such properties would jeopardize the implementation of an affordable housing project.

### **VI. Emphasize exterior treatments**

The Section 106 review process for affordable housing rehabilitation projects and abatement of hazardous conditions should emphasize the treatment of exteriors and be limited to significant interior features and spaces that contribute to the property's eligibility for the National Register, unless otherwise agreed to by all consulting parties.

## **VII. Coordinate with other reviews**

Where appropriate, Section 106 reviews for affordable housing projects should be conducted in conjunction with the Historic Rehabilitation Tax Credits and other State and local administrative reviews to ensure consistency of reviews and to minimize delays. When Section 106 reviews for affordable housing projects precede other related reviews, applicants who are seeking Historic Tax Credits are encouraged to seek the advice of the SHPO and to obtain early review by the National Park Service to assure final eligibility for the Historic Rehabilitation Tax Credit.

## **VIII. Avoid archeological investigation**

Archeological investigations should not be required for affordable housing projects which are limited to rehabilitation and require minimal ground disturbance activities.

## **IX. Develop programmatic approaches**

State, county, and local governments are encouraged to develop Programmatic Agreements that promote creative solutions to implement affordable housing projects and to streamline Section 106 reviews through the exemption of categories of routine activities; the adoption of "treatment and design protocols" for rehabilitation and infill new construction; and the delegation of Section 106 reviews to qualified preservation professionals employed by the local community.

## **X. Empower local officials**

Certified local governments and/or communities that employ qualified preservation professionals, as set forth in the Secretary of the Interior's *Professional Qualification Standards* should be allowed to conduct Section 106 reviews on behalf of the Council and/or the SHPO for affordable housing projects when the local government and/or community has executed a Programmatic Agreement with the Council and the SHPO.

# Notices

Federal Register

Vol. 72, No. 31

Thursday, February 15, 2007

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## ADVISORY COUNCIL ON HISTORIC PRESERVATION

### Final Advisory Council on Historic Preservation Policy Statement on Affordable Housing and Historic Preservation

**AGENCY:** Advisory Council on Historic Preservation.

**ACTION:** Notice of Final Policy Statement on Affordable Housing and Historic Preservation.

**SUMMARY:** The Advisory Council on Historic Preservation (ACHP) adopted a "Policy Statement on Affordable Housing and Historic Preservation," on November 9, 2006.

**DATES:** The final policy went into effect upon adoption on November 9, 2006.

**FOR FURTHER INFORMATION CONTACT:** Blythe Semmer, 202-606-8505. Electronic mail: [affordablehousing@achp.gov](mailto:affordablehousing@achp.gov)

**SUPPLEMENTARY INFORMATION:** The Advisory Council on Historic Preservation (ACHP) is an independent Federal agency, created by the National Historic Preservation Act, that promotes the preservation, enhancement, and productive use of our Nation's historic resources, and advises the President and Congress on national historic preservation policy.

Section 106 of the National Historic Preservation Act (Section 106), 16 U.S.C. 470f, requires Federal agencies to consider the effects of their undertakings on historic properties and provide the ACHP a reasonable opportunity to comment with regard to such undertakings. ACHP has issued the regulations that set forth the process through which Federal agencies comply with these duties. Those regulations are codified under 36 CFR part 800.

#### I. Background

In 1995, the ACHP adopted its first "Policy Statement on Affordable

Housing and Historic Preservation" (1995 Policy) to serve as a guide for federal agencies and State Historic Preservation Offices (SHPOs) when making decisions about affordable housing projects during review of federal undertakings under Section 106 of the National Historic Preservation Act, as amended, 16 U.S.C. 470f (Section 106), and its implementing regulations, "Protection of Historic Properties" (36 CFR Part 800). The ACHP adopted the policy to guide federal agencies and SHPOs at a time when conflicts between the dual goals of providing affordable housing and preserving historic properties was making the achievement either more difficult. After a decade, the provision of affordable housing has developed into an even more pressing national concern, prompting a reconsideration of the principles in the policy statement.

