

NCSHPO

National Conference of State Historic Preservation Officers

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NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS

Minutes of the Board of Directors Meeting

July 13, 2004

The Inn at Lambertville Station, Lambertville, NJ

Call to Order

The meeting was called to order at 9:11 a.m. EDT by President Ted Sanderson.

Participants

Ted Sanderson, President; Larry Oaks, Vice President; Britta Bloomberg, Secretary; Jay D. Vogt, Treasurer; Judy Bittner, Lisa Burcham, Jim Garrison, Elizabeth Hughes, Ray Luce, Cathie Matthews, Jim McConaha, Ruth Pierpont, Katherine Slick, Jon Smith, Lee Warner Directors; Nancy Schamu, Executive Director; Elizabeth Szufnar, Director of Communications and State Services; John Fowler, Advisory Council on Historic Preservation; Bryan Mitchell, National Park Service; Susan West Montgomery, Preservation Action; and Emily Wadhams, National Trust for Historic Preservation.

Absent: Allyson Brooks and Ted Hild, Directors

Minutes

Britta Bloomberg moved, Jay D. Vogt seconded, and the Board unanimously voted to approve the minutes of the September 30, 2003 Board of Directors Meeting.

Treasurer's Report

Jay D. Vogt reviewed the Income Statement through June 30, 2004 and reported that revenue from the National Park Service (NPS) cooperative agreement is down slightly, but membership revenue is up and the Kobren fund has continued to grow. The Board discussed the NPS cooperative agreement and its impact on the NCSHPO budget. It is likely that due to policy decisions and budget limitations, the use of the cooperative agreement will continue to decline. The cooperative agreement expires in December of 2006 and it was concluded that the Executive Director will meet with the NPS to discuss the agreement and the future of it.

The Board briefly discussed the 2005 budget and the Executive Director indicated that she will prepare a draft 2005 budget for the September Board of Directors meeting.

The Board reviewed the draft revised 2004 budget and the President noted that the Board must vote on this budget change. Jay D. Vogt moved, Ray Luce seconded, and the Board unanimously voted to approve the draft revised 2004 budget.

The Executive Director referred the Board to the handout regarding the 2003 Audit Management Letter Recommendations which suggested that the NCSHPO establish an Audit Committee. Jay D. Vogt moved, Katherine Slick seconded, and the Board unanimously voted to approve that the NCSHPO Executive Committee serve as the Audit Committee.

The Executive Director further referred the Board to the new draft Conflict of Interest policy. Jay D. Vogt moved, Ray Luce seconded, the Board unanimously voted to read the Conflict of Interest policy and vote on it at the Board of Directors Meeting in September.

Historic Preservation Fund (HPF) FY2005

Promises Kept

Susan West Montgomery, President of Preservation Action, reported that the funding for the HPF has been level in the House of Representatives and the Administration and the House is opting not to fund Preserve America. The Senate appropriation is still in question, but it is expected that the funding will at least be level depending on whether Preserve America and Historically Black Colleges and Universities are funded. Susan West Montgomery related that the Senate has postponed all of its mark-ups and they may not meet prior to the November elections which would result in an omnibus bill. She also conveyed that the level funding for the HPF is notable because many programs have been cut in FY2005.

Regarding Promises Kept, Susan West Montgomery stated that capacity building has been a major component and undertaking for Preservation Action. Preservation Action has an infrastructure in place so they can do grassroots building.

NCSHPO Administrative Task Force

Efforts to reach out to the Administration are on-going. Ted Sanderson, the Executive Director and BKSH, the NCSHPOs lobbyist, recently met with staff at the Office of Management and Budget, the Department of the Interior, and the Administration regarding the FY2006 budget. Overall, the point was made that the HPF exists and that there are consequences to underfunding it.

