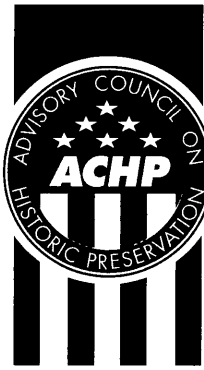


John L. Nau, III
Chairman

Susan S. Barnes
Vice Chairman

John M. Fowler
Executive Director



Preserving America's Heritage

December 11, 2009

The Honorable Jeff Bingaman
Chair, Energy and Natural Resources Committee
United States Senate
703 Hart Senate Office Building
Washington, D.C. 20510

Dear Chairman Bingaman:

The Advisory Council on Historic Preservation (ACHP) would like to express its support for full, permanent funding of the Land and Water Conservation Fund (LWCF), as proposed in the Land and Water Conservation Authorization and Funding Act (S. 2747). We commend you for introducing this important legislation, which constitutes one of the most important steps our Nation can take today to ensure that future generations of Americans have a chance to enjoy our irreplaceable natural treasures. However, we believe that this is also an important opportunity to look comprehensively at how Outer Continental Shelf revenues are reinvested in resource conservation. We therefore urge you in addition to address full and permanent funding for the Historic Preservation Fund (HPF), the cultural resources counterpart of the LWCF.

The ACHP is the independent federal agency charged with advising the President and Congress on preservation of our nation's historic properties. In this capacity, we have long advocated for adequate resources to address the challenges facing our cultural heritage. We support full and permanent funding for the LWCF because, although it is focused principally on conserving natural and recreational resources, the LWCF also is a source of federal funding for cultural resource protection. Natural and cultural resources are inextricably intertwined; through time, people have shaped the natural landscapes surrounding them or have been shaped in turn by those landscapes. The traces left behind of past human use and the cultural values people currently ascribe to natural areas are important to understand, respect, and protect. Permanent increased funding for the LWCF will help ensure that this goal is met. But this will not adequately address all the continuing needs of the cultural side of our Nation's heritage.

Fundamental to using Outer Continental Shelf oil and gas revenues to fund the LWCF is the sound concept that a portion of the monies generated by the depletion of non-renewable resources should be reinvested in the conservation of other non-renewable resources. That likewise was the premise when Congress decided in 1976 to use Outer Continental Shelf proceeds to fund the HPF, since historic resources also are non-renewable. The HPF supports implementation of the provisions of the National Historic Preservation Act (NHPA), the legislation first passed in 1966 that provides the framework for America's national preservation program. Key to that framework is a partnership involving federal, tribal, state, and local governments working with the private sector to identify historic properties and "to foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations."

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov

The HPF supports:

- State Historic Preservation Offices (SHPOs) and Tribal Historic Preservation Offices (THPOs). These partners receive annual matching grants to assist them in carrying out their responsibilities under the NHPA. SHPOs and THPOs identify historic properties, foster local government preservation programs, review federal and state preservation tax incentive projects, provide technical assistance, and review federal projects for their impact on historic properties. By funding this network of offices, the HPF supports the preservation of historic properties nationwide. An integral component of the Congress' vision in creating the HPF was SHPOs and THPOs using HPF funds directly for acquisition or rehabilitation of historic properties to ensure their long-term preservation. Funding levels for most of the history of the program have prevented the realization of this vision.
- Save America's Treasures Grants. One of the largest and most successful historic preservation grant programs, Save America's Treasures received permanent authorization in the 2009 Omnibus Public Land Management Act. Grants are available for preservation and/or conservation work on nationally significant intellectual and cultural artifacts and historic structures and sites. This "bricks and mortar" grant program has helped to preserve many significant historic properties across the nation and has become especially important given the absence of HPF funding to SHPOs and THPOs that can be used directly for restoration, rehabilitation, and other badly needed physical preservation work.
- Preserve America Grants. These grants support preservation efforts through heritage tourism, education, and historic preservation planning. The program supports innovative activities and programs in heritage tourism such as surveying and documenting historic resources, interpreting historic sites, planning, promotion, and training. Preserve America grants complement HPF "bricks and mortar" grants by fostering economic strategies and business plans that support the long-term productive use of historic properties, reducing the need to seek public funds for future restoration or rehabilitation. The program has been funded through the HPF for two of the four years of its existence. The Preserve America Grants program was permanently authorized in the 2009 Omnibus Public Land Management Act.

