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KENTUCKY HERITAGE COUNCIL
THE STATE HISTORIC PRESERVATION OFFICE

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CRAIG A. POTTS
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October 8, 2024

Sara C. Bronin, Chair
Advisory Council on Historic Preservation
401 F Street NW, Suite 308
Washington, DC 20001

RE: Response to ACHP Proposed Program Comment on Accessible, Climate-Resilient, & Connected Communities

Dear Chair Bronin,

Thank you for the opportunity to provide comments on the above referenced ACHP Program Comment proposal. Like many of our colleagues in the preservation field nationwide, Kentucky remains highly concerned regarding the practical application of this proposed Program Comment and the precedent it sets for the unilateral removal of states, territories, tribal nations and others from meaningful consultation with the federal government under the National Historic Preservation Act. This proactive step by the ACHP is unprecedented in its effort to prioritize the speed of federal decision making over the consulting party process. We often explain to our constituents that Section 106 Review is process focused rather than outcome focused. The nature of this proposed Program Comment runs counter to that long held tenet.

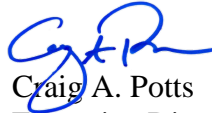
SHPO's play a unique role in Section 106 Review and are often required to educate federal agency representatives and citizens who can be equally unfamiliar with the associated regulations and the benefits of good-faith consultation. This practical experience on the "front lines" of Section 106 Review provides SHPO's with valuable perspective on the implementation of new policy proposals like this one, and we see significant problems with the current draft. Kentucky has taken the opportunity to consult closely with our SHPO counterparts through the National Conference of State Historic Preservation Officers and our collective perspectives are fully and appropriately conveyed in that organization's response. While we will not reiterate those comments here, it is important to note that we believe the draft currently under consideration will cause confusion in its practical application, will run counter to long established working relationships and agreement documents and will lead to less communication, accountability and transparency on the part of the federal government. We also believe it will streamline avoidable adverse effects.



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We respectfully request that the proposed Program Comment be withdrawn in favor of a tailored Nationwide or Prototype Programmatic Agreement that includes all appropriate consulting party comments to avoid or mitigate foreseeable adverse effects to historic properties while achieving reasonable and desirable efficiencies. Thank you once again for the opportunity to provide these comments. Should you have any questions please feel free to contact me at craig.potts@ky.gov or at 502-330-8362.

Sincerely,



Craig A. Potts
Executive Director
Kentucky Heritage Council and
State Historic Preservation Officer