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Climate Change and Historic Preservation

Proposed ACHP Action on Pending Legislation



MEETING
PRESERVATION INITIATIVES COMMITTEE
Monday, June 27, 2022
3 p.m.–4:30 p.m. EDT

Join ZoomGov Meeting

<https://achp.zoomgov.com/j/1606486491?pwd=eFFIZTlhRIBQa29vUGQrQTRrREZnQT09>

Meeting ID: 160 648 6491

Passcode: 016634

Dial in: 646-828-7666

PROVISIONAL AGENDA

- I. Introductions
- II. White House Housing Supply Action Plan
- III. Proposed ACHP Action on Pending Legislation
- IV. Hard Rock Mining Reform and the Historic Preservation Fund
- V. Climate Change and Historic Preservation
- VI. Other Business

ADVISORY COUNCIL ON HISTORIC PRESERVATION

401 F Street NW, Suite 308 • Washington, DC 20001-2637

Phone: 202-517-0200 • Fax: 202-517-6381 • achp@achp.gov • www.achp.gov



WHITE HOUSE HOUSING SUPPLY ACTION PLAN Office of Preservation Initiatives

Introduction. On May 16, 2022, the White House announced release of a [Housing Supply Action Plan](#) (Plan) designed to address housing scarcity and affordability. The Plan outlines actions that the Administration will take immediately, but also calls on Congress to fund proposals in the President’s FY 2023 Budget and embrace various legislative initiatives, including some that were included in the stalled budget reconciliation bill passed by the House of Representatives last year.

The plan is broken down into several topic areas, including the following:

- Providing incentives for land use and zoning reform and reducing regulatory barriers
- Piloting new financing for housing production and preservation
- Improving and expanding existing federal financing
- Preserving the availability of affordable single-family homes for owner-occupants
- Addressing other constraints to supply, including materials costs and labor supply

Given the breadth of the Plan, the Preservation Initiatives Committee should consider the opportunities to clarify and promote historic preservation interests in association with several upcoming actions by the Department of Housing and Urban Development (HUD). The June Committee meeting also provides an opportunity to begin discussion of the Plan’s provisions regarding land use policy and zoning reform. Sarah Brundage, Senior Advisor for Housing and Infrastructure in HUD Secretary Marcia Fudge’s office, will be attending the Preservation Initiatives Committee meeting to participate in the discussion on the Housing Supply Action Plan.

HUD Guidance Development and Regulatory Change. The plan indicates that HUD will do the following:

- Provide technical assistance and update guidance on the “Use of CDBG Program Funds in Support of Housing” to promote owner-occupant acquisition, conversion of existing structures into rental housing and “starter” homes, housing counseling, and rehabilitation and reconstruction.
- Update its guidance on the HOME Investment Partnerships Program, which provides grants to states and localities that communities use to fund a wide range of activities including building, buying, or rehabilitating affordable housing for rent or homeownership or providing direct rental assistance to low-income people.
- Issue this summer (with the General Services Administration and the Department of Health and Human Services) new regulations for Title V of the McKinney-Vento Act, which allows for the disposition of federal property for re-use as housing for the homeless.

These initiatives offer short-term opportunities for the ACHP to encourage HUD to promote use of historic buildings as affordable housing in its guidance and regulations.

Land Use Policy and Zoning Reform. Historic preservation laws, regulations, and ordinances have been identified by some critics as barriers to affordable housing and exclusionary in intent. The Plan, however, is not granular in detail and does not make such an assertion. Key points regarding land use policy and zoning reform in the Plan include the following:

- Jurisdictions that have land-use policies to promote density and rural main street revitalization are being rewarded by the Department of Transportation (DOT) with higher scores in certain grant programs under the Infrastructure Investment and Jobs Act. The Plan commits DOT to continue to encourage land use reform, density, rural main street revitalization, and transit-oriented development under its discretionary grants programs.
- The Economic Development Administration will add language to its investment priorities to encourage economic development projects that enhance density in the vicinity of the development.
- The Administration remains committed to creating the Unlocking Possibilities Program, which was proposed in the moribund budget reconciliation bill. This new HUD grant program would be focused on helping states and localities eliminate barriers to affordable housing production.
- The President's Budget calls for funding Housing Supply Fund grants, a portion of which would be used to help communities reduce affordable housing barriers. Communities that have policies and practices in place to address housing supply production constraints would be eligible for funding.

Action Needed. In addition to discussing the potential near-term opportunities with HUD for promoting use of historic buildings for affordable housing, committee members are asked to consider how to address longer-term efforts to engage with the Administration regarding issues of land use policy, zoning, affordable housing, and historic preservation.

