



The Honorable Bruce Westerman  
Chairman, Subcommittee on Oversight and Investigations  
House Natural Resources Committee  
130 Cannon House Office Building  
Washington, DC 20515

The Honorable A. Donald McEachin  
Ranking Member, Subcommittee on Oversight and Investigations  
House Natural Resources Committee  
314 Cannon House Office Building  
Washington, DC 20515

July 18, 2017

Re: *Today's Hearing on National Historic Preservation Act*

Dear Chairman Westerman and Ranking Member McEachin:

We are concerned about the inclusion of the NHPA in your hearing today entitled, "Examining Impacts of Federal Natural Resources Laws Gone Astray, Part II." America's relationship with its past changed fundamentally when Congress passed the National Historic Preservation Act (NHPA) more than 50 years ago and formally recognized historic preservation as an important policy of the United States. These sentiments still inspire:

*The Congress finds and declares that (a) the spirit and direction of the Nation are founded upon and reflected in its historic heritage; (b) 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 American people took those words to heart in the last half-century, transforming their communities from coast to coast through historic preservation and generating widespread social and economic impacts. The NHPA established the legal framework and incentives to preserve historic buildings, landscapes, and archaeological sites. These heritage resources shape our sense of place, anchor economic revitalization, and ensure a more sustainable future for our nation.

The NHPA helps stabilize neighborhoods and downtowns, contributes to public education, attracts investment, creates jobs, generates tax revenues, supports small business and affordable housing, and powers America's heritage tourism industry. Publicly owned historic properties, from community landmarks to federal facilities and national parks, also

maintain community pride and identity, aid local and regional economies through their operation and maintenance, and foster a variety of public uses. Grants from the Historic Preservation Fund have supported restoration of historic treasures, assisted with community recovery from disasters, and improved history education.

**We are particularly concerned about the Committee's emphasis on Section 106 of the NHPA, which requires the federal government to seek input from local communities when planning federally supported development in their backyards.**

Compliance with federal requirements has engaged and empowered local communities across the country in better planning for development and provided communities with an important voice in federal decision-making. For public officials concerned about protecting the rights of localities and states against too heavy a federal hand, Section 106 is an asset--not an obstacle. Even so, Section 106 is a procedural review, and it requires the federal government only to take into account adverse effects on historic properties. It does not mandate preservation of historic places.

Section 106 requires the government to take into account adverse effects to historic properties that are listed on the National Register of Historic Places or are eligible for listing on the Register. By including properties that are eligible for listing, the government conserves financial resources. For example, the Department of the Army in regulation AR 200-1 instructs installations to nominate for the National Register only properties that will be transferred out of Federal management, and to go to the expense of nominating properties only when justified by exceptional circumstances. Preparing nominations to the National Register is a costly endeavor, and we support Congress's long-settled decision in 1976 to amend the NHPA to include consideration of properties eligible for listing, saving substantial taxpayer dollars.

The National Register is by no means a complete accounting of our nation's historic heritage, and removing eligible sites from consideration would leave out places critical to our communities and our understanding of the nation's history. Congress's determination that eligible properties should be considered in the Section 106 process means that the federal government has been required to consider adverse effects of its undertakings on such iconic places as the remains of the World Trade Center in New York (determined eligible but not listed), Arlington National Cemetery (not listed on the National Register until 2014), the Blue Ridge Parkway (determined eligible but not listed) and the Lumpkin's Slave Jail site in Richmond, Virginia (determined eligible, but not listed.) Absent the eligibility consideration, projects proposed on or near sites like these would have no legal obligation to weigh adverse effects. Investigations of eligible sites impacted by projects across America has allowed us to tell the stories of the diverse communities that have contributed to the development of our great nation.

The American Cultural Resources Association (ACRA) is comprised of private-sector cultural resource management firms with deep experience helping clients efficiently align their projects with the goals of the Section 106 process. We are pleased to share our expertise with the Committee as you consider ways to continue to improve the Section 106

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process. Unfortunately, changing the process to remove eligible properties from consideration will only dramatically increase the cost of Section 106 reviews by requiring formal nominations to the National Register and serve to undermine our nation's long-standing commitment to historic preservation.

Best regards,

A handwritten signature in black ink that reads "Duane E. Peter". The signature is written in a cursive style with a large, prominent "D" and "P".

Duane E. Peter  
President, ACRA