Ted Sanderson related that John Nau, Chairman of the Advisory Council on Historic Preservation, also met with the Office of Management and Budget and discussed that it is costing the federal government both time and money if the State Historic Preservation Offices (SHPOs) are not adequately funded. John Nau's meeting indicates that he is interested in the SHPOs and Ted Sanderson further noted that John Nau has been an excellent partner to have – he has been a good voice for the SHPOs and he has gone out of his way to work with the NCSHPO.

Historic Preservation Fund (HPF) FY2006

Renewal of BKSH Contract

The Board reviewed the July 9, 2004, progress report from BKSH as the initiation of their discussion of the renewal of the agreement which expires on September 15, 2004. BKSH is optimistic that the HPF will be increased in the Senate version of the FY2005 budget, and notes

that while there was no increase in the House version, the funding remained level while the House cut many other programs.

The Board had a lengthy discussion about the budget, the possible change in the Administration, how that might affect the HPF, and the relationship of these elements to renewing the BSKH contract. Irrespective of the outcome of the 2004 election, the current Administration will prepare the FY 2006 budget and BSKH contributions will be important as the budget is finalized. The Board concluded

that the NCSHPO should be sensitive to possible changes in the Administration, but the NCSHPO must continue to pursue the current administrative strategy through the end of the calendar year. The NCSHPO has budgeted for the BSKH contract through the end of the calendar year. Lee Warner noted that the Board must be prepared to make some direct, definitive decisions at end of January 2005 regarding the contract. The contract does have a 30-day termination clause.

As a result of the discussion, Lee Warner moved, Ray Luce seconded and the Board unanimously voted to renew the BSKH contract with the caveat that the Executive Committee review the contract at end of the calendar year.

Request for Proposal (RFP)

Ted Sanderson and Larry Oaks informed the Board of a May 20, 2004, meeting with John Nau, John Fowler, Executive Director of the Advisory Council on Historic Preservation, Lee Warner and Nancy Schamu. John Nau had called the meeting to discuss the connection between declining appropriations to State Historic Preservation Officers (SHPOs) and increased costs to federal agencies because of delays in SHPO responses. John Nau suggested that a report from a Washington, DC economic analysis firm showing the connection between reductions in the HPF and increases in federal agency project costs would be very useful to him in his discussions with the Administration.

In response to this request, the NCSHPO solicited proposals and received two from ERA and URS which were distributed electronically to the Board. The Board engaged in a lengthy discussion of the concept of doing such a study, the appropriateness of the scope, the cost, and the probability that the study would contribute to increases in the HPF.

Lee Warner moved and Katherine Slick seconded a motion that the NCSHPO engage an economic consultant to undertake a study of cost benefit relationship of reductions in the HPF and increases in cost to federal agencies.

The Board continued to discuss this motion. Several Board members expressed their concern that this analysis may not yield the desired results and about the cost. The President indicated that there are two funding options: 1) make a withdrawal from the investment fund; or 2) a state-by-state contribution or assessment.

The motion was restated and the motion passed after a roll call vote. The following Board members voted yes: Lisa Burcham, Jim Garrison, Elizabeth Hughes, Ray Luce, Larry Oaks, Ted Sanderson, Katherine Slick, Jon Smith, and Lee Warner. The following voted no: Judy Bittner, Britta Bloomberg, Cathie Matthews, Jim McConaha, Ruth Pierpont, and Jay D. Vogt.

The Board took a 10 minute break and the meeting reconvened at 11:54a.m. EDT

Because of the concerns of several Board members, the Board revisited this issue. The Board discussed looking to the Advisory Council on Historic Preservation or its Chairman for funding, reviewing the scope of work, and clarifying the purpose. The Board determined that a smaller committee, composed of Board members who had voted both yes and no to undertaking the cost benefit analysis, should do this. Larry Oaks, Ted Sanderson and Jim McConaha will undertake this task.

Lee Warner disclosed a contractual relationship with ERA and the Executive Director indicated that former SHPO and Board member, Mark Edwards, was the principal investigator from URS.