June 17, 2022



HARD ROCK MINING REFORM AND THE HISTORIC PRESERVATION FUND **Office of Preservation Initiatives**

Introduction. As bipartisan support grows for facilitating mining of minerals needed for clean energy technologies, interest is growing in revisiting the General Mining Law, which has been barely changed since its passage in 1872. A key question under consideration is whether mines on public lands should pay royalties to the federal government (they do not currently) and, if so, how the funds would be used. If clean energy production overtakes fossil fuel extraction, Outer Continental Shelf oil and gas lease revenues that are the source of funding for the Historic Preservation Fund (HPF) will diminish. This raises the question: should a portion of any royalties that may be applied to hard rock mining be allocated to the HPF? A current Request for Information in the *Federal Register* provides an opportunity for the preservation community to weigh in on this idea if desired.

Momentum Growing in Push for Change in Hard Rock Mining. Copper, lithium, nickel, and cobalt are among the minerals increasingly in demand as essential to solar panels, electric vehicles, and other clean energy technologies. A multi-agency review required by [Executive Order 14017, “America’s Supply Chains.”](#) concluded that the United States is over-reliant on foreign sources of such minerals. This February, the White House convened a meeting of federal, state, and local partners; industry executives; and labor leaders to announce major infusions of spending in domestic production of key critical minerals. Also announced was the creation by the Department of the Interior (DOI) of an Interagency Working Group (IWG) to lead legislative and regulatory reform of mine permitting and oversight, guided by a set of [Administration fundamental principles](#). The ACHP requested to be added as a member of the IWG, and DOI agreed.

Action in Congress has included a requirement in the bipartisan Infrastructure Investment and Jobs Act directing DOI and the Department of Agriculture to submit a report to Congress by November 15, identifying what measures, including regulatory and legislative proposals, would speed up permitting for critical minerals. Also, in April, respective versions of the Clean Energy Minerals Reform Act ([S. 4083](#) and [H.R. 7580](#)) were introduced in the Senate and House. While bills to reform the General Mining Law of 1872 have been proposed in Congress to no avail since at least 2007, news reporting suggests that the confluence of Administration and congressional interest may signal an opportunity for a bipartisan agreement.

IWG Request for Information. The IWG chaired by DOI includes the U.S. Forest Service; the Environmental Protection Agency; the Army Corps of Engineers; the Departments of Commerce, Energy, and State; the Council on Environmental Quality; the National Economic Council, and the ACHP. The IWG’s [Request for Information](#) provides an opportunity for public comment to assist the group in assessing the adequacy of existing mining laws, regulations, and permitting processes, and in forming recommendations. Comments are due by July 31.

The Request for Information asks a number of questions to solicit comments while noting that the questions are not meant to be comprehensive. The Office of Federal Agency Programs is developing comments addressing the potential for hard rock mining reform to encourage preservation of historic properties—notably places of traditional cultural importance to Indian tribes—and coordination with the

requirements of the National Historic Preservation Act. Less straightforward, however, is whether the ACHP should weigh in on the question of royalties, specifically whether they could help fund preservation through the HPF.

Debate Regarding the Sustainability and Appropriateness of HPF Funding Sources. There is growing concern that the Outer Continental Shelf oil and gas lease revenues that currently fund the HPF and other environmental programs such as the Land and Water Conservation Fund may not be sustainable in the long term if fossil fuel extraction on public lands decreases as clean energy production increases. In an interesting twist, some Members of Congress who support expanding oil and gas leasing have made this argument in objecting to doubling the HPF authorization as called for in the proposed Historic Preservation Enhancement Act, citing the Administration's limitations on oil and gas lease expansion. (The ACHP voted to support the Historic Preservation Enhancement Act at the March business meeting.)

Requiring royalties as a condition of hard rock mining on public lands would create a new and potentially substantial revenue stream. A significant portion of any such royalties would likely be directed toward abandoned mine reclamation, which is a seriously under-funded problem. However, some of the remainder could potentially be directed to the HPF. This idea, however, is not without some degree of possible controversy.

Some preservationists have come to see funding the HPF with offshore oil and gas lease proceeds as inappropriate. When the HPF was first funded in 1976, using revenues from nonrenewable natural resources to benefit the preservation of irreplaceable historic resources was seen as an appropriate quid pro quo. Many in the preservation community continue to believe so, seeing the use of oil and gas lease funding for the HPF as fitting to offset the environmental harm these industries cause. However, some argue that the impact of fossil fuel use on climate change is simply too damaging to continue supporting the current funding arrangement.

