



United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, N.W.
Washington, D.C. 20240

IN REPLY REFER TO:
H36(2256)

MAY 12 2009

The Honorable Adrian M. Fenty
Mayor of the District of Columbia
1350 Pennsylvania Avenue, NW, Suite 316
Washington, DC 20004

Dear Mayor Fenty:

I am writing at the request of Charles J. Robertson, Trustee of the Committee of 100 on the Federal City. Mr. Robertson notified me in a letter dated May 5, 2009, of proposed changes to the membership of the DC Historic Preservation Review Board. The Committee of 100 has asked the National Park Service (NPS) for advice as to what the effect of these changes would be on the status of Washington, DC's historic preservation program as an "approved State program" under the provisions of the National Historic Preservation Act.

Section 101(b) of the Historic Preservation Act (16 U.S.C. 470 *et. seq.*) provides that the Secretary of the Interior can only approve a state program as being eligible to receive Historic Preservation Fund (HPF) grant assistance when certain requirements have been fulfilled. The State's program must, among other things, provide for the appointment of a qualified State historic preservation review board. 36 CFR 61 requires that this review board must include, "at a minimum, one individual meeting 'the Secretary's (Historic Preservation) Professional Qualifications Standards' for history, one individual meeting 'the Secretary's (Historic Preservation) Professional Qualifications Standards' for prehistoric archeology or historic archeology, and one individual meeting 'the Secretary's (Historic Preservation) Professional Qualifications Standards' for architectural history." It is my understanding that the proposed changes would leave the Review Board without a member meeting the Secretary of the Interior's Professional Qualification Standards for architectural history.

Section 101(b) of the Act further states that: "If, at any time, the Secretary determines that a major aspect of a State program is not consistent with this Act, the Secretary shall disapprove the program and suspend in whole or in part any contracts or cooperative agreements with the State and the State Historic Preservation Officer under this Act." If the DC Historic Preservation Review Board is left without a qualified architectural historian, NPS would be obliged to view the situation as cause to suspend Washington, DC, from approved program status and eligibility to receive HPF matching grants. There are existing HPF matching grant agreements between the National Park Service and the District of Columbia totaling in excess of \$396,000. In FY 2009, the HPF allotment for the District of Columbia is \$497,313.

Without an approved State Historic Preservation Program the availability of the benefits and services of the State Historic Preservation Office (SHPO) would be restricted or unavailable to the citizens and property owners of Washington, DC. This would very likely cause delays in properties being nominated to the National Register of Historic Places, which would adversely affect the eligibility of these properties for Federal and State historic preservation tax incentives, and/or for historic preservation grant programs, including the Save America's Treasures grant program. Additionally, the lack of an approved State Program would cause delays in compliance reviews required by Section 106 of the National Historic Preservation Act, which would drive up the costs of many Federally assisted construction projects funded by other Departments of the Federal Government. The absence of some of these services, for example, the review of federal undertakings, would seriously and negatively impact the ability of Washington, DC, to benefit from many other programs of federal assistance.

I hope that this information will be useful as you consider appointments to the DC Historic Preservation Review Board. If you have any questions about this letter, please do not hesitate to contact me by telephone at 202-354-2067, or by e-mail at hampton_tucker@nps.gov.

Sincerely,



Hampton Tucker
Chief, Historic Preservation Grants Division

cc: David Maloney, State Historic Preservation Officer
The Honorable Vincent Gray, Chairman, Council of the District of Columbia
Tracy Sander, Director, DC Office of Boards and Commissions
Charles J. Roberston, Committee of 100 on the Federal City
Laura M. Richards, Committee of 100 on the Federal City
