



PROPOSED PROGRAM COMMENT ON CERTAIN HOUSING, BUILDING, AND TRANSPORTATION ACTIVITIES

*Presentation for Indian Tribes, Native
Hawaiian Organizations, and/or THPOs*



December 2024

Presentation Order

- What We Heard
- The Revised Program Comment
- Inviting Feedback

What We Heard

Key Feedback from Tribes:

- Clarify Tribal consultation requirements
 - Articulate agency requirements to identify properties of religious and cultural significance (III.B.)
- Eliminate the concept of a "qualified authority"
- Strengthen aspects of unanticipated discoveries provision (e.g., buffer area upon discovery of human remains)

Key Feedback from Tribes:

- Include Indian Tribes and THPOs in key notices
- Invite Indian Tribes and THPOs to provide comment directly to the ACHP
- Strengthen reporting requirements and transparency
- Simplify appendices and:
 - Reduce number/scope of ground-disturbing activities
 - Clarify the role of state/Tribal historic preservation officers

The Revised Program Comment

Responses to Key Feedback:

- Clarify Tribal consultation requirements
 - *Revised and reworked III.B.*
- Eliminate the concept of a "qualified authority"
 - *Completed*
- Strengthen aspects of unanticipated discoveries provision
 - *Included a 100-foot buffer around previously unidentified historic properties and increased buffer from 50 feet to 100 feet around human remains or other related objects and objects of cultural patrimony*

Responses to Key Feedback:

- Include Indian Tribes and THPOs in key notices
 - *When the Program Comment is being used (NATHPO, and online)*
 - *When there is a dispute; agency decisions on disputes*
 - *When there are changes to the PC itself*
- Invite Indian Tribes, NHOs, and THPOs to provide comment directly to the ACHP
 - *Completed*
 - **Plus**, *invited Indian Tribes, NHOs, and THPOs to annual meetings*

Responses to Key Feedback:

- Strengthen reporting requirements and transparency
 - *Made agency reporting annual and for duration of PC*
 - *Made ACHP meetings annual and for duration of PC*
 - *Required ACHP to publish agency reports on its website*
 - *Required ACHP to publish PC use by agencies to its website and requires agency notice to NATHPO and NCSHPO*
 - *Required ACHP to provide triennial reports about information about agency reports, annual meetings, and Tribal/NHO/THPO comments, and make recommendations, and post to ACHP's website*

Appendix A

- Prioritizes maintenance and repair on the grounds, exterior, interior, and transportation elements (e.g., historic bridges)
- Activities (including abatement of hazardous materials) must be limited to previously disturbed ground or create no new ground disturbance
- Allows replacement/installation of certain temporary construction-related structures, above-ground elements for solar
- Allows maintenance, repair, replacement, or installation of some bike elements and markings

Appendix B: Determinations

- Type A/B Determination for Ground-Related Activities
 - Ground-disturbing activities limited in number/scope as compared to first draft
 - Those activities authorized only after Type A/B Determinations

THPO Role

- Participation in dispute resolution process per § VI (must be notified)
- Invitation to provide comment per § X.B.
- Invitation to annual meetings per § X.C.
- Potential involvement in Type B Determinations in Appendix B
- Notified of various actions taken by ACHP or other parties in accordance with the PC

Inviting Feedback

Opportunities for Feedback

- Discussion today
 - *We can talk generally about the revised draft or about specific provisions.*
- Submit to program_alternatives@achp.gov
- Reply by December 15



Thank You

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