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FEDERAL UPDATE

Advocacy Campaign for Community Restoration and Revitalization Act Begins

Following up on introduction of the "Community Restoration and Revitalization Act of 2009" (HR 3715/S. 1743) on October 1st, the National Trust has begun a major advocacy campaign to gain co-sponsors for the bill, which proposes to make major improvements to the federal rehabilitation tax credit. The Trust has posted a press release, a supporting brief, case studies and a list of current co-sponsors on the Preservation Nation website to assist advocates in participating in the campaign, which will culminate in the spring for the annual Lobby Day gathering in Washington, D.C. on March 10th.

To participate in the co-sponsor push, please visit the Preservation Nation website at <http://www.preservationnation.org/issues/rehabilitation-tax-credits/federal/proposed-amendments.html>. For a detailed and thorough analysis of the proposed changes to the federal rehab credit in HR3715/S. 1743, please visit http://www.preservationnation.org/issues/rehabilitation-tax-credits/addtional-resources/nthp_federal_tax_credit.pdf.

FY'10 Interior Appropriations Conference Delayed

Senate Interior Appropriations Subcommittee chair Dianne Feinstein (D-CA) was prepared to begin conferencing with the House this week on the Interior Appropriations Bill (HR 2996) but decided to delay the formal conference given that the Senate schedule has been crowded out by the health care reform debate. It is unlikely that the conference will take place for another week as the House will be in adjournment for the Columbus Day recess next week, while the Senate will stay in town for an abbreviated, three-day, session to finish its health care reform bill.

To date, only the Senate has formally named conferees to the Interior Bill, but the Trust is preparing a letter in the interim to send to all conferees outlining historic preservation concerns related to the Historic Preservation Fund (HPF), specifically asking them to support the overall higher funding level provided in the House bill (\$90.675 million). The HPF funding in the House bill provides \$46.5 million for State Historic Preservation Offices (SHPOs), \$8 million for Tribal Historic Preservation Offices (THPOs) \$30 million for Save America's Treasures (SAT) grants, and \$6.175 million for the Preserve America. The Senate version of the Interior bill matches the House funding levels for SHPOs and THPOs, but reduces funding for SAT grants (\$20 million) and Preserve America (\$3.175 million) for a total of \$74.5 million for the HPF. In addition, the Senate bill funds Preserve America out of the National Park Service's National Recreation budget instead of the HPF.

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Natural Resources
Committee Hearing
Reveals Vast Array
of Challenges in
Protection of Native
American Sacred
Sites and Cultural
Resources

House Committee Holds Oversight Hearing on Implementation of NAGPRA and the Protection of Native American Sacred Sites

The House Natural Resources Committee held an oversight hearing on October 7th regarding the implementation of the Native American Graves Protection and Repatriation Act (NAGPRA) since its enactment in 1990. NAGPRA was enacted in response to the “disinterment of existing graves and the theft of Native American human remains, funerary objects given to the deceased at burial, sacred objects of different types, and objects of cultural patrimony that belong to the collective Native community.” Among the panel witnesses were David Wenk, Deputy Director of the National Park Service (NPS), and Bambi Krauss, President of the National Association of Tribal Historic Preservation Officers (NATHPO).

Deputy Director Wenk identified the barriers to improved implementation of NAGPRA in the following areas: access to Native American human remains and cultural items that remain in museum and federal agency collections; the lack of audits of federal agency or museum collections to determine that all Native American human remains and cultural items are listed on inventories or summaries; the lack of authority to survey NAGPRA obligated entities to determine the number of human remains repatriated (accounting for federal agency collections in non-federal repositories is an agency responsibility and a Government Accountability Office study of federal agency compliance is pending); and, the fact that NAGPRA provisions only apply to those human remains and cultural items that a museum or federal agency determines are Native American. Wenk also testified that NPS will publish new regulations in the next few weeks on culturally unidentifiable objects and remains, as well as launch a complete database on the internet documenting all of the agency’s holdings in an effort to create a high degree of transparency about these collections.

Bambi Krauss also testified in support of findings and recommendations from a 2008 report funded by an NPS grant to the Makah Tribe and NATHPO for a two-year study on the implementation of NAGPRA. Among the report’s findings were six general themes for improvement of NAGPRA as well as eight specific recommendations, which included increased funding, training, consultation, oversight and enforcement, peer review and compliance audits, as well as improved reporting and data base information in the management of Native American cultural items.

The National Trust supports changes to the NAGPRA law which help preserve the cultural patrimony of Native American sacred sites from a variety of external threats and addresses the cultural resource management challenges faced by Federal agencies in implementation of the law in the future.

For a complete review of the witness testimony presented at the committee

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BLM Travel
Management Plan
Rejected in Legal
Challenge by
Environmental
Groups Over Limits
on OHV Use and
Impact on Ecological
and Cultural
Resources

hearing, please visit

http://resourcescommittee.house.gov/index.php?option=com_jcalpro&Itemid=27&extmode=view&extid=296.

Federal Judge Issues Major Ruling on OHV Use and Protection of Cultural Resources

A federal judge this week rejected part of the Bureau of Land Management's (BLM) travel management plan for portions of the Mojave Desert, saying it does not do enough to protect the desert's ecological and cultural resources from off-highway vehicles (OHVs). The plan failed to contain a "reasonable range of alternatives" to limit the number of miles of off-road routes, according to U.S. District Judge Susan Illston. The BLM plan allows for approximately 5,000 miles of off-highway vehicle routes, but Judge Illston said the federal agency failed to properly analyze the routes' impacts on the desert resources, which she said are "extremely fragile, easily scarred, and slowly healed." The ruling came in response to a 2006 challenge of BLM's management plan by environmental groups, including the Center for Biological Diversity and the Sierra Club.

The National Trust has been a proponent of limiting OHV recreational use on culturally-sensitive public lands that contain fragile archeological resources. National Trust President Richard Moe testified before the Senate Energy and Natural Resources on June 5, 2008 on OHV use and stated " OHV designations and restrictions have been undermined by the lack of a meaningful law enforcement presence in culturally significant areas," and that "far too often, agencies respond and capitulate to local governments and OHV groups during OHV-use decisions instead of acting aggressively when cultural resources are threatened."

To read the complete text of Mr. Moe's testimony, please visit

http://www.preservationnation.org/issues/public-lands/additional-resources/Richard_Moe_Testimony_OHV_ENR-Cte_06_05_08.pdf.

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