The NHPA authorizes \$150 million yearly from Outer Continental Shelf revenues to fund the HPF through 2015. However, just as the LWCF traditionally has not received full funding, neither has the HPF – only \$79.5 million was appropriated for FY 2010. The adequacy of appropriated HPF funding was one of several important issues addressed by an independent review panel convened by the ACHP and the Department of the Interior in 2008 to explore improvements in the federal preservation program. Establishment of such a panel was one of the recommendations of the national Preserve America Summit, a convocation of more than 450 stakeholders that took place on the 40th anniversary of the NHPA in 2006.

The independent review panel was comprised of leaders representing varied perspectives in the field of historic preservation¹ and made a number of recommendations, all of which ACHP later reviewed and

¹ The panel members were: Susan Barnes, Vice Chairman, Advisory Council on Historic Preservation, and President and Chief Executive Officer, The Landmark Group of Companies; Philip Grone, former Deputy Under Secretary of Defense for Installations and Environment, Department of Defense; Daniel P. Jordan, President, The Thomas Jefferson Foundation, and Trustee, National Trust for Historic Preservation; Frank G. Matero, Professor of Architecture and Chair of the Graduate Program in Historic Preservation, University of Pennsylvania; Richard Moe, President, National Trust for Historic Preservation; David Morgan, former Kentucky State Historic Preservation Officer and Project Panel Member, National Academy of Public Administration; The Honorable Ellen O. Moyer, Mayor, City of Annapolis; Theresa Pasqual, Director, Acoma Historic

endorsed. Among these was fully funding the HPF. AS the panel pointed out, the current funding level precludes use of the HPF for acquisition and development projects as originally envisioned and authorized in the NHPA. It also fails to provide adequate resources to fully address the responsibilities and mandates that the NHPA places on SHPOs and THPOs, an ongoing challenge that has become particularly acute as States and tribes have struggled to weather the recent economic downturn. The panel particularly noted the relative lack of funding for THPOs. Each year sees the recognition of new THPOs under the provisions of the NHPA, and currently over 80 THPOs are sharing an HPF appropriation of only \$8 million.

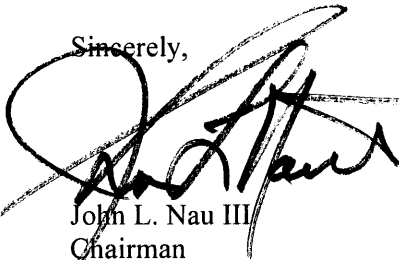
The recent National Parks Second Century Commission also recommended fully funding the HPF as well as the LWCF. Charged with developing a 21st century vision for the National Park Service, the commission was led by former Senators Howard Baker and Bennett Johnson and comprised of nearly 30 national leaders and experts, including scientists, historians, conservationists, academics, business leaders, policy experts, and retired National Park Service executives. In September 2009, the commission submitted its report to the Secretary of the Interior. The report states:

A permanent appropriation for the Historic Preservation Fund at the full authorized level is vitally important so that the National Park Service can provide financial and technical assistance to state, tribal, and local governments, and other preservation organizations, and ensure that America's prehistoric and historic resources are protected within and beyond park boundaries.

Increased resources could strengthen the current activities supported by the HPF and, importantly, enable the HPF to be used to support hands-on preservation activities across the Nation. However, unless the cultural environment is brought into the equation by including the HPF on the same basis as the LWCF, this opportunity is likely to be lost, along with much of America's heritage, for years to come.

The ACHP welcomes this opportunity to share its views and would be pleased to provide further information or assistance on this issue of critical importance to historic preservation.

Sincerely,

A handwritten signature in black ink, appearing to read "John L. Nau III", written over a large, stylized circular flourish.

John L. Nau III
Chairman