Similarly some preservationists also may be loath to promote funneling hard rock mining royalties to the HPF. While mining of key minerals will support clean energy development and thus presumably help with climate change, there are potential negative environmental impacts of the mines themselves, which potentially can be severe. However, since expansion of hard rock mining appears highly probable in the short-term, directing a portion of any new royalties to the HPF would be one way of directly addressing such environmental consequences.

Action Needed. Staff requests guidance from the members on whether to suggest use of any hard rock mining royalties as funding for the HPF in the comments that will be provided to DOI and the IWG in response to the current Request for Information.

June 17, 2022



UPDATE ON MAJOR ACTIVITIES
Office of Preservation Initiatives
March—June 2022

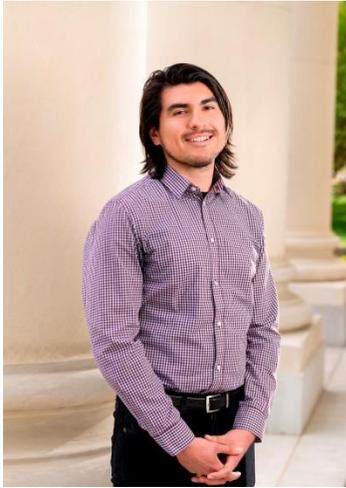
The following is in addition to the Office of Preservation Initiatives' work on legislative priorities, climate change, and other policy issues as described in papers available at Tab 1 and this tab.

Internship Program. The ACHP's 2022 summer interns have begun their 10-week period of work with the agency. Chosen from the largest number of applicants and most diverse applicant pool ever, office directors have selected a cohort of three full-time and three-half time interns. Attached are photographs and short bios of the group. Their work will be supported by funding from the ACHP Foundation. The interns will have the opportunity to participate in virtual training and meetings with others at related agencies. If you have any suggestions for enrichment activities for the interns, please contact Judy Rodenstein at jrodenstein@achp.gov.

Attachment: Meet the 2022 ACHP Summer Interns

June 17, 2022

Meet the 2022 ACHP Summer Interns



Jonathan Angulo, who is a part-time intern with the Office of Communications, Education, and Outreach (OCEO), is a current Ph.D. student in History at Southern Methodist University in Dallas, Texas. He has strong oral history, research, social media, and video skills, and is currently an Oral History Project Manager, training undergraduate students conducting oral history interviews with African American, Latina, Latino, Asian American, and Pacific Islander alumni. Jonathan was encouraged to apply through the ACHP's connections with Latinos in Heritage Conservation.



Jordan Bush is an undergraduate student at Salish Kootenai College in Pablo, Montana, pursuing a Bachelor's degree in Tribal Historic Preservation. She has worked as a Collection Manager Assistant/Intern at the Ninepipes Museum of Early Montana, assisting with the proper handling, care, research, and cataloging of museum objects. Jordan is a full-time intern with the Office of Native American Affairs.



Charlotte Hevly has completed her first year as a Master of Urban Planning student at the University of Washington. She has professional experience in a project management role and internship experience in urban planning. Currently serving on the City of Seattle Design Review Board and the Puget Sound Section of the American Planning Association, she aims to utilize strong research, writing, and organizational skills to preserve and create equitable, resilient, and historic places. Charlotte is a part-time intern with the Office of Federal Agency Programs.

Meet the 2022 ACHP Summer Interns



Siena Hinshelwood, who is a recent graduate of Scripps College in Claremont, California, completed a Bachelor of Arts in History and a Spanish minor. She has served as an Admissions Ambassador for the College, creating and implementing virtual programming for enrolled and prospective student engagement, using Zoom, Instagram, Slate, and WordPress. She also brings experience with conducting virtual interviews and doing public relations to her part-time internship with OCEO.



Emily Stood, a rising senior at Kent State University's Honors College in Kent, Ohio, is an Architectural Studies major with minors in historic preservation, history, and scenic design. She volunteers as a historic building interpreter, tour guide, and educator at the Naper Settlement, an outdoor history museum consisting of a collection of 30 historical buildings and structures from the Naperville, Illinois, area. Emily hopes to learn more about and advance preservation policy priorities and to explore all facets of historic preservation as a full-time intern with the Office of Preservation Initiatives this summer.



Megan Veach, who is a full-time intern with the Office of General Counsel this summer, is both a Candidate for Juris Doctor at the Roger Williams University School of Law in Bristol, Rhode Island and a student in the Masters of Science program in Historic Preservation. She has been a legal intern in the Rhode Island Office of the Attorney General and a legal volunteer with the Rhode Island Division of Statewide Planning. Megan has experience doing research on Rhode Island Supreme Court cases relating to land use and zoning. Her related activities include leadership in the University's Association of Public Interest Law, Environmental Law Society, and American Indian Law Student Association.