In 2005, the ACHP Chairman convened an Affordable Housing Task Force to review this policy statement in light of changes to the Section 106 regulations in 2001 and 2004 and other ACHP initiatives. Members of the Task Force included the U.S. Department of Agriculture, U.S. Department of the Interior, the National Conference of State Historic Preservation Officers (NCSHPO), the National Trust for Historic Preservation, citizen member, Emily Summers, and expert member, John G. Williams, III, Chair. The U.S. Department of Housing and Urban Development (HUD) participated as an ACHP observer.

The Task Force developed the Policy Statement with input from the public. An online survey of state and local government officials and affordable housing providers about their awareness of and use of the 1995 Policy was conducted in August-September 2005. Links to the survey were distributed to approximately 12,000 individuals representing State and Tribal Historic Preservation Officers, local historic preservation commission members, Certified Local Government staff, HUD staff and grantees, state community development agency staffs, and affordable housing providers.

Following development of a draft, the ACHP posted the proposed revised draft policy statement in the **Federal Register** on July 17, 2006 (71 FR 40522), and comments from the public were accepted through August 16, 2006.

Information about the July 17, 2006, **Federal Register** notice was distributed by members of the Task Force to their respective constituencies through electronic LISTSERVs including communities receiving HOME program and Community Development Block Grant funds from HUD, members of the National Trust for Historic Preservation's Forum, and members of the NCSHPO. Additionally, the ACHP provided information about the comment period directly to Tribal Historic Preservation Officers, the National Alliance of Tribal Historic Preservation Officers, and over a dozen organizations with an interest in local community development activities and the provision of affordable housing, as well as on the ACHP Web site.

Comments on the new policy statement generally supported the revision effort. Specific comments frequently requested detailed guidance on applying the *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* (Secretary's Standards) to affordable housing projects. While the Task Force recognized that specific comments on the application of the Secretary's Standards were outside the scope of its mandate, additional language highlighting the distinction between review for the Historic Rehabilitation Tax Credit and Section 106 compliance was included in the policy statement. Commenters further requested the development of case studies that would illustrate the successful integration of historic preservation and affordable housing on a variety of topics including accessibility, use of modern building materials, and lead paint abatement requirements. It is anticipated that such case studies will become an important component of materials developed by the ACHP and Task Force in implementing the revised policy statement.

Responsiveness to local conditions emerged as a recurring theme in the Task Force's deliberations. Members recognized that affordable housing can include housing for a specific constituency, such as Native American housing programs. Federal assistance for affordable housing can also be directed to specific geographic areas with distinctive physical characteristics. Just as affordable housing programs serve

unique local needs, so should historical preservation reviews, since “one-size-fits-all” approaches are unlikely to produce a successful balance for these projects. Given our national diversity, the majority of Task Force members embraced and encouraged creativity in local solutions while federal agency members emphasized the value of consistency and predictability.

The importance of developing and utilizing tailored guidance also shaped the Task Force’s deliberations and its preparation of a set of recommendations for how the policy statement can be put into practice. Direction from both the ACHP and federal agencies was seen as critical to achieving the goals of the Task Force, but members recognized that private and non-profit partners with experience piecing together the resources required for planning and funding affordable housing projects could provide examples of success stories and best practices.

The policy statement, which represents the conclusion of the research and public outreach efforts of the Affordable Housing Task Force and the deliberation of its members, was adopted by the ACHP on November 9, 2006. The final text of the policy statement is provided in Section II of this notice.

## II. Text of the Policy

The following is the text of the final policy statement:

### **Advisory Council on Historic Preservation (ACHP) Policy Statement on Affordable Housing and Historic Preservation**

Historic buildings provide affordable housing to many American families. Affordable housing rehabilitation can contribute to the ongoing vitality of historic neighborhoods as well as of the businesses and institutions that serve them. Rehabilitation can be an important historic preservation strategy. Federal agencies that help America meet its need for safe, decent, and affordable housing, most notably the U.S. Department of Housing and Urban Development (HUD) and the U.S. Department of Agriculture’s (USDA’s) Rural Development agency, often work with or near historic properties.

The ACHP considers affordable housing for the purposes of this policy to be Federally-subsidized, single- and multi-family housing for individuals and families that make less than 80% of the area median income. It includes, but is not limited to, Federal assistance for new construction, rehabilitation, mortgage insurance, and loan guarantees.

