

NCSHPO

National Conference of State Historic Preservation Officers

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NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS
Minutes of the Annual Membership Meeting
March 10, 2004
Radisson Barcelo Hotel, Washington, D.C.

Call to Order

The meeting was called to order at 9:04 a.m. EST by President Ted Sanderson.

Roll Call of the States

Secretary Britta Bloomberg read the Roll Call of the States. The following members-in-good standing were present: Alabama, Alaska, Arizona, Arkansas, Georgia, Hawaii, Idaho, Indiana, Kansas, Louisiana, Maryland, Minnesota, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Republic of Palau, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, and Wisconsin.

Members-in-good standing not present: California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Illinois, Iowa, Kentucky, Massachusetts, Michigan, Mississippi, Montana, New Jersey, Northern Mariana Islands, Pennsylvania, Virginia, and Wyoming.

Minutes

Lee Warner moved, Jim Garrison seconded, and the membership unanimously voted to approve the minutes of the March 12, 2003 Annual Membership Meeting.

Treasurer s Report

Jay D. Vogt reported that the NCSHPO had a clean audit with no errors and complimented Anita Zepp, the Office Manager for the NCSHPO, on her great work. The NCSHPO Board of Director s decision to hire BKSJ as a lobbyist for the NCSHPO resulted in an amendment to the budget and accessing some of their reserve funds. Overall, however, there have been considerable savings in the budget. Revenue from the National Park Service (NPS) cooperative agreement is down slightly, but there was an increase in meeting revenue as well as membership revenue with Hawaii and Kentucky both joining. The investment income increased significantly, demonstrating that the NCSHPO investment strategies have worked well. The Board of Directors recently developed a policy to limit the amount of cash the NCSHPO has on hand and, instead, have the cash available in investment. In addition, the NCSHPO changed their employee pension plan which has resulted in better benefit options for less cost and Jay D. Vogt thanked Katherine Diffenderfer, the NCSHPO Senior Program Manager, for her work on this matter. Jay D. Vogt concluded the Treasurer s

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report by noting that all 50 states are now members of the NCSHPO (California wants to pay their dues, however, they are currently not permitted to do so because of the fiscal situation in the state). This is the first time that all 50 states have been a member of the NCSHPO.

President s Report

Ted Sanderson reported that the past year has been a very busy one for the NCSHPO. Important issues have been raised by discussion of Section 4(f) in the Transportation Act, the role of identification and assessment of effects in siting cellular communication towers subject to FCC permits, and several federal agencies' proposals for "alternate review procedures" to comply with Section 106. A common thread running through many of these issues is that assumptions and procedures developed early in the history of the federal preservation program are being re-examined. He suggested that SHPOs focus more on preservation "outcomes" and not let regulatory or administrative process become an end in itself. He commented that there are opportunities for SHPOs to work more closely with federal agencies, and that some federal agencies like the Federal Highway Administration may be willing to help fund SHPO activities that improve the Section 106 review process.

Ted Sanderson recognized that the visits to members of Congress went well and noted that one of the side benefits of these visits is that it forces the SHPOs to think about how much has been accomplished during the past year. He congratulated the States for continuing to make the national preservation program very effective, and he expressed optimism that NCSHPO's message about the need for increased appropriations is being heard.

Ted Sanderson concluded his remarks by thanking David Maloney for a great walking tour on Saturday and also thanked Elizabeth Szufnar, the Director of Communications and State Services for the NCSHPO, for her work in planning a very successful and worthwhile meeting.

Tax Credit Task Force Report

Jim Garrison reported that the recommendations from Historic Preservation Development Council, led by the National Housing and Rehabilitation Association and the National Trust for Historic Preservation were submitted to the NPS for review. The NPS expects that a report will be forthcoming which will include an outline of the issues that need to be addressed and how they can be implemented. Jim Garrison concluded the report by stating that Caroline Hall has recently been hired by the NPS to work on the Programmatic Agreement for the review of tax credit projects.

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Heritage Tourism Task Force Report

Elizabeth Hughes reported that the task force met on Monday, March 8, 2004 after the Heritage Tourism session at the NCSHPO Annual Meeting. She noted that the task force intends to build upon the results of this session and will be working with Amy Webb, the Program Director of the Heritage Tourism Program at the National Trust for Historic Preservation (Trust), to develop a best practices session for the Trust's 2004 annual conference. After the Trust conference, the Heritage Tourism Task Force intends to explore what some of the remaining questions are and to consider hiring a consultant to develop a white paper.

