

April 30, 2019

Ms. Joy Beasley
Acting Associate Director
Cultural Resources, Partnerships, and Science
Keeper of the National Register of Historic Places
National Park Service
1849 C Street NW
Washington, DC 20240

Re: Regulation Identifier Number 1024-AE49

Dear Ms. Beasley

Thank you for the opportunity to provide comments on the National Park Service's proposed regulations regarding the **National Register of Historic Places**.

I write on behalf **Preservation Action**, the nation's grass-roots historic preservation advocacy organization, representing more than 3,000 members and supporters across the country. Our 501 (c) (4) nonprofit was founded 1974 with a purpose of proposing and securing the enactment of needed legislation to protect and enhance the man-made environment. Chief among Preservation Action's activities is to inform the public and secure widespread citizen support for preserving the historic resources that comprise our cherished national legacy.

We strenuously object to the proposed regulations and the consequences they would have on the operations of the nation's historic preservation program established as a result of the passage of the National Historic Preservation Act of 1966. We have taken every opportunity available to inform the preservation community at large and the public about the proposed changes, including strongly encouraging them to have their own voices heard. The results of this engagement are loud and clear; these proposed regulatory changes will have a significant negative impact on our citizens and on our communities. We are proud that our campaign to engage the grass-roots has been far reaching. Preservation Action is pleased to join with many other national preservation partner organizations in providing comments for National Park Service consideration.

Preservation Actions comments are organized by discussing seven ways the proposed revisions would impact communities across the nation:

Federal Historic Properties.

The proposed rules radically change the process for recognizing federal properties as historic places. Agencies would have total control of whether to nominate properties to the National Register. This change would impact post offices, U.S. Government facilities, buildings significant to our proud military history, among others, which are often critical to the character of our cities and towns serving as local landmarks and evidence of our nation's architectural legacy. The intent of the National Historic Preservation Act was to provide a listing of all the historic resources worthy of recognition and

preservation, not a partial list that excludes some of the most important federally owned or controlled historic resources. Please revise the regulations to not allow a federal agency to, in effect, have veto power over the National Register nomination of a potentially eligible resource under its jurisdiction.

Property Owner Objections.

Another threat to historic district nominations relates to the provision under the law that if a majority of private property owners object to a nomination it will not be listed. The proposed revision would allow large property owners to have more authority to block nominations by counting the majority of the public or private land area under nomination in addition to the number of property owners. This provision directly conflicts with the long-held democratic tradition of one person, one vote. Please revise the proposed regulations to remove percentage of land area as means of calculating owner objection by property size. We believe there is no statutory authority to add this provision and any such change would place a near impossible burden on State Historic Preservation Officers to make the required determinations.

Federal Ownership in a Historic District.

Creation of historic districts has long been one of the most effective means for providing recognition and protection to historic properties. Allowing federal agencies the ability to block a nomination because they object to including their property in a potential historic district nomination, could effectively veto a historic district nomination. It would only take one federal agency vote, out of potentially hundreds of other property owners' votes, to stop the nomination of an entire historic district. The non-federal property owners will thereby forfeit their rights to benefits that would derive from the historic district listing. Please do not give federal agencies the power to assume more authority than other property owners in the National Register historic district nomination process.

Historic Tax Credit Projects.

Of paramount importance to some property owners is listing historic districts in the National Register also qualifies contributing properties for incentives otherwise not available. Federal tax credits for rehabilitation of historic properties are a proven preservation and community revitalization tool. This incentive is only available to properties either individually listed or certified to contribute to the significance of National Register Historic Districts. The process of qualifying properties for tax incentives as part of a historic district are now at risk. The proposed change would allow federal agencies owning a property in a proposed historic district to object to the entire historic district nomination and prevent its listing, limiting the ability of properties to take advantage of these vital tax incentives. Please do not give federal agencies the power to assume more authority than other property owners, including those who wish to take advantage of historic tax credits.

Section 106.

The consequences of the proposed procedures have serious negative impacts on the intent of the National Historic Preservation Act that has served as the foundation of the federal historic preservation program since 1966. The Section 106 consultation process is key to consideration of federally owned historic resources in agency planning processes. Under the proposed rules the federal agency, not the

Keeper of the National Register will determine whether a federal property is worthy of consideration for protection under the National Historic Preservation Act. Recognition of historic properties under federal jurisdiction is a requirement of the National Historic Preservation Act. Please revise the proposed regulations to restore the final decision about whether a property is eligible for the National Register of Historic Places to the official who is best qualified to make that decision, the Keeper of the National Register.

Appeals Process.

Also important is the right under the 1966 act for any person or local government to appeal the failure of a nominating authority to nominate a property. To remove federal properties from an appeals process would be contrary to the law and would alter an existing process that is currently fair and open. This proposed rule change, along with the provision that allows federal agencies to effectively block National Register nominations, would restrict the right of local communities and affected individuals to have a voice in the future of their federally owned historic assets. Please restore the process under the authority of the Keeper of the National Register that gives a person or a local government the right to appeal the failure of a federal agency to nominate a property under their jurisdiction or control.

Consultation with Affected Parties.

We strongly object to the process under which the proposed rules were developed. The National Park Service failed to consult with tribes despite the significant impact the rule changes would have on tribal land. Nor did the proposed rules consider the concerns of other affected parties including State Historic Preservation Officers and other federal agencies including the Advisory Council on Historic Preservation. We encourage you to consult with affected federal agencies, states and tribes to assure that their concerns are taken into considering before moving forward with these proposed amendments.

Preservation Action appreciates the opportunity to comment on docket #NPS-2019-0001 and we look forward to working with you in the development of rule changes to the National Register of Historic Places. We feel the rule as proposed would dramatically impact the ability of properties to be listed on the National Register of Historic Places and strongly urge you to reconsider these changes.

Sincerely,



Briana Grosicki
Chairwoman, Preservation Action



Russ Carnahan
President, Preservation Action