



**DEPARTMENT OF PARKS AND RECREATION  
OFFICE OF HISTORIC PRESERVATION**

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National Register of Historic Places  
National Park Service  
1849 C Street NW  
MS 7228  
Washington, DC 20240

Subject: National Park Service (NPS) Regulation Identifier Number 1024-AE49

To Whom It May Concern:

Thank you for the opportunity to comment on the proposed changes to the National Register of Historic Place (National Register), a program of great importance to celebrating and commemorating the special places throughout the country.

After a thorough review of the proposed changes, I have concerns about the cumulative effect these changes propose. Having read the comments submitted by the [Advisory Council on Historic Preservation](#) and the [National Conference of State Historic Preservation Officers](#), I concur with their expressions of concern. Rather than repeat them in their entirety, I highlight areas in which I believe the proposed changes will have significant effects to California, its people, and its resources.

- 1) The Proposed Rule Process: The provisions of the proposed rule change will change the way in which federal agencies manage property on behalf of the public. Additionally, these proposed changes will alter the opportunity for and the manner in which the State Offices of Historic Preservation, Indian Tribes (Tribes), Native American Organizations, and the general public to participate. The absence of an opportunity to consult on these proposed changes to the NR is problematic in general. Specifically, it also eliminates government to government consultation with Tribes on these matters. I encourage the NPS to engage in consultation with Tribes prior to the finalization of the rule.
- 2) Nomination of Federal Properties: The National Register has always been, since conception, a program for the American people to identify, nominate, and celebrate places important to their history, our shared history, at the local, state, and national level. The process was designed for public use. In eliminating the ability for federal properties to be nominated by anyone other than the federal agency, the public will be completely removed from any input as to the disposition of their heritage, their property, and their desires.

Approximately one-half of California's total land area is federally owned. Much of this land holds great significance not only to local communities and Tribes, but on a state, national, and global level. The themes of agriculture, mining, and technology, are a few of the many that hold special importance to the development of our nation. As well, these places are also often the ancestral lands of the 109 federally recognized tribes within our state. Their cultural patrimony, celebrations, ceremonies, traditional knowledge, and way of life are closely tied to many places on federal land. The proposed changes would eliminate the Tribes' ability to play an important role in the disposition of these lands. Eliminating the public in general and the Tribes in particular is contrary to the intent of the National Register and should be reconsidered.

- 3) Land Area Issue: The proposed rule change from one vote per property ownership to a count based on percentage of property owned is of concern. On the surface, it simply allows more power to those possessing more wealth in the form of land while removing other owners from real participation.

For properties that are located within the boundaries of a possible historic district, the change in ownership calculation could result in an inability to be listed on the National Register, thereby also losing the ability to qualify for federal Historic Tax Credits. These tax credits are important to many communities, not only to rehabilitate buildings for continued use, but also as a means to revitalize areas, provide skilled jobs to communities, and see places important to the public viable for years to come. It is also known that rehabilitation of historic buildings in communities has a compounding effect that sees areas further enlivened and contributing, both socially and economically, to their vitality.

In addition, the manner in which the proposed rule calculates ownership is problematic. Often ownership is only as good as the sources for which the analysis is made. There is also in Palm Springs, a unique ownership pattern of land ownership, by a single owner. If that single land owner objects to a district nomination in that city, that objection could stop the desire of several neighborhoods from being listed in the National Register.

- 4) New Rules Will Slow the Section 106 Consultation Process: The proposed rules alter the process for Determinations of Eligibility (DOEs) – a completely different process not at all covered by the Amendment. DOEs, by design, are meant to be a way to get an early opinion from the Keeper of the National Register without having to complete a full nomination – which can take a great commitment of time and resources. DOEs are an integral part of the entire federal historic preservation program – enabling consultation on federal projects via Section 106 (54 U.S.C. § 306108) to proceed in a timely manner. Impacts to properties determined eligible can be duly considered early in the project planning process – providing clarity and saving time, effort and limited resources. Properties determined ineligible purposely do not require the preparation of a nomination, again saving time and money, and proposed projects can proceed through the

regulatory process. Eliminating the ability to even seek an Eligibility Determination, unless a complete National Register Nomination is submitted by a federal agency, unnecessarily undermines the ability for a sensible reconciliation of project timelines with the need to protect our historic properties.

Thank you for considering my comments on the proposed rule changes to the National Register of Historic Places. I am always available to answer questions, or to assist in any effort to draft rules that are more in keeping with the intent of the National Register.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized 'J' followed by a horizontal line that extends to the right.

Julianne Polanco  
State Historic Preservation Officer