

To: aurelia_skipwith@ios.doi.gov[aurelia_skipwith@ios.doi.gov]; Wackowski, Stephen[stephen_wackowski@ios.doi.gov]
From: Bennett, Karen C.
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Thought you both would be interested in the following from something we are working on currently:

Most notable in the 1992 amendments to the NHPA is not what was included, but rather what was excluded from PL 102-575. As introduced, both H.R. 1601 and S. 684 had identical language in the findings including “landscapes” as historic properties. The language added a new paragraph to the findings stating “historic properties, including prehistoric and historic sites, buildings, districts, structures, landscapes, and objects, prehistoric and historic archeological resources, prehistoric and historic roads and trails, and places that have figured in the traditions and lifeways of our communities . . .” (H.R. 1601 102nd Cong. 1991)

However, this paragraph was not included in PL 102-575, while the rest of H.R. 1601 and S. 684 largely remained entirely intact in the final language of PL 102-575.

During the Senate legislative hearing on S. 687, Senator Frank Murkowski (AK) expresses his concern that the legislation expands historic protections to include “landscapes, trails, roads, and places that have figured in traditions and lifestyles of ethnic groups”. He goes on to say “I fear that 99% of my State of Alaska would be classified as a historic landscape.” (Hearing on S. 684: Before the Senate Committee on Energy and Natural Resources 102nd Cong. (1992) (hereinafter “Senate Hearing on S. 684”)). The addition of the term “landscapes” was also topic of concern in statements submitted by various entities into the hearing record.

Additionally, in submitted comments, the Department of the Interior expressed concern over the expansion of the program, saying “we do not believe it is possible to apply the provision of the Historic preservation Act to intangible values such as “religious and cultural values”.” (Senate Hearing on S. 684) and suggest it is not appropriate for these values to be included in the National Register of Historic places.

Similar sentiment was expressed at the House hearing on H.R. 1601, when the National Park Service testified that “[w]e do not believe it is possible to apply the provisions of the Historic Preservation Act to intangible values, although intangible values can be represented in a tangible district site, building structure, or object.” (Hearing on H.R. 3905, H.R. 1601, and H.R. 4801 Before the House Committee on Interior and Insular Affairs Subcommittee on National Parks and Public Lands 102nd Congress (1992) (hereinafter “House Hearing on H.R. 1601).

Karen C. Bennett

202.572.8676 (Direct) | 202.255.0291 (Cell) | 202.552.2369 (Fax)
KBennett@ClarkHill.com | www.clarkhill.com

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