NCSHPO Congressional Task Force

The Congressional Task Force engages NCSHPO members to contact specific members of Congress who play key roles in important legislation. The long-range goal of the task force is to establish a year-round program so members of Congress do not just hear from NCSHPO on Lobby Day and periodically thereafter. Susan West Montgomery noted that Preservation Action has developed a contact strategy, but that there must also be a strong statewide organization in place. She added that Preservation Action's advocacy survey is an attempt to discern where there is the potential to build additional support. Emily Wadhams noted that the National Trust Advisors are also interested in becoming better lobbyists and working with SHPOs and statewide organizations. The Board briefly discussed how lobbying worked in several states and suggested that it would be useful for states to have a model to follow.

Ted Sanderson suggested that the NCSHPO should make a concerted effort to make historic preservation a topic during the upcoming elections. The Board discussed how this should happen and how to get on a candidate's agenda. Susan West Montgomery and Preservation Action will work on drafting a message for the upcoming elections.

HPF Reauthorization

The authorization for deposits into the HPF expires in the next fiscal year. The Executive Director reported that Representative Joel Hefley introduced H.R. 4443 which will reauthorize the HPF for 2005-2010. Judy Bittner is working with Senator Lisa Murkowski to introduce a similar bill in the Senate.

Surface Transportation Reauthorization

Susan West Montgomery reported that conferencing is taking place and non-controversial items have been handled. The difference between the costs of the House, Senate and Administration bills is the biggest issue. There is very little time left in the current Congressional session and if a conference is not conducted by end of July, a 1- year extension will be done.

Preservation Action Partner Report

Get Outdoors (GO) Act

The GO Act was introduced by Representatives George Miller and Don Young and would fund the HPF at 150 million. Presently, there is no movement on this bill because Representative Young is currently working on the Surface Transportation Reauthorization.

Senators Mary Landrieu and Lamar Alexander introduced the Americans Outdoors Act, but the bill does not include any funding for the HPF. Preservation Action has been working to include the HPF and have received assurance that it will be put in a later date.

House of Representatives Historic Preservation Caucus

There are currently 84 members of the Historic Preservation Caucus.

Update on the Search for a new President

The Search Committee will be doing two interviews in Washington, D.C. and two in Chicago, IL at end of July.

Advocacy Survey

The Advocacy survey assessed the current capabilities of statewide organizations to do federal advocacy, reviewing each statewide's commitment, their board and organizational structure and their resources. As a result, Preservation Action has identified 3 levels of intervention:

1) training tools and information, model communications systems; 2) model strategic plans that incorporate federal advocacy; and 3) a directed approach to reach out to 5-10 states to do a concerted advocacy-building effort.

National Trust for Historic Preservation (Trust) Partner Report

Rehabilitation Tax Credit

Representative Rob Portman should be introducing a bill in the House of Representatives before the recess. The Trust will be working to get a Senate version introduced in the next Congressional session.

State Budget Decline Report

For 2 years, the Trust has been tracking state budgets and the effect on Main Street programs, the SHPO, and the statewide historic preservation organization. The Trust is seeking NCSHPOs feedback about the value of this report and there was a brief discussion about the benefit of this report.

National Trust Strategic Plan

The Trust has been undergoing a strategic planning process – the Next Trust. The 3 main goals are to: 1) save historic places; 2) revitalize communities; and 3) build interest in historic preservation. The Next Trust can be located on the Trust website.

Meeting with Jonathan Kemper, the New Chairman of the Board

Jonathan Kemper's interest is in digitizing the National Register and he has met with the National Park Service about this concept.

Advisory Council on Historic Preservation (Council) Partner Report

Section 106 Regulations

John Fowler, Executive Director of the Advisory Council on Historic Preservation, noted that the revisions to the Section 106 regulations were published on July 6 and they will take effect on August 5.

Section 106 Training Courses

The Council's training courses have been updated and are now being handled in-house.

