

The ACHP was actively involved in a number of initiatives in 2011 to address renewable energy and transmission development. The following is a summary of those efforts and a look ahead to 2012.

ACHP AND RENEWABLE ENERGY - 2011

The ACHP is actively addressing the implications of renewable energy development and transmission on historic properties through a variety of groups and interagency forums. Experience with the Cape Wind case and the priority of the Administration on moving forward rapidly with renewable energy development and transmission initiatives made clear the need for guidance to federal agencies and applicants on how best to incorporate historic preservation into the project planning process.

The ACHP is working with DOI to establish a framework for this discussion within the federal government, a discussion which will also include other stakeholders like the National Conference of State Historic Preservation Officers, the National Association of Tribal Historic Preservation Officers and the National Trust for Historic Preservation. The ACHP is also participating in a number of other Administration initiatives, such as the Council on Environmental Quality's Renewable Energy Rapid Response Team, the Rapid Response Team for Transmission and on- and off-shore wind energy development forums initiatives to ensure that federal planning properly addresses preservation interests.

The ACHP has developed a dedicated subpage on the ACHP's homepage on renewable energy development, which includes information, tools, guidance, contacts, and the like. At present, this webpage includes a fact sheet on federal Section 106 "triggers" for wind projects, a paper on Transmission Lines in the West, and updates on ACHP participation in a number of federal renewable energy initiatives and conferences (www.achp.gov/renewable_energy.html).

Other ACHP Activities Important to Renewable Energy Project Planning and Section 106 Compliance:

Tribal Summit on Renewable Energy

The ACHP and the National Association of Tribal Historic Preservation Officers convened a Tribal Summit on Renewable Energy on January 11-13, 2011, in Palm Springs, California. Recognizing that renewable energy and its potential effects on historic properties remain areas of concern for Indian tribes, the summit brought together more than 150 tribal representatives and officials from federal, state, and local government and the private sector to share information and discuss local and national implications. The summit provided an unprecedented opportunity for tribal leaders and federal officials to address the broad implications of renewable energy development and transmission on historic properties. It included an overview of upcoming federal renewable energy projects and highlighted issues of tribal concern such as consultation, timeframes, and indirect and cumulative effects to sites of religious and cultural significance. (<http://www.achp.gov/tribalsummaryexecutivesummary.html>)

Traditional Cultural Landscapes Forum

The members of the ACHP held a forum to discuss the challenges in the identification and protection of cultural landscapes of religious and cultural significance to Indian tribes and Native Hawaiian organizations at its August business meeting in Seattle, Washington. The members heard presentations from representatives from several Indian tribes, including Pueblo of Acoma, Standing Rock Sioux Tribe, Lummi Nation and Suquamish Tribe. In addition, presentations were made by the ACHP, the National Park Service, Bonneville Power Administration, and the National Conference of State Historic Preservation Officers. The presentation and the discussion that followed served as the first step in the ACHP's formal consideration of how to more effectively address these kinds of historic properties in the Section 106 review process, particularly for large renewable energy and transmission projects. (<http://www.achp.gov/news10102011.html>)

Native American Traditional Cultural Landscapes Action Plan

In November 2011, ACHP members adopted the "Native American Traditional Cultural Landscapes Action Plan" to address the challenges all Section 106 participants face in identifying and treating these large scale historic properties. At the ACHP's summer business meeting in August, members participated in a forum about this topic, and subsequently, the ACHP worked with the National Park Service to develop this action plan. It is aimed at addressing the multiple and complex issues that are presented. The Native American Traditional Cultural Landscapes Action Plan emphasizes consultation early in project planning and identification of areas of cultural sensitivity as key steps to the protection of these important historic properties. (<http://www.achp.gov/news10102011.html>)

Western Renewable Energy and Historic Preservation Workgroup

In December 2009, the ACHP membership committed to convening a working group to promote collaboration and coordination among federal agencies and stakeholders to ensure that historic preservation values are considered efficiently in renewable energy project planning and implementation. Coming out of the Tribal Summit on Renewable Energy held in California in January 2011 (cosponsored by the ACHP and the National Association of Tribal Historic Preservation Officers), the ACHP and BLM have established the Western Renewable Energy and Historic Preservation Work Group to focus on the cultural resource challenges of energy projects and transmission in the west. The Work Group will address the issues of cultural resource protection that are emerging in the 2011 large-scale energy development and transmission projects proposed on BLM lands in California, Nevada, and Arizona. While these projects are being managed separately through the Section 106 process, the Work Group will review progress, address common issues that emerge from the individual reviews, identify topics where additional education and awareness would benefit stakeholders, and compile "lessons learned" to guide future energy development projects in the region and elsewhere. These may include approaches to resource identification, avoidance and mitigation, and consultation with stakeholders.