Congressional Task Force Report

Jay D. Vogt stated that the task force has identified the members of Congress who are involved in the appropriations process and indicated that about one-half of the states have a member of Congress involved. For the SHPOs, this means that they need to work on developing relationships with these members of Congress. Jay D. Vogt further noted that the task force will help SHPOs if they have any concerns or need assistance with this. There was a general consensus among the membership that these relationships must be developed and maintained and Ted Sanderson suggested one way to do this would be for SHPOs to email future press announcements of National Register nominations, tax credit approvals, etc to their members of Congress.

Remarks of John Fowler, Executive Director, Advisory Council on Historic Preservation (Council)

John Fowler relayed the regrets of John Nau, Chairman of the Council, for being unable to attend. John Fowler noted that Preserve America just celebrated its first anniversary and there have been many developments in the past few months. In January, the First Lady announced the first eight Preserve America communities and there are now over 150 communities currently seeking this designation. In the coming months, there will be an announcement of the next 20 Preserve America communities including two regional designations—one in Georgia and one in Kentucky who has nominated all of their Certified Local Governments (CLGs). The Council has adopted a quarterly deadline for submission of Preserve American applications and the next deadline is June 1, 2004. John Fowler strongly urged the SHPOs to get involved in this program, especially those who are not yet participating.

The Preserve America Presidential Awards will be given out in May.

Preserve America has partnered with the Gilder Lehrmann Institute to present a History Teacher of the Year Award—there will be one winner from each state and a national winner chosen from that group.

John Fowler briefly discussed the Save Our History program and noted that the First Lady is very involved in this. The \$10 million proposed for Preserve America in President Bush's FY2005 budget will be used for a matching grant program to be administered jointly by the Council and the NPS. He stressed that the \$10 million is not money that is coming out of the Historic Preservation Fund (HPF), but rather, new money that was moved from other parts of the historic preservation

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program. He noted that John Nau was adamant that the \$10 million not come out of the states budgets.

John Fowler discussed Executive Order 13287, which deals with property management and how federal agencies carry out their Preserve America responsibilities. Executive Order 13287 requires each federal agency to designate a Senior Policy Official (SPO) and John Fowler noted that 68 of the 73 agencies have done this. The SPO is a policy-level position and SPOs will oversee the agencies Federal Preservation Officers. He also noted that the Council is working in number of different areas to advance the goals of Preserve America including involvement with the Department of Education, working with the Federal Highway Administration (FHWA) to make transportation enhancement monies available and partnering with the National Endowment for the Humanities on the We the People project.

The Council received over 140 comments regarding the revisions to the Section 106 regulations and they have finished reviewing them. The Council completed a staff recommendation, which was also reviewed by the NCSHPO, and they have upcoming conference call to determine how to proceed with the revisions. There was some discussion about several court cases and John Fowler concluded this discussion by indicating that the Council could not rest on the Sailor Park case and that they are bound by National Mining Association ruling. He further noted that this will be explained in more detail in the final preamble to Section 106 revisions. John Fowler concluded his remarks about the Section 106 revisions by noting that many of the public comments suggested that Adverse Effect determinations have more teeth , so the revisions will attempt to do this without being overly burdensome to the federal agencies.

John Fowler discussed the Federal Communications Commission (FCC) Programmatic Agreement (PA) and noted that the Pombo/Radonovich letter shaped the negotiations. The Council has been working with the NCSHPO to address the issue of visual impacts on properties that are listed or were previously determined eligible new surveys will not be conducted to determine if there are additional historic properties. However, areas that will be directly impacted by a project will continue to be surveyed. The FCC is poised to act on the PA very soon and the Council presumes that these provisions will address the Pombo/Radonovich letter and will be the basis for getting the PA signed. Nancy Schamu, NCSHPO Executive Director, also clarified the issue of exclusion zones and noted that tower replacements, temporary towers, right-of-way poles, and towers that are less than 200 feet in height located in industrial parks, shopping centers and strip malls will be excluded from Section 106 review because the area has already been compromised unless, however, there are historic properties in close proximity to these zones or the shopping center or strip mall are historic themselves. Ted Sanderson acknowledged that the Executive Director did an extraordinary job of handling the PA. The membership expressed some concern that the NCSHPO may be heading down a slippery slope with this PA in terms of how much leeway is being granted to the FCC and that other federal agencies may seek such agreements. John Fowler noted that the FCC is unique because they do not always have a specific site for a tower location; they just need coverage in designated areas, unlike other federal agencies whose project sites are specific. Ted Sanderson

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added that the original intent of the National Historic Preservation Act was to stop the damage caused by very large projects, and questioned if the membership really wants to get involved in projects that have minor federal involvement. He concluded by noting that the FCC intends to set up a website that will record the tower applications, so the SHPOs will be aware of where new towers are going up. John Fowler also noted that there is a provision in the PA requiring that it be reexamined after one year.

