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FEDERAL UPDATE

Farm Bill Conference Report Includes Impressive Historic Preservation Provisions

This week, after a year and half of negotiations, the House and Senate passed a conference report for a \$289 billion, 5 year Farm Bill. Although President Bush plans to veto the measure, both chambers passed the conference report by veto-proof margins: 318-106 in the House and 81-15 in the Senate. The National Trust is cautiously optimistic that the House and Senate will override the President's veto next week.

The National Trust and its partners are pleased the following important historic preservation initiatives are included in the Farm Bill Conference Report:

Rural Heritage

Included in the Rural Development title is the Rural Collaborative Investment Program (RCIP), which is designed to, among other things, "provide regions with a flexible investment vehicle...to achieve measurable community and economic prosperity, growth and sustainability."

Within RCIP is the Regional Innovation Grants Program which provides grants to Regional Boards (created under RCIP) "for use in implementing projects and initiatives that are identified" in other sections of the RCIP program. A preference would be given to an application proposing projects and initiatives that "*protect and promote rural heritage.*" In addition, one of the purposes of the grant is "*to preserve and promote rural heritage.*"

According to the RCIP definitions section, "*In general, the term 'rural heritage' means historic sites, structures, and districts. The term 'rural heritage' includes historic rural downtown areas and main streets, neighborhoods, farmsteads, scenic and historic trails, heritage areas, and historic landscapes.*"

The Rural Collaborative Investment Program is authorized at \$135 million over 5 years. A Regional Board may not receive more than \$6 million during any 5 year period under the Regional Innovation Grants Program.

The National Trust looks forward to working with the House and Senate Agriculture Appropriations Subcommittees to ensure this important program receives the appropriations funding it needs to be implemented. This will encourage rural communities to put into practice rural heritage based, sustainable economic development projects.

Farmland Protection Program and Grasslands Reserves

In the Conservation Title, land that "*contains historic and archeological*

resources” is eligible to be included in the Farmland Protection and Grasslands Reserve Programs. The Farmland Protection Program has played an instrumental role in permanently protecting prime, unique, and important farmland. The program has successfully kept our nation’s historical farms in agricultural use that often border National Parks, Civil War Battlefields and ancient Indian mounds. Including historical or archaeological resources as eligible land in the Grassland Reserve Program will provide an additional tool to protect historic farmland throughout the United States.

Historic Barns

The Historic Barn Preservation Program housed within the Rural Development title is reauthorized, with emphasis on funds for barn inventory surveys. It would add more historic agricultural architecture to the National Register and take steps to preserve these important historic pieces of the rural landscape that reflect our nation’s past. The National Trust will work with its partners to support efforts to secure appropriations for this program.

Conservation Easements

The Farm Bill extends by 2 years the special rule regarding contributions of capital gain real property for conservation purposes. The voluntary use of conservation easements has long been recognized as an effective preservation tool. We look forward to working with our partners to permanently extend this successful conservation easement donation incentive to protect rural historic resources, including open farmland near historic sites and battlefields.

National Trust Releases Report on Forest Service Cultural Sites and Resources

The National Trust released a report on May 15th outlining a growing crisis faced by the U.S. Forest Service in managing historic and cultural sites and resources under the agency’s control on approximately 190 million acres spread across 44 states.

National Trust president Richard Moe outlined some of the more alarming findings about the Forest Service’s stewardship of cultural resources in a speech before Denver Press Club, which are included in the report entitled *The National Forest System: Cultural Resources at Risk -- An Assessment and Needs Analysis*, by Destry Jarvis. For example:

1. Heritage resource programs are seriously underfunded and understaffed. There simply isn’t enough money or manpower to survey the forests, identify and evaluate historic resources, and provide the responsible stewardship America’s heritage deserves.
2. Shifting political realities and conflicting priorities mean that cultural

resources may not receive adequate protection during the planning and implementation of forest projects. Oil and gas exploration, mining, logging, fire risk reduction, grazing - the Forest Service is involved in all of them, and too often they take precedence over cultural resource protection. Supervisors and District Rangers have a great deal of discretion in allocating staff and budgetary resources. If they care about preserving cultural resources, they'll allocate resources to that effort. But if they need - or simply prefer - to assign staff and funding to other areas, cultural resources may suffer.