Council Reauthorization

The Council has been working with the House of Representatives Resources Committee on a draft reauthorization bill. John Fowler noted that the Resources Committee is concerned about the linkage between eligibility for the National Register of Historic Places and the imposition of local landmark restrictions. As a result, the Council has suggested that if a private property owner objects to nomination to the National Register, the nomination process would conclude and not be forwarded to the Keeper of the National Register for a determination of eligibility. The Board had a brief discussion about determinations of eligibility as well as owner objection and the appeals process and it was agreed that if the issue of determinations of eligibility is not settled now, it may affect the HPF reauthorization.

Additionally, John Fowler noted that the Resources Committee believes that, ideally, all applicants should be able to consult a fixed list of historic properties and consider only those properties when undertaking a Section 106 review. The Board agreed that this would place additional burdens on the SHPOs to identify historic properties. John Fowler indicated that John Nau will not support this.

Preserve America

John Fowler indicated that the Senate has put a small amount of money into the FY2005 budget for Preserve America.

Currently, 208 communities have applied for Preserve America and 104 have been designated. The Council will keep SHPOs apprised of designation events in their states. The next deadline for applications is September 1. The Board discussed the SHPOs' efforts to encourage communities to apply for designation, especially if they are Certified Local Governments (CLGs). The Board agreed that Preserve America is a program that can be used to maintain and increase visibility of historic preservation and John Fowler noted that if there is a new Administration, Preserve America will need to be well-established.

The 2005 Preserve America Presidential Awards all for nominations will be announced in the next few weeks.

A Preserve America e-newsletter has been launched.

The History Teacher of the Year award, presented by Preserve America and the Gilder Lehrman Institute, will be awarded in early September.

Federal Communications Commission (FCC) Programmatic Agreement (PA)

The PA is under review by the Commissioners at this time and there is no indication of when the PA will be signed. Each of the Board members was provided with a copy of the most recent draft PA for their review and comment in preparation for NCSHPO review and signature. The Board discussed the PA and noted that: 1) the exclusions have been reduced; 2) there is no component for requiring above-ground surveys (SHPOs are required to have information about historic properties that applicants can review), however, SHPOs may add to the known list of historic properties after the applicant has submitted the project for a Section 106 review; 3) surveys for archaeology are still necessary; and 4) cell tower companies are encouraged to use qualified consultants for identifying historic properties and required to use qualified consultants when assessing the effects of the project. The PA should be regarded as an outline of how SHPOs and applicants should interact. The Board expressed concern about how this PA will impact SHPOs relationships with other federal agencies, but noted that the NCSHPO must concede to this PA otherwise resource protection laws could be impacted.

Federal Highway Administration (FHWA) Programmatic Agreement (PA)

In response to the American Association of State Highway and Transportation Officials (AASHTO) questions about the National Register eligibility of the interstate highway system, the FHWA plans to review the PA and determine if they do want a PA. If there is new PA, the Board suggested that the NCSHPO and AASHTO be involved in drafting this. The Board stressed that if a PA is put into place, the Administration will remove language regarding the interstate highway system eligibility from their surface transportation reauthorization bill.

Bureau of Land Management (BLM) Programmatic Agreement (PA)

Katherine Slick discussed the revision of the BLM PA which is being undertaken by the New Mexico SHPO. The major concern with the existing PA is how consultation with tribes and the public is handled. John Fowler added that the revision of this PA reflects a trend in the Advisory Council on Historic Preservation – with the revisions of the Section 106 regulations complete, the Council will now begin reviewing existing nationwide PA's and updating them as necessary.

Veterans Affairs (VA) Capital Asset Realignment for Enhanced Services (CARES) Program

The House of Representatives Veterans Affairs Committee held a hearing on the VA CARES program.

Native American Advisory Group

The Native American Advisory Group, created by John Nau, met for the first time this past May. The Group is comprised of tribal members from the 13 Bureau of Indian Affairs (BIA) regions and Hawaii. They will convene again at the Council meeting in August.