Jim McConaha requested that the NCSHPO provide a briefing paper on the FCC PA to the membership and also asked if the membership would be allowed to review the PA before the NCSHPO signs it. A lengthy discussion regarding the review of the PA prior to signing followed and Ted Sanderson noted that, based on all of the time put in and discussions held by the NCSHPO staff and the Board of Directors, it would reflect negatively if the NCSHPO did not sign the PA and that the membership has two options SHPOs could either lose the capacity to conduct surveys in the PA or lose much more if the NHPA were to be amended and, thus, the PA is a good compromise. The membership discussed how decisions are made a Board of Directors is elected to act on behalf of the membership. Wilson Martin suggested that a motion be made to reflect that the Board is responsible for making decisions on behalf of membership. This motion was subsequently amended by Wilson Martin to state that prior to a decision by the NCSHPO President to sign the FCC PA, a copy of the PA will be distributed to the membership, and the Board will then conduct a conference call to discuss the PA and to determine if the membership is satisfied with the PA. Jay D. Vogt seconded. Ted Sanderson added that the FCC must be made aware that the NCSHPO will follow their own internal process for informing the membership prior to signing the PA. The membership unanimously voted in favor of this motion.

Remarks of Janet Synder Matthews, Associate Director, National Park Service (NPS)

Janet Matthews discussed her recent presentation at the National Housing Rehabilitation Association conference and stressed the importance of private investment in historic resources.

Remarks of Susan West Montgomery, President, Preservation Action (PA)

Susan West Montgomery reported on the Hill visits undertaken by NCSHPO and PA members during their time in Washington, D.C. and remarked that historic preservation is one of the most optimistic endeavors and this was clearly conveyed to the members of Congress who were visited. Ted Sanderson concluded by thanking PA and their Board of Directors for all of their support.

Remarks of Bambi Kraus, President, National Association of Tribal Historic Preservation Officers (NATHPO)

Bambi Kraus thanked the NCSHPO and individual states for their support on various tribal issues. She indicated that funding continues to be their top priority the average award to a THPO was \$64thousand - but noted that when the NATHPO lobbies, they do not suggest that money be taken from the states. Bambi Kraus concluded her report by noting that the NATHPO is working with the Council to establish a tribal advisory board and that the NATHPO has recently hired a contractor, Sherry Hutt, to do a best practices guide to tribal consultation.

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Remarks of Emily Wadhams, Vice President for Public Policy, National Trust for Historic Preservation (Trust)

Ted Sanderson pre-empted Emily Wadhams' remarks by presenting her with a certificate of appreciation for her service to the NCSHPO as a member of the Board, a position she held until she assumed her current position.

Emily Wadhams discussed the Trust's public policy agenda and announced that the Trust has recently adopted a 5-year strategic plan. She discussed two of the major goals in greater depth: launching the National Trust for Historic Preservation Institute and enacting new federal preservation incentives. The intent of the Institute is to make the preservation message and help people understand the relevance of historic preservation. The Trust also intends to revive the previously unsuccessful Homeownership Assistance Act. She concluded her remarks by stating that her overriding interest is to build better partnerships and asked the membership to think about how the Trust can serve them better.

Nominating Committee Report

Ted Sanderson reported that Alicia Goehring resigned her position on the Board of Directors after accepting another position within the Wisconsin Historical Society and that Dorothy Guzzo has served her maximum two terms. Their service to the NCSHPO as members of the Board of Directors will also be acknowledged with certificates of appreciation. Cathie Matthews who presented the following slate for board positions chaired the Nominating Committee:

Class of 2005 - to fill the vacancies left by Emily Wadhams, VT, and Alicia Goehring, WI, who are no longer serving as SHPOs. These are one-year terms that will expire in 2005:

Elizabeth Hughes, MD
Katherine Kak Slick, NM

Class of 2006 - to fill the position vacated by Dorothy Guzzo, NJ, who has served the maximum two terms and will not be eligible for re-election. This is a two-year term that will expire in 2006.

Lisa Burcham, DC

And nominates the following directors for a second two year term. These are two year terms which will expire in 2006.

Allyson Brooks, WA
Jim Garrison, AZ
Jim McConaha, NH
Ruth Pierpont, NY
Lee Warner, AL

Jeffrey Crow moved, James Hamrick seconded, and the membership unanimously voted to approve the nominees to the Board of Directors.

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Adjournment

Ted Sanderson concluded by expressing his gratitude to the Executive Director for the incredible job she is doing and thanked the membership for all of their hard work this past year and attendance at this meeting. The meeting was adjourned at 12:04 p.m. EST.

Elizabeth A. Szufnar, Director of Communications and State Services
for Britta Bloomberg, Secretary