

NCSHPO

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Jaime Loichinger
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Advisory Council on Historic Preservation
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Sent via email: program_alternatives@achp.gov

Dear Jaime:

Thank you for the opportunity to comment on the Advisory Council on Historic Preservation's (ACHP's) proposal to issue an exemption (exempted category) under 36 CFR part 800.14(c) to "relieve federal agencies from the requirement of undertakings involving the installation and placement of Electric Vehicle Supply Equipment (EVSE).

In general, the National Conference of State Historic Preservation Officers (NCSHPO) supports such an exemption, recognizing that both the volume of proposed undertakings and the limited likelihood that such undertakings would lead to an adverse effect upon historic properties. That said, we believe the proposed exemption should be modified to address a few concerns that have been raised by State Historic Preservation Officers (SHPOs) during the two consultation meetings held by the ACHP. These concerns fall into three categories:

Local and Public Consultation and Jurisdiction

Our members have indicated a high likelihood of interest in communities where such installations will be visible from the street. Given this, we hope that the ACHP will be able to provide strong evidence that during this consultation process there was ample outreach to local communities through local historic preservation commissions, Certified Local Governments (CLGs) and state and local historic preservation organizations via entities such as the National Preservation Partners Network.

Additionally, so that there is no confusion concerning the scope and applicability of this proposed exemption, we suggest adding a clear statement in the text noting that local permitting and review procedures still may apply. Too often there is misunderstanding that an exemption issued at the federal level trickles down to local jurisdictions where an existing review and approval process is in place.

Clarify and Limit Parameters of Exemption

There is a concern among SHPOs that the parameters on the equipment and under which the exemption may be used need some further refining. Specifically, there needs to be further definition as to what qualifies as the "existing infrastructure" that must be present to allow for the installation of the charging

stations, and the level of ground disturbance which would be acceptable to accommodate that installation. Additionally, our members would like to see volumetric limits placed upon equipment in a similar way as to what was instituted for the installation of Distributed Antenna Systems (DAS) in the Nationwide Programmatic Agreement for the Collocation for Wireless Antennas. Currently, the proposal relies upon the very general “lowest profile equipment” description which, over time, can evolve to mean many different things. Our members have experienced that new generations of equipment do not always get smaller –in fact it can get larger. For this reason, more clarification needs to be provided.

There also is a strong sense among SHPOs that an exemption should not cover installations on primary elevations. The existing language that calls for installations in a “minimally visible intrusive area” needs to be more specific. We would recommend refining this and further, at minimum, not allow the exemption to cover installations in front of historic properties.

Qualifications of Individuals Making Siting Decisions

Key to the successful use of this exemption, in our view, is the knowledge and skill of the individuals charged with its use and with ultimately making installation location decisions. We do not feel that the exemption alone provides the level of detail that may be necessary in all cases for someone with no experience in historic preservation to make a solid decision. A requirement that the location decision be reviewed by someone meeting the Secretary of the Interior’s Professional Qualification Standards would go a long way to assure quality decision-making.

Thank you for the opportunity to comment. We look forward to further discussion on the development of this proposed exemption.

Best wishes



Erik M. Hein
Executive Director