

The FL SHPO appreciates the opportunity to comment on the ACHP's *Draft Program Comment on Accessible, Climate-Resilient, And Connected Communities* (hereinafter PC). We understand the need to streamline certain types of housing and transportation projects, which is why we worked closely and diligently with our federal partners to successfully create efficiencies with programmatic agreements such as those we executed with HUD, FHWA, and FEMA. We support the ACHP in its efforts to prioritize and facilitate the reuse of historic buildings. However, the proposed Program Comment undermines the intent of the NHPA by removing the opportunity for SHPOs, THPOs, Tribes, local governments, and the public to provide meaningful and necessary input on federal undertakings with the potential to effect historic properties. The ACHP claims it aims to accelerate the review of projects, but in its current iteration, the proposed Program Comment is far too broad in scope, lacks clarity, and will likely achieve the exact opposite.

We echo and endorse the comments of NCSHPO and other SHPOs and provide the following feedback as well:

- The Program Comment seems to grant unilateral decision making to federal agencies or potentially the entity an agency has delegated its Section 106 responsibilities to.
- A reasonable and good faith effort to identify historic properties should be required as many of the exempt or streamlined activities could directly impact character defining features of historic buildings, structures, districts, and archaeological sites.
- Projects that impact a property whose NRHP eligibility or status is unknown should not be exempt from consultation.
- It is unclear who and how an agency will determine whether an undertaking is occurring within “previously disturbed ground” or “previously disturbed right-of-way” and many of the exemptions involve a great deal of ground disturbance. This has the potential to create detrimental damage to significant archaeological sites and sites that may be ineligible or disturbed, but contain human remains.
- Many terms and phrases, such as “climate smart-building” lack sufficient definitions. Such vague definitions are too open to interpretation and could be applied to any building or structure.
- Terms like “qualified authority” and “qualified professional” are used inconsistently or even interchangeably throughout the document. This is confusing.
- Extensive exterior changes to a primary façade may result in visual effects to adjacent properties in a historic district. Alternatively interior changes can severely affect properties individually listed in the National Register.
- The exemptions and streamlined activities do not account for the requirements of local preservation ordinances, e.g. paint color within a local historic district. Which is why the exclusion of SHPOs and local governments is concerning.
- To exempt consultation for the sale or lease of federal property to non-federal ownership or control, the Program Comment should better define “adequate and legally enforceable restrictions.”
- Spray foam should never be used should be used in a historic property, even when specified that it will not touch or damage historic materials. Improper and inadequate insulation can gather moisture and prevent airflow, especially in wooden buildings or structures.