Appointments

The tribal representative seat is being filled and the Council is still searching for an architect and public representative to fill the vacant seats.

National Park Service (NPS) Partner Report

The Cooperative Agreement

Bryan Mitchell of the National Park Service noted that the NPS's ability to put money into the cooperative agreement is declining – the NPS is a land management agency, and that focus determines where money is spent.

Revision of the Programmatic Agreement (PA)

The NPS has hired Caroline Hall to work on revising the PA. The NPS would like to have a meeting with the NCSHPO (including the NCSHPO task force, composed of Jim Garrison, Jon Smith, and Jim McConaha) and the Council to determine the important issues and what should be included in the new agreement. The Executive Director will prepare a summary of the current PA, the issues, and new items to include in the PA for the Board of Directors meeting in September.

Rehabilitation Tax Credit

The report is not yet available.

Save America's Treasure's (SAT) Grants

The NPS panel will be meeting soon to review the SAT applications. Bryan Mitchell noted that the relevant SHPOs will be receiving a notice of the winner as well as the application in order to facilitate the Section 106 review process. The Board discussed ways to improve the program and suggested that the easement process should be started earlier.

Preserve and Play Conference

The NPS handed out brochures for the Preserve and Play conference to be held in May 2005. There may be a small amount of money made available to SHPO for travel to this conference.

NCSHPO Heritage Tourism Task Force

Lisa Burcham reported that several activities identified in the NCSHPO work plan will be occurring at the Trust's annual conference in September. The NCSHPO will coordinate a meeting with the Travel Industry of America (TIA) to discuss the proposed NCSHPO best practices in heritage tourism paper. Overall, the Board determined that there is a need to increase the link between heritage tourism and SHPOs.

NCSHPO Awards

The Director of Communications and State Services discussed the concept of NCSHPO awards for exceptional work by the SHPOs in several program areas. With the Board's approval, the Director of Communications and State Services will move forward with developing this concept, award criteria and an application for review at the Board of Directors meeting in September.

2005 NCSHPO Work Plan

Work on the 2005 work plan will begin soon. An announcement will go out to the SHPOs at the end of July mentioning the planning session at the Board of Directors meeting in September and asking for SHPO input into this process.

NCSHPO Website

The Director of Communications and State Services updated the Board on the changes to the website and requested that the Board consider any additions/electronic capabilities they would like.

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July 13, 2004

9

Upcoming Meetings

The next Board of Directors meeting will be held September 27-28 at the Seelbach Hilton in Louisville, KY. This meeting is in conjunction with the Trust's annual conference.

The 2005 NCSHPO Annual Meeting is scheduled for February 27 – March 2, 2005 in Washington, DC at the Renaissance Washington Hotel in the Gallery Place/Chinatown neighborhood.

Resolution of Thanks

WHEREAS, Dorothy Guzzo invited the NCSHPO Board of Directors to show off the American Industrial Complex in the Garden State;

WHEREAS, Board members arrived to sunny skies, warm temperatures, and beautiful weather;

WHEREAS, Board members toured the State of New Jersey and a smidgen of New York during a monsoon rain;

WHEREAS, restoration tours of the State House, War Memorial, Ellis Island, and Craftsman Farms enlightened the Board members on cultural and historic resources of the State of New Jersey;

WHEREAS, the New Jersey Turnpike (which pre-dated the interstate highway system) was thoroughly reviewed for eligibility to the National Register and twelve different opinions were expressed;

WHEREAS, the NCSHPO Board of Directors visit to the State of New Jersey will be remembered for little jars of sand, rain, great tours, rain, the New Jersey Turnpike, rain, and a friendly welcome;

NOW, THEREFORE, BE IT RESOLVED, the NCSHPO Board of Directors and staff expresses its deepest appreciation and thanks to Dorothy Guzzo and the staff of the New Jersey State Historic Preservation Office for their hosting of the 2004 summer Board of Directors meeting.

Adjourn

The meeting was adjourned at 3:31 p.m. EDT

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