National policy encompasses both preserving historic resources and providing affordable housing. The National Historic Preservation Act (NHPA) of 1966, as amended, directs the Federal government to foster conditions under which modern society and prehistoric and historic resources can exist in productive harmony and “fulfill the social, economic, and other requirements of present and future generations.” Similarly, affordable housing legislation like the Cranston-Gonzalez Act of 1990, which aims to “expand the supply of decent, safe, sanitary, and affordable housing,” anticipates historic preservation as a tool for meeting its goals. Actively seeking ways to reconcile historic preservation goals with the special economic and social needs associated with affordable housing is critical in addressing one of the nation’s most pressing challenges.

Providing affordable housing is a growing national need that continues to challenge housing providers and preservationists.

In issuing this policy statement, the ACHP, consistent with Section 202 of the NHPA, offers a flexible approach for affordable housing projects involving historic properties. Section 106 of the National Historic Preservation Act Section 106 requires Federal agencies to take into account the effects of their actions on historic properties and afford the ACHP a reasonable opportunity to comment. This policy provides a framework for meeting these requirements for affordable housing.

Federal tax incentives provide opportunities for historic preservation and affordable housing to work together, including the Low-Income Housing Tax Credit and the Historic Rehabilitation Tax Credit. Projects taking advantage of the Historic Rehabilitation Tax Credit must be reviewed by the National Park Service (NPS) for adherence to the *Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* (Secretary’s Standards) in a separate and distinct process. Review of these projects is more comprehensive than Section 106 review and necessitates early coordination with NPS and the State Historic Preservation Officer (SHPO) since work must adhere to the Secretary’s Standards to obtain the tax credit. Nonetheless, coordination with Section 106 consultation and these reviews frequently occurs.

In an effort to better focus Section 106 reviews for affordable housing, the ACHP encourages Federal and State agencies, SHPOs, Tribal Historic Preservation Officers (THPOs), local

governments, housing providers, and other consulting parties to use the following principles in Section 106 consultation.

### **Implementation Principles**

- I. Rehabilitating historic properties to provide affordable housing is a sound historic preservation strategy.
- II. Federal agencies and State and local government entities assuming HUD’s environmental review requirements are responsible for ensuring compliance with Section 106.
- III. Review of effects in historic districts should focus on exterior features.
- IV. Consultation should consider the overall preservation goals of the community.
- V. Plans and specifications should adhere to the Secretary’s Standards when possible and practical.
- VI. Section 106 consultation should emphasize consensus building.
- VII. The ACHP encourages streamlining the Section 106 process to respond to local conditions.
- VIII. The need for archeological investigations should be avoided.

### **I. Rehabilitating Historic Properties to Provide Affordable is a Sound Historic Preservation Strategy.**

Continued investment in historic buildings through rehabilitation and repair for affordable housing purposes and stabilization of historic districts through the construction of infill housing should be recognized as contributing to the broad historic preservation goals of neighborhood revitalization and retention.

### **II. Federal Agencies and State and Local Government Entities Assuming HUD’s Environmental Review Requirements Are Responsible for Ensuring Compliance With Section 106.**

Federal agencies, notably USDA Rural Development and HUD, provide important funding for affordable housing. These Federal agencies, and funding recipients assuming HUD’s environmental review requirements, must comply with Section 106. SHPOs, THPOs, and local historic preservation commissions provide expert opinions and advice during consultation. Consultation should be concluded and outcomes recorded prior to the expenditure of funds.

### **III. Review of Effects in Historic Districts Should Focus on Exterior Features.**

Section 106 review of effects focuses on the characteristics that qualify a property for listing in the National Register of Historic Places. The significance of historic districts is typically associated with exterior features. Accordingly, unless a building

is listed or considered eligible for listing in the National Register as an individual property or specific interior elements contribute to maintaining a district's character, review under Section 106 should focus on proposed changes to the exterior. In all cases, identifying the features that qualify a property for inclusion in the National Register defines the scope of Section 106 review.

