



*Preserving America's Heritage*

**Quarterly Update  
Advisory Council on Historic Preservation  
Executive Order 13563 Retrospective Review of Regulations  
February 24, 2015**

Periodic Regulatory Review: Executive Order 13563 calls not for a single exercise but for “periodic review of existing significant regulations.” Consistent with the commitment to periodic review and to public participation, the Advisory Council on Historic Preservation (ACHP) will continue to assess its existing significant regulations in accordance with the requirements of the EO. The ACHP welcomes public suggestions about appropriate reforms at any time and plans to conduct its next formal analysis of the regulations in 2016.

**Summary of Ongoing Initiatives to enhance regulatory effectiveness:**

**Public meetings:** The ACHP’s business meetings, held three times a year, are an important forum for engaging federal, state, tribal, Native Hawaiian, and non-federal stakeholders where issues relating to the effectiveness of the Section 106 regulations are discussed. The winter 2015 meeting will take place March 17-19 in San Francisco, California. *Continuing.*

**Regulations training:** The ACHP offers a wide variety of onsite and online training courses where the regulations, and opportunities for streamlining them, are discussed. In 2015, the ACHP will deliver new and expanded training materials through onsite courses, webinars, and newly established on demand training. These training opportunities are designed to reach new and broader audiences, and include the ACHP’s first course materials targeted specifically to applicants for federal licenses, permits, and assistance. Improving stakeholder understanding of the Section 106 review process stands to significantly improve the efficiency and effectiveness of federal reviews conducted pursuant to the Section 106 regulations. *Continuing.*

**Interagency workgroup participation:** The ACHP’s participation as a member of the workgroup charged with developing a Unified Federal Review for recovery efforts relating to federally declared disasters, and as a member of the Hurricane Sandy Task Force, Rapid Response Teams on Transportation and Transmission, and the Steering Committee on Infrastructure development (EO 13604) provide the ACHP with opportunities to inform other federal and non-federal stakeholders about avenues to streamline Section 106 reviews that currently exist in the agency’s regulations. *Continuing.*

**Summary of initiatives new to this update:**

**New agreement document guidance:** In November 2014 the ACHP issued new online “Guidance on Agreement Documents” (GAD). GAD assists all parties in the Section 106 process—federal agencies, states, Indian tribes, Native Hawaiian organizations, applicants for federal assistance, local governments, and others, in better understanding the Section 106 regulations (36 CFR Part 800) to more effectively craft and implement effective Section 106 agreements. The ACHP has a dedicated email address to

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actively solicit feedback on the effectiveness of the regulations in addressing adverse effects to historic properties caused by federal agencies' undertakings. Throughout the coming year the ACHP will augment online material to address a variety of issues to widen further the applicability of GAD.

In February 2015 the ACHP offered the first classroom training modules based on GAD in the *Section 106 Advanced Seminar* and in tailored workshops on agreement development created as part of training efforts for the United States Air Force and the Nuclear Regulatory Commission. These will be expanded into a classroom course available by request from federal agencies, State Historic Preservation Officers (SHPOs), Tribal Historic Preservation Officers, and others. A webinar introducing Federal Preservation Officers and SHPOs to GAD and its key points is currently under development. *Continuing.*

**Section 3 Federal Historic Property Management report issued:** The ACHP submitted its fourth triennial report *In a Spirit of Stewardship: A Report on Federal Historic Property Management* to the President on February 17, 2015. The report, required by Section 3 of EO 13287 "Preserve America," summarizes the progress reports submitted in fall 2014 by federal departments and agencies responsible for the stewardship of historic properties on federal lands or in federal ownership. The report addresses current opportunities and challenges and makes recommendations on how to improve federal historic preservation outcomes in the context of footprint reduction, energy efficiency and sustainability, climate adaptation and resiliency initiatives. The ACHP has identified a number of action items resulting from the report and will pursue improvements consistent with this report and the ACHP's Strategic Plan. *Report issued every three years.*

**Unified Federal Environmental and Historic Preservation Review Process (UFR Process) for disaster recovery assistance established:** In July 2014, a Memorandum of Understanding was signed establishing the UFR Process to enhance the working relationships among federal agencies (including the Corps of Engineers; Department of Housing and Urban Development; Environmental Protection Agency; the Departments of the Interior, Transportation, Commerce, Homeland Security, and Energy; and the ACHP) who respond to Presidentially-declared disasters. The UFR Process aims to coordinate environmental and historic preservation reviews to expedite responses to disaster recovery projects. This can improve the federal government's assistance to states, local and tribal governments, communities, families, and individual citizens as they recover from Presidentially-declared disasters. The UFR will help ensure environmental and historic preservation reviews for disaster recovery projects proposed by states, tribal, territorial, and local governments proceed efficiently through early interagency coordination and the identification and development of programmatic approaches. *Continuing.*

**Methods to identify improvements (public comment, analyses, third party assessments, etc.):**

**Through the Section 106 review process:** The primary groups the ACHP regularly engages with and receives feedback from include the following: 1) federal agencies of the Executive Branch; 2) Private industry and applicants for all forms of federal assistance, licenses, permits, who assist the federal agency to comply with the National Historic Preservation Act; 3) State governmental organizations, including State Historic Preservation Offices; Indian tribes and Native Hawaiian organizations; the National Trust for Historic Preservation; and non-federal preservation organizations. *Ongoing.*

**Coordination with other federal agencies:** The Administration has put in place several initiatives to advance high priority infrastructure and energy development projects and improve federal environmental review and permitting processes. These initiatives include Executive Order 13604 "Improving Performance of Federal Permitting and Review of Infrastructure Projects;" Executive Order 13616 "Accelerating Broadband Infrastructure Deployment;" various Rapid Response Teams, and two new Presidential Memoranda on Permitting and Transmission. The ACHP continues to serve on steering committees and workgroups for each of these initiatives. A principal goal of these steering committees

and workgroups is to improve coordination among federal agencies and improve environmental reviews, including the Section 106 review process. The ACHP has also been asked by the Department of Energy's National Renewable Energy Laboratory to participate in developing the "Regulatory and Permitting Information Desktop" (RAPID) toolkit for energy projects. The goal is to provide links to permits, processes, guidance, manuals, examples, regulations, rules, contacts, and other relevant information so it is accessible to all users from one location. This will enhance efficiency by facilitating communication between project developers and agency personnel at all levels and among all stakeholders. *Ongoing.*

**Electronic Section 106 compliance:** The ACHP is also developing a mechanism for stakeholders to use electronic communication and media (e-106) to improve the efficiency and effectiveness of Section 106 reviews. Making the use of electronic submission tools available to all federal agencies will reduce paperwork and improve transmission of information important in Section 106 reviews among stakeholders. *Ongoing.*

**How the ACHP will process the information gathered through the stakeholder process and use it to inform the retrospective review process:**

The ACHP will use input to continue to seek ways to improve the implementation of the Section 106 regulations and help determine what additional improvements can be made to improve stakeholder understanding of its provisions. Where appropriate, the ACHP will form workgroups to gather additional information and seek input from stakeholders on improvements to the Section 106 process. The ACHP also seeks input from all training recipients on ways it can improve and expand its training curriculum to address other areas where the capacity of stakeholders to effectively and efficiently implement the Section 106 regulations can be improved.

**Anticipated or realized savings in costs and/or burdens and anticipated or realized changes in benefits:**

Better knowledge of the existing regulations and more effective ways to comply with Section 106 and the ACHP's regulations should provide federal agencies with efficiencies and savings primarily in time spent in environmental analyses and in decreasing agency duplication of effort.