Reasonable and Good Faith Identification Standard Guidance

In response to numerous requests, the ACHP developed guidance for Section 106 users on meeting the regulatory requirement that federal agencies make a "reasonable and good faith effort" to identify historic properties as part of the Section 106 process. This question frequently arises when agencies are faced with conducting historic property surveys for large and/or linear project areas associated with renewable energy development and transmission projects. The guidance sets forth criteria the ACHP will use when asked to provide an advisory opinion on whether a specific identification effort was both reasonable in terms of intensity and scale, and carried out in good faith through its development and execution. The document can be found on the ACHP's website at http://www.achp.gov/docs/reasonable_good_faith_identification.pdf.

ACHP Liaison to the BLM

The ACHP maintains a number of liaisons with federal agencies that have recognized the benefit of working collaboratively with the ACHP to support and improve their historic preservation programs. These liaisons work closely with the agencies to develop work plans that are aimed at improving Section 106 case management and developing program and policy innovations that enhance the agency's efforts to protect historic properties that may be affected by their actions. . This includes a liaison with the BLM, who serves as the principal staff for review of BLM projects under Section 106, coordinating with appropriate BLM regional and state offices, state and tribal historic preservation officers, and the public. The liaison works closely with BLM's Renewable Energy Policy Team and represents the ACHP in a number of Section 106 consultations for renewable energy projects. The interagency agreement between the ACHP and BLM that facilitates this liaison position is effective through 2014.

ACHP Energy Policy Team

The ACHP Office of Federal Agency Programs is organized in two sections to address program and policy development in key areas (the Federal Permitting, Licensing and Assistance Section and the Federal Property Management Section). Within these sections, staff is assigned to eleven policy teams that address issues relating to critical policy areas. This includes a policy team on Energy Development and Transmission. This team spearheaded the ACHP's efforts to stand up the agency's renewable energy webpage and to develop position papers and guidance for use by federal agencies.

Section 106 Case Review

In the Section 106 process, federal agencies, in consultation with SHPO/THPOs, must make an assessment of effects of their actions on historic properties based on procedures found in ACHP's regulations. If the consulting parties agree that there will be **no historic properties affected** or **no adverse effect**, the agency proceeds with the undertaking and any agreed-upon conditions. If however, they find that there is or may be an **adverse effect**, or if the parties cannot agree, the agency begins consultation to seek ways to avoid, minimize, or mitigate the adverse effects. At this point, the agency must notify the ACHP of the adverse effect and invite the ACHP to participate in the consultation.

A federal agency consults to resolve adverse effects with the SHPO/THPO and others, who may include Indian tribes and Native Hawaiian organizations, local governments, permit or license applicants, and members of the public. The ACHP may participate in consultation when there are substantial impacts to important historic properties, when a case presents important questions of policy or interpretation, when there is a potential for procedural problems, or when there are issues of concern to Indian tribes or Native Hawaiian organizations. These criteria for ACHP participation are set forth in the ACHP's regulations. When the criteria for participation are applied, the ACHP on average participates in approximately 8% of the projects submitted annually.

In 2011, however, the ACHP noted an increasing number of projects related to renewable energy development and transmission. These projects were submitted by diverse agencies, including the National Park Service, the United States Navy, the Bureau of Land Management, the Department of Energy, the U.S. Army Corps of Engineers, the Federal Energy Regulatory Commission, the Bureau of Ocean Energy Management, USDA-Rural Development, the U.S. Fish and Wildlife Service and the Tennessee Valley Authority. As a result of the often complex nature of these projects and the high priority to advance renewable energy initiatives, the ACHP has participated in the consultation for such projects at a higher-than-average percentage rate. Many of these participation decisions have been the direct result of specific requests from SHPOs and Indian Tribes for ACHP participation.

2012 Outlook

The ACHP will continue its participation in a number of renewable energy initiatives discussed above, including the Renewable Energy Rapid Response Team, the Rapid Response Team for Transmission, and DOI on-shore and off-shore wind initiatives. In addition, the work of the Western Renewable Energy and Historic Preservation Workgroup continues, with BLM and the ACHP advancing a number of projects.

With the adoption of the Native American Traditional Cultural Landscapes Action Plan in late 2011, the ACHP will begin implementing this plan in 2012. The plan calls for the ACHP to work with the National Park Service to promote the recognition and protection of Native American traditional cultural landscapes both within the federal government and the historic preservation community as well as at the state and local levels, and, to address the challenges of the consideration of Native American traditional cultural landscapes in the Section 106 review process.

Finally, Section 106 case review of renewable energy and transmission projects is expected to continue to increase. Due to the complexity of issues related to the development of such projects, particularly in the western United States, we anticipate ACHP's continued involvement in consultation for these projects, potentially more so than for other project types.