#### **IV. Consultation Should Consider the Overall Preservation Goals of the Community.**

When assessing, and negotiating the resolution of, the effects of affordable housing projects on historic properties, consultation should focus not simply on individual buildings but on the historic preservation goals of the broader neighborhood or community. If the affected historic property is a historic district, the agency official should assess effects on the historic district as a whole. Proposals to demolish historic properties for new replacement housing should be based on background documentation that addresses the broader context of the historic district and evaluates the economic and structural feasibility of rehabilitation that advances affordable housing.

#### **V. Plans and Specifications Should Adhere to the Secretary's Standards When Possible and Practical.**

Secretary's Standards outline a consistent national approach to the treatment of historic properties that can be applied flexibly in a way that relates to local character and needs. Plans and specifications for rehabilitation, new construction, and abatement of hazardous conditions in affordable housing projects associated with historic properties should adhere to the recommended approaches in the Secretary's Standards when possible and practical.

Projects taking advantage of the Historic Rehabilitation Tax Credit must be reviewed by the National Park Service for adherence to the Secretary's Standards in a separate and distinct process that benefits from early coordination. The ACHP recognizes that there are instances when the Secretary's Standards cannot be followed and that Section 106 allows for the negotiation of other outcomes.

#### **VI. Section 106 Consultation Should Emphasize Consensus Building.**

Section 106 review strives to build consensus with affected communities in all phases of the process. Consultation with affected communities should be on a scale appropriate to that of the undertaking. Various stakeholders,

including community members and neighborhood residents, should be included in the Section 106 review process as consulting parties so that the full range of issues can be addressed in developing a balance between historic preservation and affordable housing goals.

#### **VII. The ACHP Encourages Streamlining the Section 106 Process To Respond to Local Conditions.**

The ACHP encourages participants to seek innovative and practical ways to streamline the Section 106 process that respond to unique local conditions related to the delivery of affordable housing. Programmatic Agreements often delegate the Section 106 review role of the SHPO to local governments, particularly where local preservation ordinances exist and/or where qualified preservation professionals are employed to improve the efficiency of historic preservation reviews. Such agreements may also target the Section 106 review process to local circumstances that warrant the creation of exempt categories for routine activities, the adoption of "treatment and design protocols" for rehabilitation and new infill construction, and the development of design guidelines tailored to a specific historic district and/or neighborhood.

#### **VIII. The Need for Archaeological Investigations Should Be Avoided.**

Archaeological investigations should be avoided for affordable housing projects limited to rehabilitation and requiring minimal ground disturbance.

**Authority:** 16 U.S.C. 470j

Dated: February 12, 2007.

**Ralston Cox,**

*Acting Executive Director.*

[FR Doc. 07-703 Filed 2-14-07; 8:45 am]

**BILLING CODE 4310-K6-M**

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## **DEPARTMENT OF AGRICULTURE**

### **Office of the Secretary**

#### **Notice of the National Agricultural Research, Extension, Education, and Economics Advisory Board Meeting**

**AGENCY:** Research, Education, and Economics, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, the United States Department of Agriculture announces a meeting of the National Agricultural Research, Extension, Education, and Economics Advisory

Board. This meeting is open to the general public.

**DATES:** The National Agricultural Research, Extension, Education, and Economics Advisory Board will meet March 7-9, 2007.

The public may file written comments before or up to two weeks after the meeting with the contact person.

**ADDRESSES:** The meeting will take place at the Mandarin Oriental Hotel, 1330 Maryland Avenue, SW., Washington, DC 20024. Written comments from the public may be sent to the Contact Person identified in this notice at: The National Agricultural Research, Extension, Education, and Economics Advisory Board; Research, Education, and Economics Advisory Board Office, Room 344-A, Jamie L. Whitten Building, United States Department of Agriculture, STOP 2255, 1400 Independence Avenue, SW., Washington, DC 20250-2255.

**FOR FURTHER INFORMATION CONTACT:**

Joseph A. Dunn, Executive Director, National Agricultural Research, Extension, Education, and Economics Advisory Board; telephone: (202) 720-3684; fax: (202) 720-6199; or e-mail: [JADunn@csrees.usda.gov](mailto:JADunn@csrees.usda.gov).