3. The Forest Service does not have a clear statutory mandate to preserve and protect historic and cultural sites. That's such a startling fact that it's worth repeating: None of the statutes that govern the Forest Service's work even mentions the protection of historic resources as part of the agency's mission. As a result, it's hardly surprising that Forest Service managers don't always view cultural-resource protection as a key component of their work.

To read the complete report, visit

http://press.nationaltrust.org/index.php?option=com_content&task=view&id=239&Itemid=69.

House Committee on Holds Hearing on Green Buildings

On Wednesday, May 14, actor and Enterprise Communities trustee Ed Norton, San Francisco Mayor Gavin Newsom and other experts in the field of green buildings appeared before Chairman Edward J. Markey (D-MA) and the Select Committee on Energy Independence and Global Warming to discuss how more efficient buildings and better building policies can reduce energy costs and cut global warming pollution.

Ed Norton noted that "residential units - owner occupied houses and rental apartments together - account for the largest share of energy use and greenhouse gas emissions of any building type. The homes of our lowest income citizens, including vulnerable populations like seniors and the disabled, are especially needy and deserving of improvements to increase their energy and water efficiency, improve their indoor air quality and connect them to transit and green space." To that end, Enterprise Community Partners is calling for a national commitment to greening affordable housing for both rehab and new construction.

Mayor Newsom's testimony focused primarily on the benefits of implementing LEED energy conservation standards to San Francisco's building stock and in particular how "trends show that both soft and hard costs for green buildings are decreasing as the market continues to grow and mature. These costs decrease as designers, builders, subcontractors and manufactures gain experience in an expanding market." Newsome also noted green buildings are good for the commercial leasing business. Buildings that carry LEED or Energy

Star certifications have been shown to have higher occupancy rates and lease for more dollars per square foot than their peers (Co-Star Group, March 2008). One major study, which analyzed a database covering billions of square feet of commercial buildings, concluded that “non-green buildings are going to become obsolete.”

However, the National Trust is committed to demonstrating that older and historic buildings are not considered “obsolete” simply because of their age and condition because they are already “green buildings” based on the embodied energy contained within these existing structures. For that reason, the National Trust is closely monitoring congressional efforts to include rehabilitation as part of any new major federal policy initiatives that contribute to sustainability and preservation of older and historic buildings.

New Enhanced Federal Property Disposal Bill Raises Concern Among Preservationists

The House Oversight and Government Reform Committee passed a bill (H.R. 5787) on May 8th to make it easier for federal agencies to dispose of excess property. Passed by unanimous voice vote, H.R. 5787 would increase incentives for the federal government to sell what the Office of Management and Budget has estimated as \$18 billion worth of unneeded property.

However, the committee also unanimously approved a substitute amendment that requires agencies to develop plans for real property disposal and makes the General Services Administration (GSA) responsible for developing and issuing guidance on how agencies should identify and dispose of excess property. Under the substitute amendment, GSA would be required to report to oversight committees on this regulatory aspect of the property disposal process.

The National Trust will monitor the status of this bill for its potential to dispose of surplus government property - including historic buildings - without the proper stewardship considerations intact.

STATE AND LOCAL UPDATE

Georgia Expands State Historic Preservation Tax Credit

On May 14th, Georgia Governor Sonny Perdue signed HB 851 which strengthened the state’s rehabilitation tax credit. Through the leadership of Georgians for Preservation Action and the Georgia Trust for Historic Preservation, preservationists won an increase in the program’s per-project cap to \$100,000 per residential and \$300,000 per commercial project (up from \$5,000 per building) and increases the tax credit to 25% of the total project cost (up from 10% for residential and 20% for commercial rehabilitation

Preservationists
Concerned over
Potential Sale of
Surplus Federal
Property without
Proper
Stewardship
Considerations

Major Increases
in Per Project
Cap Strengthen
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Commercial and
Residential
Projects

projects). Of the expanded program, Clay Boardman of Augusta Capital LLC., said "It is a downright shame to watch the reinvestment dollars flow to the states with better incentives for preservation. Now, I think we'll start to see the much-needed investment in Georgia's abandoned historic industrial buildings and textile mills."

For more details, visit <http://www.georgiitrust.org/> and to see text of signed bill visit http://www.legis.state.ga.us/legis/2007_08/fulltext/hb851.htm.