

October 9, 2024

Sara C. Bronin, Chair
Advisory Council on Historic Preservation
401 F Street NW, Suite 308
Washington, DC 20001-2637

Dear Chair Bronin:

Thank you for the opportunity to comment on the Draft Program Comment on Accessible, Climate-Resilient, and Connected Communities (Program Comment). Knowing that other State Historic Preservation Offices (SHPO) and preservation community members have shared their concerns in-depth, this letter is sent to express solidarity with those concerns without reiterating each one.

The needs outlined in the Program Comment to address affordable housing, climate resiliency, and transportation connections are important. We work with property owners, developers, and community leaders daily who are navigating those challenges while balancing maintenance of the character of their property and community as unique and vibrant places. Education is key to counter the implication that preservation and Section 106 are hindering the ability of people to address these challenges. Streamlining reviews can and should be pursued where it is clear no adverse impacts will harm historic properties. Unfortunately, this Program Comment exempts a wide swath of activities without thorough consideration or consultation on effects and little transparency for agency decisions or accountability for decisions that go wrong.

As with other Program Comments reviewed recently, our biggest concern is the lack of qualified individuals to advise federal agencies. Our estimate is that 80%-90% of requests for comment that we receive do not include a determination and most do not have a basic level of information in the submission that would allow SHPO staff to assist with the determinations. Much time is spent asking for additional information to even understand the request. Many agencies rely on SHPO staff to conduct background research and suggest a determination. SHPOs are the "qualified professional/authority" in most cases because federal agencies do not have an architectural historian or archeologist on staff. Some that do have those professionals, tend to not utilize them to conduct the background review and provide a determination to us. If this is the case under existing procedures, what accountability will there be for agencies and their designees under the Program Comment who continue to operate without qualified personnel and now without SHPO review as a check and balance? The dispute resolution process is not workable when reporting does not capture all projects, and reports are not shared transparently.

Additionally, archeological site records are not open to the public and we do not make our database open to individuals who are not qualified under the Secretary of the Interior's *Professional Qualification Standards*. Federal agencies who traditionally count on SHPO archeologists to inform them if there are sites in the area and the potential impact the project will have to these sites will either work blindly trying to assess impacts, or worse, will be ignoring potential impacts and clearing projects to proceed.

We have found Programmatic Agreements (PA) with federal agencies and designees to address specific property types or project circumstances work best. We have valuable relationships with many agencies and work closely with partners within understood procedures laid out by those PAs. We echo the comments detailed by the National Conference of State Historic Preservation Officers (NCSHPO) recommending that the transportation sections of the draft Program Comment be separated out into another Program Alternative and

reiterate the comments of others that even the housing and climate resiliency pieces should be addressed separately. This would provide an opportunity to make them as clear as possible while considering that different states and regions of the country will have different needs.

In summary, the Kansas SHPO supports efforts to streamline review procedures and make the Section 106 process as effective as possible especially for projects that address affordable housing, climate change, and transportation. However, as stated by other SHPOs and preservation partner organizations, this combined Program Comment is too broad, and definitions are too vague to ensure that historic properties are being adequately considered in the decision-making processes of federal agencies. We urge the Advisory Council to hold off on adoption of this draft Program Comment and seek out additional consultation with SHPOs, Tribes, CLGs, federal agencies, and other stakeholders to thoroughly think through the ramifications of the exemptions included.

Sincerely,

A handwritten signature in black ink that reads "Patrick Zollner". The signature is written in a cursive style with a large initial "P".

Patrick Zollner
Kansas State Historic Preservation Officer
Executive Director, Kansas Historical Society

A handwritten signature in blue ink that reads "Katrina L. Ringler". The signature is written in a cursive style with a large initial "K".

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