**SUPPLEMENTARY INFORMATION:** On

Thursday, March 8, 2007, from 8 a.m.-5:30 p.m. the full Advisory Board Meeting will meet beginning with introductory remarks provided by the Chair of the Advisory Board, and the Under Secretary for Research, Education, and Economics (REE), USDA. This meeting will have two focus sessions, one on "Farm Bill" topics and the other on the subject of "Food Safety and Human Health". An evening session beginning at 6:30 p.m., and adjourning at 8:30 p.m. with a guest speaker who will present remarks on food safety. On Friday, February 9, 2006, the meeting will reconvene at 9 a.m. to hear recap highlights from the previous day's focus sessions followed by overall Board discussions. You will hear remarks from within and outside the USDA pertaining to the agency prospective on the individual topics. An opportunity for public comment will be offered after the meeting wrap-up. The Advisory Board Meeting will adjourn by 12 (noon).

Written comments by attendees or other interested stakeholders will be welcomed for the public record before and up to two weeks following the Board meeting (by close of business Friday, March 21, 2007). All statements will become a part of the official record of the National Agricultural Research, Extension, Education, and Economics Advisory Board and will be kept on file

Balancing Cultural and Natural Values  
(2002)



*Preserving America's Heritage*

## **ACHP Policy Statement on Balancing Cultural and Natural Values on Federal Lands**

### **STATEMENT OF POLICY**

ACHP [Advisory Council on Historic Preservation] seeks to promote an approach to resource management and conflict resolution on Federally owned public lands that achieves balance between natural and cultural values. ACHP affirms the importance of responsible Federal stewardship of historic properties located within natural areas; and encourages Federal land managers to recognize that cultural and natural values are often interrelated and should therefore be considered in an integrated manner, to ensure that cultural values are afforded equal consideration.

State and Tribal Historic Preservation Officers, Federal Agencies, and others who participate in the Section 106 consultation process, Federal Agency planning processes and National Environmental Policy Act compliance process are encouraged to use these principles as a framework for Section 106 and Section 110 consultation.

### **PRINCIPLES**

ACHP will, and other participants in the Section 106 review process for Federal agency resource management should, be guided by the following principles in applying the policy set forth:

- I. Identify potential conflicts early.
  - Where potential conflicts are deemed to exist, early attention to such problems is essential. Full study of the potentially competing resources through land management planning processes or other land management initiatives can lead to improved outcomes before damage to the resources becomes irreparable.
  - Demolition by neglect should be discouraged and should occur only as a direct result of management decisions made in the context of long-range planning with full public involvement. Such planning initiatives should be coordinated so that impacts to the environment and to historic properties can be addressed comprehensively.
  
- II. Differentiate between real and perceived conflicts.
  - Assumptions are often made about conflicts among competing resource values without adequate analysis of the actual effects of such resources on one another. Is the ecosystem or natural area in fact threatened by the presence of historic properties?

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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- To confront this question in the context of Section 106 consultation, a full understanding of the resources is needed before practical considerations can be realistically evaluated. How are the historic areas to be used? How will they be accessed? What infrastructure is necessary for continued use? Within the range of feasible alternatives, is it possible to preserve resource values intact?

### III. Recognize that competing values involve competing constituencies.

- Consultation with both environmental advocates and historic preservationists should be integrated rather than divided by resource type.
- While planning initiatives may legitimately focus on subjects of interest only to one of these advocacy categories, scheduling separate planning initiatives should take into consideration the interrelatedness of natural and cultural values as represented in a given area of consideration.
- Where values are in conflict, natural and cultural resource planning should be undertaken in concert.

### IV. Broaden understanding of all affected resources.

- When approaching questions of historical significance, build upon National Register criteria as commonly applied to historic properties by drawing upon a wide range of scholarship in the agency's evaluative and interpretive frameworks. How do the agency's cultural landscapes illustrate the continuum of human life? To what degree does the potentially affected area itself embody the qualities of a heritage resource? Would interpretation of the area's associated cultural traditions enrich understanding of the values inherent in the area?
- Consideration should be given to the changing demographics of visitorship to public lands in the new millennium, and the likelihood that new visitors will bring different interests and perspectives to their public land visitation experience.

### V. Recognize that acknowledgment of barriers is a first step toward problem-solving when cultural and natural values compete.

- A host of real-world problems often contributes to a perception that natural and cultural values cannot be reconciled. For instance, the presence of private in-holdings or leaseholds within Federal land boundaries may result in high sensitivity and strained relations between the agency and the private property owner. Often, these retained private property rights differ substantially from those of the average user.
- Another commonly cited barrier is that requirements of the Wilderness Act, which are recognized to be quite prescriptive, are used for management of many ecologically significant areas within the Federal inventory, whether or not these lands are formally designated as wilderness. A common belief that the legal mandates of wilderness protection supersede those of the National Historic Preservation Act (NHPA) is often

contradicted by Federal agency management policies that allow a more balanced approach, while still adhering to the mandates of the Wilderness Act.

- A final barrier to full consideration of historic preservation options is a perception that preserving the natural environment is more cost effective than preserving historic properties. Yet costs should be viewed in the context of a multitude of factors and with recognition that costs may be greater if neglect has already occurred, or if labor-intensive methods must be relied upon due to restricted access.

VI. Consider full range of feasible alternatives when cultural and natural values interrelate.

- Section 106 review and NEPA are both intended to be used as decision-making processes. All too often, however, managers view these procedures as a method for seeking approval for a planning direction rather than a mechanism for formulating one. The consultation process breaks down quickly when decisions have been resolved in favor of a particular course of action prior to conducting a more comprehensive discussion.
- Paramount to the successful resolution of competing interests between natural and cultural resources is the commitment to examine alternate methods for implementing an undertaking. The stronger the ability of a land manager to consider a full range of alternatives to a proposed action, the greater the chances will be of discovering a resolution that addresses both cultural and natural concerns.

VII. Use an integrated approach to Section 106 review, Section 110, NEPA, land management planning, and other authorities (such as the Wild and Scenic Rivers Act, Native American Graves Protection and Repatriation Act, American Indian Religious Freedom Act, Archaeological Resources Protection Act, Section 4(f) of the Department of Transportation Act), as a method of reaching the broadest range of the interested public.

- Planning for a wide range of resources in consultation with the interested public can lead to conflicts among the respective constituencies unless all such processes are interconnected. For instance, once a land management plan is completed, the interested public considers the Federal government to have a "contract" with those whose views informed it. If Section 106 issues are not adequately addressed at this stage, not only would amendments be called for, but any necessary departure from the plan may be perceived as a broken promise, regardless of the merits of the decision.

VIII. Consult with Indian Tribes and Native Hawaiian organizations on the full range of cultural and natural values.

- Federal agencies are required to ensure adequate awareness and consideration of the interest of Indian tribes or Native Hawaiian organizations in Federally owned resources or areas they deem of religious or cultural significance. In doing so, agencies must adequately recognize tribes' status as sovereign nations.
- Many times the interests of tribes do not focus merely on cultural resources as defined by the National Register of Historic Places but include a broad array of issues including

natural and cultural values. In fact, the very concept of separating out cultural concerns from natural interests when assessing the merits of a particular action is unconscionable to many tribes and Native Hawaiians. Since Indian tribes tend to view cultural and natural resource values as inextricably linked, rather than in conflict, land managers should pay particular attention to their views when considering these issues.

IX. Consider historic values when planning for the unexpected.

- Natural disasters should be planned for to ensure that damage to both cultural and natural resources is minimized when disaster strikes.
- Advance preparation for unanticipated effects to known historic properties and discoveries of previously unknown historic properties during the course of implementing project or routine management activities allows for timely consideration of any such effects. When considered in the course of routine land management planning, future emergency actions will not only be consistent with principles of sound management but will also reflect the outcome of consultation with the interested public.
- Because actions taken to respond to disasters or emergencies can be as destructive as the disaster itself, planning for such situations can mitigate damage and thereby achieve outcomes that reinforce an agency's commitment to balanced stewardship at a time when values inherent in the land are most threatened.

*December 20, 2002*